THE MAHARASHTRA PUBLIC TRUSTS ACT

[*Text as on 31st May 2024*]

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19. Amended by Mah. 32 of 1975 (1-2-1977)

SR(R)-5, dated 21st March 1959. It came into force on 1st April 1959.

30th January 1962. It came into force on 1st March 1962.

3 Section 11 of Mah. 22 of 1967 reads as under :-

"**11.Saving.–** The Provisions of the principal Act as amended by this Act (other than section 3 thereof) saving shall not apply to, or affect, any proceedings referred to in section 64 of the principal Act in which the Charity Commissioner, or the Deputy or Assistant Charity Commissioner, as the case may be, has summons the Assessors to aid and assist him and has begun the inquiry prior to the date of the commencement of this Act, and such proceeding is pending on that date, and every such proceeding shall be continued and disposed of as it this Act has not been passed; but save as aforesaid, the principal Act and the amendment made thereto by this Act (other than section 3 thereof) shall apply to all proceedings referred to in the said section 64 instituted on or after the date of commencement of this Act.".

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

20. Amended by Mah. 35 of 1977[1,2](1-4-1997)
21. Amended by Mah. 10 of 1978
22. Amended by Mah. 43 of 1981[3] (1-8-1981)
23. Amended by Mah. 29 of 1983[4] (17-5-1983)
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26. Amended by Mah. 49 of 2005[5] (16-9-2005)

27. Amended by Mah. 20 of 2009[6] (18-5-2009)

28. Amended by Mah. 24 of 2012 (22-8-2012)

29. Amended by Mah. 9 of 2016[7] (23-2-2016)

1 Maharashtra Ordinance No. IV of 1977 was repealed by Mah. 35 of 1977, s. 9.

2 Sections 3 and 8 of Mah. 35 of 1977 read as follows :-

"**3. Validation of contribution levied or not levied during certain periods from 1st April 1970 till 31st March 1977.–** (*1*)Not withstanding anything contained in any judgement, decree or order of any Court, any contribution to the Public Trusts Administration Fund levied and collected from the public trusts for the periods from the 15th December 1973 to the 14th December 1975 (both inclusive at the rate of five per cent. of the gross annual income or the gross annual collection or receipt, as the case may be, shall be deemed to have been validly levied and collected under rule 22, read with Schedule IX-C of the Bombay Public Trusts Rules, 1951 as re-enacted by the last preceding section of this Act. Any action taken or anything done for levying, demanding or collecting contribution from any Public Trust for the said Period at the said rate shall be deemed to be, and shall be deemed always to have been, validly taken or done and shall not be called in question in any Court or before any authority, merely on the ground that there was no valid rule or Schedule made or in force or that the amendments thereto were not validly made or were not in force or that the amendments did not fit in the rule or Schedule or did not form part of the rule or Schedule or on such other ground.

(*2*)Notwithstanding anything contained in section 58 of the Bombay Public Trusts Act, 1950 (Bom. XXIX 1950). or the rules made or deemed to be re-enacted thereunder, no contribution to the Public Trusts Administration Fund Shall be payable by any public trust on the basis of amounts received, collected or earned by the public trust during the periods from the 1st April 1970 to the 14th December 1973(both inclusive) and from the 15th December 1975 to the 31st March 1977 (both inclusive).

(3) Notwithstanding anything contained in sub-sections (*1*)and (*2*), the contribution to the Public Trusts Administration Fund, if any, paid from time by any public trust for any part or parts of the period form the 1st April 1970 to the 31st March 1977, in excess of the amount due and payable by such trust, shall be adjusted towards the contribution due and payable by that trust :-

(a) for the period or periods upto and inclusive of the 31st March 1970 ;

(b) for the part or parts of the period from the 1st April 1970 upto and inclusive of the 1st March 1977 ; or

(c) for the period from the 1st April 1977 upto and inclusive of the 31st March 1978 as the case may require.

After making such adjustment, if any, amount is found to have been paid in excess the same shall be refunded to the public trust.

8. Saving.– Nothing in this Act shall render any person liable to be prosecuted for or convicted of any offence in respect of anything done or omitted to be done by him before the 1st April 1977 if such act or omission was not an offence under the principal Act or the rules made thereunder but for the amendments and other provisions made by this Act.".

3 Maharashtra Ordinance No. X of 1981 was repealed by Mah. 43 of 1981, s. 4.

4 Maharashtra Ordinance No. IX of 1983 was repealed by Mah. 29 of 1983, s. 5.

5 Maharashtra Ordinance No. VI of 2005 was repealed by Mah. 49 of 2005, s. 5.

6 Maharashtra Ordinance No. VIII of 2009 was repealed by Mah. 20 of 2009, s. 5.

7 Maharashtra Ordinance No. IV of 2016 was repealed by Mah. 9 of 2016, s. 4.

Note.- The date mentioned in the bracket indicates the date of commencement of the Act.

30. Amended by Mah. 55 of 2017[1] (10-10-2017)[2]

31. Amended by Mah. 4 of 2018[3] (10-10-2017)

32. Amended by Mah. 36 of 2018 (21-5-2018)[4]

33. Amended by Mah. 4 of 2019 (29-6-2019)

34. Amended by Mah. 26 of 2020 (05-10-2020)

1 Section 33 of Mah. 55 of 2017 reads as under :-

"33. Removal of doubts.– For the removal of doubts, it is hereby declared that nothing in the Maharashtra Public Trust Act, (XXIX of 1950.), as amended by the Maharashtra Public Trusts (Second Amendment) Act, 2017(Mah.LV OF 2017). (hereinafter referred to as "the said Amendment Act of 2017"), Shall affect the applications or appeals pending before any Civil Court on the date of Commencement of the said Amendment Act of 2017, and such applications or appeals shall be dealt with and disposed of by such Court in accordance with the law as its stood prior to the date of commencement of the said Amendment Act of 2017.".

2 *Vide* G. N. L. & J. D. No. BPT 1116/C.R.95/Desk XV, dated 10.10.2017.

3 Maharashtra Ordinance No. XXII of 2017 was repealed by Mah. 4 of 2018, s. 3.

4 *Vide* G. N. L. & J. D. No. BPT 1116/C.R.57/Desk XV, dated 19.05.2018.

Note.- The date mentioned in the bracket indicate e Act.

ACT NO. XXIX OF 1950[1]

[THE MAHARASHTRA PUBLIC TRUSTS ACT.]

[This Act received assent of the President on the 31st May 1950; assent was first published,

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

1. Short title, extent operation and application.— (*1*)This Act may be called the [2][Maharashtra Public Trusts Act.]

[3][(*2*) it shall extend to the whole of the [4][State of Maharashtra].

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

the provisions of this Act shall apply to any public trust or any [5][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 [6][from all or any of the provisions of this Act, subject to such conditions as may be specified in the notification]:

Provided further that before a notification of such application or exemption is published a draft 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.

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

[7]* * * *

(*2*) "Assistant Charity Commissioner" means an Assistant Charity Commissioner appointed under section *5* ;

[8][(*2A*)"beneficiary" means any person entitled to any of the benefit as per the objects of the trust explained in the trust deed or the scheme made as per this Act and constitution of the trust and no other person;].

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

[9][(*4*)"Court" means the High Court of Judicature at Bombay;];

2 This short title was amended for the short title "Bombay Public Trusts Act, 1950" by Mah. 24 of 2012, *Schedule,* entry 43, w.e.f. 1-5-1960.

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

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

5 These words were substituted for the words "class of public trusts" by Bom. 6 of 1960, s. 3(*b*).

6 These words were substituted for the words "from the provisions of this Act" by Mah. 20 of 1971, s. 2.

7 Clause (*1*)was deleted by Mah. 22 of 1967, s. 2.

8 Clause (*2A*)was inserted by Mah. 55 of 2017, s. 2(*a*).

9 Clause (*4*) was substituted by Mah. 55 of 2017, s. 2 (*b*)

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

[1][(*5A*) "Director of Accounts" and "Assistant Director of Accounts" means respectively the Director of Accounts and Assistant Director of Accounts appointed under section 6 of this Act;]

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

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

[2][(*7A*) "instrument of trust" means the instrument by which the trust is created by the author of the trust [3][and includes any scheme framed by a competent authority or any memorandum of association and rules and regulations of a society registered under the Societies Registration Act, 1860 (XXI of 1860), in its application to the State of Maharashtra;

(*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 mutawalli of such wakf,

(*c*) in the case of a society registered under the Societies Registration Act, 1860 (XXI of 1860), its governing body, [4][whether or not the property of the society is vested in a trustee] ;

(*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 instruction 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 institution ;

(*10*)"person having interest" [5][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 persuasion 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 participate in any religious or charitable institution under the wakf,

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

(*e*) in the case of any other public trust, [6][any trustee or beneficiary],

(*11*) "prescribed" means prescribed by rules ;

(*12*)"public securities" means —

(*a*) Securities of the Central Government or any State Governments,

1 Clause (*5A*)was inserted by Mah. 20 of 1971, s. 3(*1*).

2 These Clauses were inserted by Bom. 6 of 1960, s. 4.

3 These words were substituted for the words "and includes a scheme framed by a competent authority" by Mah. 20 of 1971, s. 3(*2*).

4 These words were substituted for the words "if the property of the society is not vested in a trustee" by Mah. 20 of 1971, s. 3(*3*).

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

6 These words were substituted for the words "any beneficiary" by Mah. 20 of 1971, s. 3(*4*).

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

(*c*) Debentures or 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, [1][church, synagogue, agiary or other place of public religious worship] [2][*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 ;

[3]* * * * * * *

(*17*)"Temple" means a place by whatever designation known and used as a 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 moveable or immoveable property for any purpose recognised by the [4][Muslim law] as pious, religious or charitable and includes a wakf by user [5][and grants (including *mashrut-ul-khidmat*) for any purpose recognised by the Muslim law as pious, religious or charitable and a *wakf-alal-aulad* to the extent to which the property is dedicated for any purpose so recognised;] but does not include a wakf such as is described in section 3 of the Mussalman Wakf Validating Act 1913(VI of 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 ;

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

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.*

CHAPTER II

ESTABLISHMENT

3. Charity Commissioner.— [6][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 [7][throughout the State].

1 These words were deemed always to have been inserted by Mah. 20 of 1971, s. 3(*5*).

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

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

4 These Words were substituted for the words "Islamic law" by Mah. 20 of 1971, s. 3*(6)(a).*

5 These words and brackets were inserted by Mah. 20 of 1971, s. 3 (*6*)(*b*).

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

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

[1]* * * * * * *

[2]**[3A. Joint Charity Commissioners.–** [3][(*1*)] The State Government may, by notification in the subject to the control of the Charity Commissioner and such general or special orders 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.]

[4][(*2*)The State Government may, by general or special order, declare a Joint Charity Commissioner to be the regional head to superintend, subject to the control of the Charity Commissioner, the administration in one or more regions or sub-regions, as may be specified in such order.]

[5][**4. Qualification for appointment of Charity Commissioner** [6]**[and Joint Charity Commissioner].—** [7][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: [8]*

[9][Provided that a person to be appointed as a Joint Charity Commissioner may be one who is holding or has held a judicial office not lower in rank than that of an Assistant Judge or an Additional Chief Judge of the Court of Small Causes, Bombay [10][or who has held the office of a Deputy Charity Commissioner for not less than five years;] or]

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

(*i*) an advocate enrolled under the Indian Bar Councils Act, 1926 (XXXVIII of 1926), [11][or the Advocates Act, 1961 (25 of 1961).]

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

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

5. Deputy and Assistant Charity Commissioner.— (*1*)The State Government may also appoint such number of Deputy and Assistant Charity Commissioner [12][in the office of the Charity Commissioner or] for such regions or sub-regions or for such public trust or such class of public trusts as may be deemed necessary.

[13][(*2*)A person 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 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,—

1 The proviso was omitted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.
2 This section was inserted by Bom. 6 of 1960, s. 7.
3 Section 3A was renumbered as sub-section *(1)* of the said section 3A by Mah.29 of 1983, s. 2*(1)*.
4 Sub-section (*2*)was inserted by Mah. 29 of 1983, s. 2(*2*).
5 This section was substituted for the original by Bom. 14 of 1951, s. 3.
6 These words were added by Mah. 6 of 1960, s. 8(*b*).
7 These words were substituted for the words "The Charity Commissioner shall be a person" by Bom. 6 of 1960, s. 8*(a)*.
8 The word "or" was deleted by Mah. 32 of 1975, s. 2(*a*).
9 This proviso was added by Mah. 32 of 1975, s. 2(*b*).
10 These words were inserted by Mah. 10 of 1978, s. 2.
11 These words and figures were inserted by Mah. 20 of 1971, s. 4.
12 These words were inserted by Mah. 20 of 1971, s. 5(*i*).
13 These sub-sections were substituted by Bom. 6 of 1960, s. 9.

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

[1][or the Advocates Act, 1961

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

(*iii*) a pleader enrolled under the Bombay Pleaders Act, 1920 (Bom. XVII of 1920), [2][or]

[3][(c) who has held the office of an Assistant Charity Commissioner for not less than five years.]

(*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) [4][for not less than one year, or]

(*b*) who has been for [5][not less than four years]—

(*i*) an advocate enrolled under the Indian Bar Councils Act, 1926 (XXXVIII if 1926), [6][or the Advocates Act, 1961 (25 of 1961).]

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

(*iii*) a Pleader enrolled under the Bombay Pleaders Act, [7][1920 (Bom. XVII 1920), or]

[8][(*c*) who holds a degree in law of any University established by law or any other University recognised by the State Government in this behalf and has worked in the Charity Organisation for not less than 5 years after obtaining such degree on a post not lower in rank than Senior Clerk or Steno-typist and has passed the competitive departmental examination to be conducted as per the rules prescribed by the charity Commissioner.] [9][or]

[10][(*d*)who, being a person not falling under clause *(c),* and who holds a degree of law of any University established by law or any other University recognised by the State Government in this behalf and has worked in the Charity Organisation, for not less than 3 years, after obtaining such degree on a post of the Superintendent or the Public Relation Officer or the Legal Assistant and has passed the departmental examination to be conducted as per the rules prescribed by the Charity Commissioner.]

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

6. Subordinate officers.— [11][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:

[12][Provided that the State Government may, by general or special order and subject to such conditions as it deems fit to impose, delegate to the Charity Commissioner, [13][the Joint Charity

1 These words and figures were added by Mah. 20 of 1971 s. 5(*2*)(*a*)(*i*).

2 This word was added by Mah. 20 of 1971, s. 5(*2*)(*a*)(*ii*).

3 This clause was added by Mah. 20 of 1971, s. 5(*2*)(*b*).

4 These words were substituted for the portion beginning with the words “or any office” and ending with the words “not less than four years, or” by Mah. 29 of 1983, s. 3(*1*).

5 These words were substituted for the words “not less than seven years” by Mah. 29 of 1983, s. 3(*2*).

6 These words and figures were inserted by Mah. 20 of 1971, s. 5(*3*).

7 These figures and word were substituted for the figures “1920” by Mah. 22 of 1967, s. 3.

8 Clause (*c*) was substituted by Mah. 55 of 2017, s. 3.

9 This word was added by Mah. 26 of 2020, s. 2(*a*).

10 Clause (*d*) was added by Mah. 26 of 2020, s. 2(*b*).

11 These words were substituted for the portion beginning with the words “To aid the Charity Commissioner” and ending with the words “such designation” by Bom. 6 of 1960, s. 10(*a*).

12 This proviso was added by Bom. 47 of 1950, s. 2.

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

Commissioner] and the Deputy and Assistant Charity Commissioner powers to appoint subordinate officers and servants as may be specified in the order.]

[1][**6A. Charity commissioner and other officers to be servants of State Government.—** [2][The Charity Commissioner, [3][the Joint Charity Commissioner,] the Deputy and Assistant Charity Commissioner,] [4][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 serviceof such officers shall be such as may be determined by the State Government.

6B. Cost of pay pension, etc. of charity commissioner, etc., to be paid to Government out of the Public Trusts Administration Fund.— 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, [5][the Joint Charity Commissioner,] the Deputy and Assistant Charity Commissioners, [6][the Director of Accounts, the Assistant Directors and Accounts,] the Inspectors and other subordinate officers and servants appointed under the Act.]

7. [Assessors.] *Deleted by Mah. 12 of 1967, s. 4.*

8. Delegations.— (*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

CHARITABLE PURPOSES AND VALIDITY OF CERTAIN PUBLIC TRUSTS

9. Charitable purposes.— [7][*1*] For the purposes of this Act, a Charitable Purpose includes —

(*1*) relief of poverty or distress.

(*2*)education.

[8][(*3*) medical relief.

(*3A*)provisions or facilities for recreation or other leisure time occupation (including assistance for such provision), if the facilities are provided in the interest of social welfare and public benefit, and]

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

[9]* * * * * * * *

(*b*) exclusively to religious teaching or worship.

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

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

3 These words were inserted by Bom. 6 of 1960, s. 11.

4 These words were inserted by Bom. 6 of 1960, s. 11.

5 These words were inserted by Bom. 6 of 1960, s. 11.

6 These words were inserted by Bom. 6 of 1960, s. 11.

7 Section 9 was re-numbered as sub-section (*1*) and sub-sections (*2*) and (*3*)were added by Mah. 20 of 1971, s. 6.

8 Clauses (*3*) and (*3A*) were substituted for clause (*3*) by Mah. 20 of 1971, *s*. 6(*1*).

9 Sub-clause (*a*) of clause (*4*) was deleted by Mah. 20 of 1971, *s*. 6(*2*).

[1][(*2*)The requirement of this section that the facilities are provided in the interest of social welfare shall not be treated as satisfied, unless —

(*a*) the facilities are provided with the object of improving the conditions of life for the persons for whom the facilities are primarily intended ; and

(*b*) either -

(*i*) those persons have need of such facilities as aforesaid by reason of their youth, age, infirmity or disablement, poverty or social and economic circumstances, or

(*ii*) facilities are to be available to the members of the public at large.

(*3*) Subject to the said requirement, sub-section (*1*) of this section applies in particular to the provision of facilities at Village halls, community centres and women institutes, and to the provision and maintenance of grounds and buildings to be used for purpose of recreation and leisure time occupation, and extends to the provision of facilities for those purpose by the organizing of any such activity.]

10. Public trust not to be void on ground of uncertainty.— 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 un-ascertainable.

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

12. Public trust not void on ground of absence of obligation.— 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 religious or charitable object.

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

REGISTRATION OF PUBLIC TRUSTS

14. Regions and sub-regions.— (*1*) For the purpose 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 a notified in the *Official Gazette.*

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

1 Section 9 was re-numbered as sub-section (*1*) and sub-section (*2*) and (*3*) were added by Mah. 20 of 1971, s. 6.

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.

1[**15A. Power to set up offices in district.—** To facilitate the administrative work of the regions and sub-regions, the State Government may icts under any region or sub-region.]

16. Deputy or Assistant Charity Commissioner to be incharge of public Trusts Registration Office.— 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.

17. Books, indices and registers.— 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 other registers shall contain such particulars as may also be prescribed.

18. Registration of public trusts.— (*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.

(*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 [2][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 accompanied by such fee as may be 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 :—

[3][(*ai*)the designation by which the public trust is or shall be known (hereinafter 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 moveable and immovable trust property and such descriptions and particulars as may be sufficient for the identification thereof,

(*iv*) the approximate value of moveable 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,

1 Section 15A was inserted by Mah. 20 of 1971, s. 7.

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

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

(*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.

[1][(*6A*) Where on receipt of such application, it is noticed that the application is incomplete in any particulars, or does not disclose full particulars of the public trust, the Deputy or Assistant Charity Commissioner may return the application to the trustee, and direct the trustee to complete the application in all particulars or disclose therein the full particulars of the trust, and resubmit it within the period specified in such direction ; and it shall be the duty of the trustee to comply with the direction.]

[2][(*7*) It shall also be the duty of the trustee of the public trust to send a memorandum in the prescribed from containing the particulars, including the name and description of the public trust, relating to the immovable property of such public trust, [3][to the sub-registrar of the sub-district appointed under the Indian Registration Act, 1908 (XVI of 1908), in which such immovable property is situate [4][for the purpose of filing in Book No. I under section 89 of that Act.]]

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.]

19. Inquiry for registration.— 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—

[5][(*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.

20. Findings of Deputy or Assistant Charity Commissioners.— On completion of the inquiry provided for under section 19, the Deputy or Assistant Charity Commissioner shall record his findings

1 Sub-section (*6A*) was inserted by Mah. 20 of 1971, s. 8(*1*).

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

3 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 Corporation Act, 1949 within the local limits of which such immovable property is situate" by Bom. 6 of 1960, s. 12.

4 These words, letters and figures were substituted for the words "for purposes of registration" by Mah. 20 of 1971, s. 8(*2*).

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

with the reasons therefor as to the matter mentioned in the said section, [1][and may make an order for the payment of the registration fee.]

21. Entries in register.— (*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 [2][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.

22. Change.— (*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.

[3][Provided that, the Deputy or Assistant Charity Commissioner may extend the period of ninety days for reporting the change on being satisfied that there was a sufficient cause for not reporting the change within the stipulated period subject to payment of costs by the reporting trustee, which shall be credited to the Public Trust Administration Fund.]

[4][(*1A*) Where the change to be reported under sub-section (*1*) relates to any immovable property, the trustee shall, along with the report, furnish a memorandum 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 (*7*) 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 [5][hold an inquiry in the prescribed manner]:

[6][Provided that, in the case of change in the names and addresses of the trustees and the managers or the mode of succession to the office of the trusteeship and managership, the Deputy or Assistant Charity Commissioner may pass order provisionally accepting the change within period of fifteen working days and issue a notice inviting objections to such change within thirty days from the date of publication of such notice :

Provided further that, if no objections are received within the said period of thirty days, the order accepting the change provisionally under the first proviso shall become final and entry thereof shall be taken in the register kept under section 17 in the prescribed manner :

Provided also that, if no objection are received within the said period of thirty days, the Deputy or Assistant Charity Commissioner may hold an enquiry in the prescribed manner and record a finding, as provided by sub-section (*3*) of this section, within three months from the date of filing objections.]

(*3*) If the 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, [7][or that the

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

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

3 This proviso was added by Mah. 55 of 2017, s. 4(*a*).

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

5 These words were substituted for the words "hold an inquiry" by Mah. 20 of 1971, s. 9(*1*).

6 These provisos were added by Mah. 55 of 2017, s. 4(*b*).

7 These words were inserted by Mah. 39 of 1965, s. 2(*a*)(*2*).

trust should be removed from the register by reason of the change, resulting in both the office of the administration of the trust and the whole of the trust property ceasing to be situated in the State,] he shall record a finding with the reasons therefor [1][to that effect; and if he is not so satisfied, he shall record a finding with reasons therefor accordingly]. [2][Any such finding] shall be appealable to the Charity Commissioner. The Deputy or Assistant Charity Commissioner shall [3][amend or delete the entries] in the said register [4][in accordance with the finding which requires an amendment or deletion of entries] and if appeals [5][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 [6][subject to any further amendment on occurrence of a change or any cancellation of entries, shall] be final and conclusive.

[7][(*3A*) The Deputy or Assistant Charity Commissioner may, after such detailed and impartial inquiry and following such procedure as may be prescribed, de-register the trust on the following grounds :—

(*a*) when its purpose is completely fulfilled ; or

(*b*) when its purpose becomes unlawful ; or

(*c*) when the fulfilment of its purpose becomes impossible by destruction of the trust-property or otherwise ; or

(*d*) when the trust, being revo ; or

(*e*) when the trustees are found not doing any act for fulfilling object of the trust :

Provided that, no trust shall be de-registered under clause (*e*) unless its trustees have committed default in reporting the change under sub-section (*1*), in submission of the audited accounts as prescribed by sub-section (*2*) of section 33 or sub-section (*1A*) of section 34 or in making any other compliance prescribed by or under this Act for a period of five years from the last date of reporting the change, submission of the accounts or making the compliance, as prescribed by or under this Act or the rules made thereunder, as the case may be.

(*3B*) The Deputy or Assistant Charity Commissioner may take over the management of properties of the trust de-registered under sub-section (*3A*) and pass such necessary orders for the same as he deems fit and may, if he considers it expedient, dispose them of by sale or otherwise and deposit the sale proceeds in the Public Trusts Administration Fund established under section 57.]

[8][(*4*) whenever an entry is amended [9][or the trust is removed from the register] under sub-section (3), the Deputy or Assistant Charity Commissioner, as the case may be, shall forward the memorandum furnished to him under sub-section (*1A*), after certifying the amended entry [10][or the removal of the trust from the register] to the Sub-Registrar referred to in sub-section (*7*) of section 18, [11][for the purpose of filing in Book no. I under section 89 of the Indian Registration Act, 1908 (XVI of 1908), in its application to the State of Maharashtra].

[12][**22A. Further inquiry by Deputy or Assistant charity Commissioner.—** If at any time after the entries are made in the register under section 21, [13][22 or 28 it appears to the Deputy or Assistant

1 These words were substituted for the words “to that effect” by Mah. 20 of 1971, s.9(*2*)(*a*).
2 These words were substituted for the words “Such findings,” by Mah. 20 of 1971, s. 9(*2*)(*b*).
3 These words were substituted for the words “amend the entries” by Mah. 39 of 1965, s.2(*a*)(*ii*).
4 These words were substituted for the words “in accordance with such findings” by Mah. 20 of 1971, s.9(*2*)(*c)*.
5 These words were inserted by Bom. 14 of 1951, s. 7.
6 These words were substituted for the words “shall subject to any further amendment on the occurrence of a change” by Mah. 39 of 1965, s. 2(*a*)(*iii*).
7 These sub-sections (*3A*) and (*3B*) were inserted by Mah. 9 of 2016, s. 2.
8 This sub-section was added by Bom. 6 of 1960, s. 13(*b*).
9 These words were inserted by Mah. 99 of 1965, s. 2(*b*)(*i*).
10 These words were inserted by Mah. 99 of 1965, s. 2(*b*)(*ii*).
11 These words, letters and figures were substituted for the words “for the purpose of registering the change” by Mah. 20 of 1971, s. 9(*3*).
12 This section was inserted by Bom. 59 of 1954, s. 2.
13 These figures and words were substituted for the word and figures “or 22” by Mah. 20 of 1971, s. 10(*1*).

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 [1][or section 28], 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 application 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.]

[2][**22B. Registration of trust property in the name of public trust, which has already been registered, etc.–** (*1*) In the case of a public trust, —

(*a*) which is deemed to have been registered under this Act 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 (Bom. XXIII of 1955). (hereinafter referred to as “the said date” on an application made under section 18, or

(*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 manner by the trustee 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 Commissioner 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.

22C. Registration of particulars of immovable property of trusts already registered with certain officers and authorities.— [3][(*1*) In the case of a public trust,—

(*a*) which is deemed to have been registered under this Act under [4][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 (Bom. XXIII of 1955). (hereinafter referred to as "the said date") on an application made under section 18, or

(*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 [5][officers specified in sub-section (*7*) of

[1] These words and figures were inserted by Mah. 20 of 1971, s. 10(*2*).

[2] Section 22B and 22C were inserted by Bom. 23 if 1955, s. 3.

[3] Section 22C was re-numbered as sub-section (*1*) of that section by Bom. 6 of 1960, s. 14(*1*).

[4] These words, figures and letter were substituted for the word and figures "section 28" by Bom. 6 of 1960, *s*. 14(*1*)(*a*).

[5] 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*).

section 18 [1][for the purpose of filing in Book No. I under section 89 of the Indian Registration Act, 1908 (XVI of 1908), in its application to the State of Maharashtra]].

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][(*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 (*1*) 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).]

23. Procedure where trust property is situate in several regions or sub-regions.— 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 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 (XVI of 1908), of the sub-district within the limits of which such property or part thereof is situate.

24. Stay of inquiry.— 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.

25. Inquiry regarding public trust not to be held by more than on Deputy or Assistant Charity Commissioner.— (*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 Deputy or Assistant Charity Commissioner before whom such inquiry is pending or 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 (*1*) 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.

26. [3]**[Entries in register to be made or amended in certain cases].—** [4][(*1*)]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

form 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. [5][The entries so made or amended] shall not be altered except in case where such decision has been varied in appeal or revision by a court of competent jurisdiction. Subject to such alterations, the [6][entries made or amended] shall be final and conclusive.

[7][(*2*) Where the Charity Commissioner decides any question in relation to any public trust or passed any order in relation thereto, he shall also cause the entries in such register to be made or amended in regard to such public trust in accordance with the decision so given or order passed by him; and thereupon, the provisions of sub-section (*1*) shall apply in relation to entries so made or amended as they apply in relation to entries made or amended according to the decision or order of a court].

1 These words, letter and figures were substituted for the words "for the purpose of registration" by Mah. 20 of 1971, s. 11.

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

3 These words were substituted for the marginal note by Mah. 20 of 1971, s. 12(*1*)(*c*).

4 Section 26 was re-numbered as sub-section (*1*) by Mah. 20 of 1971, s. 12(*1*).

5 These words were substituted for the words "The amendments so made" by Mah. 20 of 1971, s. 12(*1*)(*a*).

6 These words were substituted for the words "amendments made" by Mah. 20 of 1971, s. 12(*1*)(*b*).

7 Sub-section (*2*) was added by Mah. 20 of 1971, s. 12(*2*).

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

28. Public trust previously registered under enactments specified in Schedule.— (*1*) All public trusts registered under the provision of any of the enactments specified in [1][Schedule A] [2][and

Schedule AA] shall be deemed to have been registered under this Act from the date on which this Act may be applied to them. The Deputy or Assistant Charity commissioner of the region or sub-region within the limits of which [3][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 [4][as may be prescribed] record findings with the reason therefor. Such findings shall be in accordance with the entries in the registers already made under the said enactment 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.

[5][**28A. Copy of entries relating to property to be sent to sub-registrar** [6]* * *.—** The Deputy or Assistant Charity Commissioner shall send a memorandum in the prescribed form containing entries including the entry of the name and description of the public trust, relating to immovable property of such public trust made by him in the register kept under section 17—

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

[7]* * * * * * *

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

29. Public trust created by will.— 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 the testator's death [8][whichever 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 :

[9][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.]

30. Notice of particulars of immovable property [10]* * * entered in register.— Any person acquiring any immovable property [11]* * belonging to a public trust which has been registered under this Chapter or any part of or any share or interest in such property [12]* * of such trust shall be

1 This word and letter was substituted for the words "the Schedule" by Bom. 14 of 1951. S. 8(*i*).

2 These words were inserted by Bom. 6 of 1960, s. 15.

3 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*).

4 These words were substituted for the words "as he thinks fit" by Mah. 20 of 1971, s. 13.

5 Section 28A and 28B were inserted by Bom. 23 of 1955, s. 5.

6 The words "revenue and local authorities" were deleted by Mah. 20 of 1971, s. 14.

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

8 These words were inserted by Bom. 14 of 1951, s. 9(*i*).

9 This provisowas added by Mah. 14 of 1951, s. 9(*ii*).

10 These words "and scrips," were deleted by Bom. 39 of 1951, s. 2, First Schedule.

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

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

deemed to have notice of the relevant particulars relating to such trust [1][entered in the registers maintained under section 17 or filed in Book No. 1 under section 89 of the Indian Registration Act, 1908 (XVI of 1908), in its application to the State of Maharashtra.]

[2][*Explanation* – For the purpose of this section, a person shall be deemed to have notice of any particulars in the registers,—

(*1*) when he 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.]

31. Bar to hear or decide suits.— (*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 [3][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

[4][BUDGET,ACCOUNTS AND AUDIT]

[5][**31A. Trustees of certain trusts to submit budget to Charity Commissioner.—** (*1*) A trustee of a public trust which has an annual income exceeding the prescribed amount shall, at least one month before the commencement of each accounting year, prepare and submit in such form or forms as may be prescribed, a budget showing the probable receipts and disbursements of the trust during the following year to the Charity Commissioner.

(*2*) Every such budget shall make adequate provision for carrying out the objects of the trust, and for the maintenance and preservation of the trust property.]

32. Maintenance of accounts.— (*1*) Every trustee of a public trust [6]* * * * shall keep regular accounts.

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

33. Balancing and auditing of accounts.— (*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 [7]* * * * * by a person [8][who is a chartered accountant within the meaning of the Chartered Accountants Act, 1949] (XXXVIII of 1949) or [9][by such persons as the State Government may, subject to any conditions, authorise in this behalf :

Provided that, no such person is in any way interested in, or connected with, the public trust].

(*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 [10][control of the trustee; and it shall be the duty of the trustee to make them available for the use of the auditor].

1 These words, figures and letter were substituted for the words, figures and letters "entered in the register or in the registers maintained under section 28B" by Mah. 20 of 1971, s. 15.
2 This *Explanation* was added by Bom. 23 of 1955, s. 5(*2*).
3 These words were substituted for the words "in any court" by Mah. 20 of 1971, s. 16.
4 This heading was substituted for the heading "ACCOUNTS AND AUDIT" by Mah. 20 of 1971, s. 17.
5 Section 31A was inserted by Mah. 20 of 1971, *s.* 18.
6 The words "which has been registered under this Act" were deleted by Bom. 6 of 1960, s. 18.
7 The words "in such manner as may be prescribed and" were deleted by Mah. 20 of 1971, s. 19 (*1*)(*a*).
8 These words and figures were substituted for the original words by Bom. 14 of 1951, s. 10.
9 These words were substituted for the words "by such persons as may be authorised in this behalf by the State Government" by Mah. 20 of 1971, s. 19(*1*)(*b*).
10 These words were substituted for the words "control of the trustee" by Mah. 20 of 1971, s. 19(*2*).

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

[1][(*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-section (*2*) and (*3*) shall 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; [2][and

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

34. Auditor's duty to prepare balance sheet and to report irregularities, etc.— (*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 [3][along with a copy of his report to the trustee, and] to the Deputy or Assistant Charity Commissioner of the region or sub-region or to the Charity Commissioner, if the Charity Commissioner requires him to do so.

[4][(*1A*) It shall be the duty of the trustee of a public trust to file a copy of the balance sheet and income and expenditure account forwarded by the auditor before the Deputy or Assistant Charity Commissioner of the region or sub-region or to the Charity Commissioner, it the Charity commissioner requires him to do so.]

(*2*) The auditor shall in his report specify all cases of irregular, illegal or improper 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.

[5][CHAPTER V-A

POWERS AND DUTIES OF, AND RESTRICTION ON,TRUSTEES]

35. Investment of public trust money.— [6][(*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 [7][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 (II of 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] :

Provided that such money may be invested in the first mortgage of immovable property situate in [8][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 :

[9][provided also that, if any public trust has made the application to the Charity commissioner for seeking the order granting the permission for investing the money in any other manner under the second proviso, the Charity Commissioner shall decide such application within three months from the date of receipt of such application and where it is not practicable so to do, the Charity Commissioner shall record the reasons for the same.].

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

2 This word and clause (*b*) were added by Bom. 28 of 1953, s. 4(*2*).

3 These words were inserted by Mah. 20 of 1971, s. 20(*1*).

4 Sub-section (*1A*) was inserted by Mah. 20 of 1971, s. 20(*2*).

5 This heading was inserted by Mah. 20 of 1971, s. 21.

6 Section 35 was re-numbered as sub-section (*1*) of that section by Bom. 59 of 1954, s. 3.

7 This portion was substituted for the original by Bom. 59 of 1954, s. 3(*1*).

8 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.

9 This proviso wad added by Mah. 55 of 2017, s. 5.

[1][(*2*) Nothing in sub-section (*2*) shall affect any investment or deposit already made before the coming into force of the Bombay Public Trusts (Amendment) Act, 1954 (Bom. LIX of 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 [2][so invested or deposited] on the maturity of the said investment or deposit shall be applied or invested in the manner prescribed in sub-section (*1*)].

36. Alienation of immovable property of public trust .— [3][(*1*)] [4][Notwithstanding anything contained in the instrument of trust —]

(*a*) no sale, [5]* exchange or gift of 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. [6][Sanction may be accorded subject to such condition as the Charity Commissioner may think fit to impose, regard being had to the interest, benefit or protection of the trust;

(*c*) if the Charity Commissioner is satisfied that in the interest of any public trust any immovable property thereof should be disposed of, he may, on application, authorise any trustee to dispose of such property subject to such conditions as he may think fit to impose, regard being had to the interest or benefit or protection of the trust.

[7][Provided that, the Charity Commissioner may, before the transaction for which previous sanction is given under clause (*a*), (*b*), or (*c*) is completed, modify the conditions imposed thereunder, as he deems fit:

Provided further that, if such condition is of time-limit for execution of any contract or conveyance, then application for modification of such condition shall be made before the expiry of such stipulated time.].

[8][(*1A*) The Charity Commissioner shall not sanction any lease for a period exceeding thirty years under this Act.].

(*2*) The Charity Commissioner may revoke the sanction given under clause (*a*) or clause (*b*) of sub-section (*1*) on the ground that such sanction was obtained by fraud or mis-representation made to him or by concealing from the charity Commissioner, facts material for the purpose of giving sanction; and direct the trustee to take such steps within a period of one hundred and eighty days from the date of revocation (or such further period not exceeding in the aggregate one year as the Charity Commissioner may from time to time determine) as may be specified in the direction for the recovery of the property.

[9][Provided that, no sanction shall be revoked under this section after the execution of the conveyance except on the ground that such sanction was obtained by fraud practiced upon the Charity Commissioner before the grant of such sanction.].

(*3*) No Sanction shall be revoked under this section unless the person in whose favour such sanction has been made has been given a reasonable opportunity to show-cause why the sanction should not be revoked.

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

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

3 Section 36 was re-numbered as sub-section (*1*) by Mah. 20 of 1971, s. 22(*1*).

4 These words were substituted for the words "Subject to the directions in the instrument of trust" by Bom. 6 of 1950, s. 20.

5 The word "mortgage," was deleted by Mah. 20 of 1971, s. 22(*1*).

6 This portion was added by Mah. 20 of 1971, s. 22(*1*).

7 These provisos were added by Mah. 55 of 2017, s. 6.

8 Sub-section (*1A*) was inserted by Mah. 55 of 2017, s. 6(*b*).

9 These proviso was added by Mah. 55 of 2017, s. 6(*c*).

(*4*) If, in the opinion of the Charity Commissioner, the trustee has failed to take effective steps within the period specified in sub-section (*2*), or it is not possible to recover the property with reasonable efforts or expense, the Charity Commissioner may assess any advantage received by the trustee and direct him to pay compensation to the trust equivalent d.]

[1][(*5*) Notwithstanding anything contained in sub-section (*1*), in exceptional and extraordinary situations where the absence of previous sanction contemplated under sub-section (*1*) results in hardship to the trust, a large body of persons or a *bona fide* purchaser for value, the Charity Commissioner may grant *ex-post-facto* sanction to the [2][transfer of the trust property, effected by the trustees prior to the date of commencement of the Maharashtra Public Trusts (Second Amendment) Act, 2017 (Mah. IV of 2018)], if he is satisfied that, -

(*a*) there was an emergent situation which warranted such transfer,

(*b*) there was compelling necessity for the said transfer,

(*c*) the transfer was necessary in the interest of trust,

(*d*) the property was transferred for consideration which was not less than prevalent market value of the property so transferred, to be certified by the expert,

(*e*) there was reasonable efforts on the part of trustees to secure the best price,

(*f*) the trustees actions, during the course of the entire transaction, were bonafide and they have not derived any benefit, either pecuniary or otherwise, out of the said transaction, and

(*g*) the transfer was effected by executing a registered instrument, if a document is required to be registered under the law for the time being force.]

[3][*Explanation*.— For the purpose of sub-section (*5*), the term "the Charity Commissioner" shall mean only the Charity Commissioner appointed under section 3.]

[4]**[36A. Powers and duties of, and restrictions on, trustees.—** (*1*) A trustee of every public trust shall administer the affairs of the trust and apply the funds and properties thereof for the purpose and objects of the trust in accordance with the terms of the trust, usage of the institution and lawful directions which the Charity Commissioner or court may issue in respect thereof, and exercise the same care as a man of ordinary prudence does when dealing with such affairs, funds or property, if they were his own.

(*2*) The trustee shall, subject to the provisions of this Act and the instrument of trust, be entitled to exercise all the powers incidental to the prudent and beneficial management of the trust, and to do all things necessary for the due performance of the duties imposed on him.

(*3*) No trustee shall borrow moneys (whether by way of mortgage or otherwise) for the purpose of or on behalf of the trust of which he is a trustee, except with the previous sanction of the Charity Commissioner, and subject to such conditions and limitations as may be imposed by him in the interest or protection of the trust.

[5][Provided that, the Charity Commissioner or the Joint Charity Commissioner, as the case may be, shall decide the application for borrowing money from the Bank or Financial Institution forthwith and preferably within a period of fifteen days, if the Bank or the Financial Institution has provisionally sanctioned the loan.].

[6][(*3A*) Notwithstanding anything contained in sub-section (*3*), in exceptional and extraordinary situations where the absence of previous sanction contemplated under sub-section (*3*) result in hardship

1 Sub-section (*5*) was added by Mah. 55 of 2017, s. 6(*d*).

2 These words, brackets and figures were substituted for the words "transfer of the trust property by the trustees" by Mah. 4 of 2018, s. 2(*a*).

3 This *Explanation* was added by Mah. 4 of 2018, s. 2(*b*).

4 Section 36A and 36B were inserted by Mah. 20 of 1971, s. 23.

5 This proviso was added by Mah. 9 of 2016, s. 3.

6 Sub-section (*3A*) was inserted by Mah. 55 of 2017, s. 7.

to the trust, beneficiary or *bona fide* third party, the Charity Commissioner may grant *ex-post-facto* sanction to borrow moneys from any nationalized bank or the Scheduled Bank, by the trustees.].

(*4*) No trustee shall borrow money for his own use from any property of the public trust of which he is a trustee :

Provided that, in the case of a trustee who makes a gift of debentures or any deposit in his business or industry the trustee shall not be deemed to have borrowed from the trust for his own use.

36B. Register of movable and immovable properties.— (*1*) A public trust shall prepare and maintain a register of all moveable and immovable properties (not being property of a trifling value) of such trust in such form or forms giving all such information, as may be prescribed by the Charity Commissioner.

(*2*) Such register shall show the jewels, gold, silver, precious stones, vessels and utensils and all other moveable property belonging to the trust with their description, weight and estimated value.

(*3*) Such register shall be prepared within three months from the expiry of the accounting year after the commencement of the Bombay Public Trusts (Amendment) Act, 1970 (Mah. XX of 1971).

(*4*) Such register shall be signed by all the trustees or by any person duly authorised by trustees in this behalf after verifying its correctness, and shall be made available to the auditor for the purpose of auditing if the accounts are required to be audited under the provisions of this Act. Where the accounts are not required to be audited, the trustees shall file a copy of such register duly signed and verified, with the Deputy or Assistant Charity Commissioner of the region.

(*5*) The auditor shall mention in the audit report whether such register is properly maintained or not, and the defects or inaccuracies, if any, in the said register and the trustees shall comply with the suggestions made by the auditor and rectify the defects or inaccuracies mentioned in the audit report within a period of three months from the date on which the report is sent to the trustees.

(*6*)Every year within three months from the date of balancing the accounts, the trustee or any person authorised by him shall scrutinize such register, and shall bring it up-to-date by showing alterations, omissions or additions to the same, and such changes shall be reported to the Deputy or Assistant Charity Commissioner in the manner provided in section 22.]

CHAPTER VI

CONTROL

37. Power of inspection and supervision.— [1][(*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;

[2][(*b*) to call for and inspect any proceedings of the trustees of any public trust, and any book of accounts or document in the possession or under the control of the trustees or any person connected with the trust;]

(*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;

[3][(*d*) to get the explanation of the trustee or any person connected with the public trust and reduce or cause to be reduced to writing any statement made by him :]

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.

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

2 Clause (*b*) was substituted by Mah. 20 of 1971, s. 24 (*1*)(*a*).

3 Clause (*d*) was inserted by Mah. 20 of 197, s. 24 (*1*)(*d*).

[1][(*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 or [2][any person connected with the public trust] shall comply with any order made or direction issued by such officer in exercise of the power conferred upon him by or under sub-sect

[3][(*3*) If on inspection of the affairs of a public trust under this section, it is noticed by the Deputy or Assistant Charity Commissioner or the officer authorised under sub-section (*1*) that there is a loss caused to the public trust on account of gross negligence, breach of trust, misapplication or misconduct on the part of a trustee or any person connected with the trust, the Deputy or Assistant Charity Commissioner may submit a report thereof to the Charity Commissioner ; and the officer so authorised, to the Deputy or Assistant Charity Commissioner.]

38. Explanation on report of auditor [4][or on complaint].— On receipt of a report of the auditor under section 34 [5][or of a report, if any, made by an officer authorized under section 37] [6][or on receipt of a complaint in respect of any trust] the Deputy or Assistant Charity Commissioner to whom the report is submitted [7][or complaint is made] shall require the trustee or any other person concerned to submit an explanation thereon within such period as he thinks fit.

[8]**[39. Report to Charity Commissioner.—** On considering the report referred to in section 38, the accounts or explanation, if any, furnished by the trustees or any other person connected with the public trust and after holding an inquiry in the prescribed manner, the Deputy or Assistant Charity Commissioner shall record his findings on the question whether or not a trustee or the person connected with the trust has been guilty of gross negligence, breachof trust, misappropriation or misconduct which resulted in loss to the trust, and make a report thereof to the Charity Commissioner.]

40. [9][Power of Charity Commissioner to issue orders on report received under section 39 or to remand matter, etc.].— [10][The Charity Commissioner may,] after considering the report of the Deputy or Assistant Charity Commissioner, giving an opportunity to the person concerned and holding such inquiry [11][as he thinks fit,—

(*1*) determine—]

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

(*b*) whether such loss was due to any [12][gross negligence,] breach of trust, mis-appropriation or misconduct on the part of any person;

(*c*)whether any of the trustees, or [13][any person connected with the public trust] was responsible for such loss ;

(*d*) the amount which any of the trustees or [14][any person connected with the public trust] is liable to apply to the public trust [15][for such loss, or],

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

2 These words were substituted for the words “any other person in charge of the public trust” by Mah. 20 of 1971, s. 24 (*2*).

3 Sub-section (3) was added by Mah. 20 of 1971, s. 24 (*3*).

4 These words were added by Mah. 20 of 1971, s. 25(*c*).

5 These words and figures were inserted by Bom. 28 of 1953, s. 5

6 These words were inserted by Mah. 20 of 1971, s. 25(*a*).

7 These words were inserted by Mah. 20 of 1971 s. 25(*b*).

8 Section 39 was substituted by Mah. 20 of 1971, s. 26.

9 These words were substituted for the marginal note, by Mah. 20 of 1971, s. 27(*g*).

10 These words were substituted for the words “The Charity Commissioner, shall” by Mah. 20 of 1971, s. 27 (*a*).

11 These words, brackets and figures were substituted for the words “ as he thinks fit, determine—” by Mah. 20 of 1971, s. 27 (*b*).

12 These words were inserted by Mah. 20 of 1971, s. 27(*c*).

13 These words were substituted for the words “any other person” by Mah. 20 of 1971, s. 27(*d*).

14 These words were substituted for the words “any other person” by Mah. 20 of 1971, s. 27(*e*)(*i*).

15 These words were substituted for the words “for such loss” by Mah. 20 of 1971, s. 27(*e*)(*ii*).

[1][(*2*) remand the matter for further inquiry to the officer, who made the report or to any other officer as he thinks fit or for reasons to be recorded in writing, compromise the matter or may drop the matter if a suit is instituted for obtaining a decree for a direction for taking accounts under section 50.]

41. Order of surcharge.— (*1*) If the Charity Commissioner decides [2][that any person connected with the trust] 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.

(*2*) [3][The order] of the Charity Commissioner under sub-section (*1*) shall be final and conclusive.

[4][**41A. Power of Commissioner to issue directions [5][for proper administration of the trust.—** (*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 the 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; and the Charity Commissioner may also give directions to the trustees or such person that if he finds any property of the trust is in danger of being wasted, damaged, alienated or wrongfully sold, removed or disposed of :

[6][Provided that, if any application is made by the trustee of any trust for seeking directions under sub-section (*1*), the Charity Commissioner shall decide such application within three months form the date of its receipt and if it is not practicable so to do, the Charity Commissioner shall record the reasons for the same.]

(*2*) It shall be the duty of every trustee or of such person to comply with the directions issued under sub-section (*1*).

[7][**41AA. Power of Charity Commissioner and State Government to issue directions in respect of hospitals, etc., to earmark certain beds, etc., for poorer patients to be treated free of charge or at concessional rates.—** (*1*) Notwithstanding anything contained in any law for the time being in force or in any instrument of trust or in any contract or in any judgement, decree or order of any Court, Tribunal, Charity Commissioner or other competent authority, in the case of any State aided public trust, whose annual expenditure exceeds five lakhs of rupees, or such other limit as the State Government may, from time to time, by notification in the *Official Gazette,* specify, with a view to making essential medical facilities available to the poorer classes of the people, either free of charge, or at concessional rates, it shall be lawful for the Charity Commissioner, subject to such general or special order as the State Government may, from time to time, issue in this behalf, to issue all or any of the following directions to the trustees of, or persons connected with, any such trust, which maintains a hospital (including any nursing home or maternity home), dispensary or any other centre for medical relief (hereinafter in this section referred to as " the medical centre "), namely :—

(*a*) having regard to the accommodation and facilities available to keep admission to the medical centre open to any person without any discrimination on the ground of religion, race, caste, sex, place of birth, language or any of them :

Provided that, where a medical centre is exclusively for females, treatment for any males at such centre shall not be insisted upon ;

(*b*) to reserve and earmark ten per cent. of the total number of operational beds and ten per cent. of the total capacity of patients treated at such medical centre, for medical examination and treatment in each department of the medical patients seeking admission or treatment, who shall be

1 Clause (*2*) was added by Mah. 20 of 1971, s. 27(*f*).

2 These words were substituted for the words "that any person" by Mah. 20 of 1971 s. 28

3 These words were substituted for the words "Subject to the provisions of section 72, the order" by Mah. 55 of 2017, s. 8.

4 Sections 41A to 41E were inserted by Mah. 20 of 1971, s. 29.

5 These words were inserted by Mah. 8 of 1985, s. 2.

6 This proviso was added by Mah. 55 of 2017, s. 9.

7 This section was inserted by Mah. 8 of 1985, s. 3.

medically examined and treated [1][(including *intra - ocular* operation)] and admitted as the case may be, free of charge ;

(*c*) to reserve and earmark ten per cent. of the total number of operational beds and ten per cent. of the total capacity of patients treated at such medical centre, for medical examination and treatment in each department of the medical may be specified in the directions, for

the weaker sections of the people seeking admission for medical examination and treatment, [2][(including *intra- ocular* operation)] who shall be charged according to such rates as the State Government may, by general or special order, determine from time to time having regard to the rates charged by the State Government in the corresponding medical centres maintained by it;

(*d*) to comply with such other incidental or supplemental requirements as may be specified in the directions or in any general or special orders issued thereunder:

Provided that, while issuing any directions as aforesaid the Charity Commissioner shall take into consideration such facilities as are already made available by any such medical centre and having regard to the availability of such facilities may give appropriate directions if any, consistent with and subject to the percentage specified in clauses (*b*) and (*c*):

[3][Provided further that, where the *intra-ocular* operation of a person is carried out in the medical centre, from the aid or grant received from the Central or State Government or any other institution, the person undergoing such operation shall not be counted as a beneficiary for the purpose of clause (*b*) or clause (*c*), as the case may be.];

(*2*) (*a*) It shall be lawful for the officer duly authorised by the State Government in this behalf, or for the Charity Commissioner by himself or through his representative duly authorised by him in this behalf, to verify the implementation of the directions given under sub-section (*1*) to any medical centre, and for that purpose, visit, inspect and call for information and returns periodically or otherwise.

(*b*) It shall be the duty of every trustee of, or person connected with, such medical centre to comply with the directions issued under subsection (*1*) and to afford all reasonable facilities and assistance required by the said officer or the Charity Commissioner or his representative for verification of the implementation of such directions under clause (*a*) and to comply with the requirements thereunder.

(*c*) In case there arises any dispute relating to the interpretation, implementation or any matter whatsoever in respect of any direction issued under sub-section (*1*), it shall be referred to the State Government, through the Charity Commissioner, for appropriate directions.

(*3*) Nothing in sub-sections (*1*) and (*2*) shall prejudicially affect any medical facilities of whatever nature which any such State-aided public trust has provided by virtue of any condition subject to which any grant, exemption, concession, etc. referred to in clause (*a*) of sub-section (*4*) has been granted or received by it or otherwise and such medical facilities, which are in operation on the date of commencement of the Bombay Public Trusts (Amendment) Act, 1984 (Mah. VIII of 1985), shall continue as before if they exceed the percentage of reserved and earmarked category.

(*4*) For the purposes of this section,—

(*a*) "State-aided public trust" means a public trust exclusively for medical relief or for medical relief and other charitable purposes, which maintains a hospital (including any nursing home or maternity homes), dispensary or any other centre for medical relief, and which—

(*i*) has received any grant of land or building, either on ownership basis or on lease or leave and licence, at a nominal or concessional rate, from the State Government or the Central Government or any local authority; or

1 These brackets and words "were inserted by Mah. 4 of 2019, s, 2(*a*)(*i*).

2 These brackets and words were inserted by Mah. 4 of 2019, s. 2(*a*)(*ii*).

3 This Proviso was added by Mah. 4 of 2019, s. 2(*a*)(*iii*).

(*ii*) has been given by the State Government any exemption or permission to continue to hold any vacant land under section 20 or 21 of the Urban Land (Ceiling and Regulation) Act, 1976 (XXXIII of 1976); or

(*iii*) has been given any concessions or exemption or relaxation of a substantial nature from the Development Control Rules by any competent authority for the purposes of the trust; or

(*iv*) has received any loan or guarantee or any non-recurring grantin-aid or other financial assistance or is receiving any recurring grantin-aid or other financial assistance from the State Government, the Central Government or any local authority;

(*b*) "indigent person" means a person whose total annual income does not exceed three thousand and six hundred rupees or such other limit as the State Government may, from time to time, by notification in the *Official Gazette,* specify;

(*c*) "person belonging to the weaker sections of the people " means a person who is not an indigent person, but whose income does not exceed fifteen thousand rupees per annum or such other limits as the State Government may, from time to time, by notification in the *Official Gazette*, specify;

(*d*) it shall be the duty of the governing body (by whatsoever name called) of every medical centre to get the category of a patient duly verified and recorded in a register kept for the purpose in the prescribed form before he is admitted or treated as a patient within the reserved fund earmarked percentage under sub-section (*1*). If there is any dispute as to the category of a patient, it shall be referred to the State Government, through the Charity Commissioner, for appropriate direction.

(*5*) Notwithstanding anything contained in the foregoing provisions of this section, any person, who desires to undergo an operation for sterilization [1][* * * *] or who desires to undergo any operation or medical treatment specified by the State Government in this behalf, shall not be entitled, and shall not be allowed, to seek admission in any hospital or other medical centre in the reserved or earmarked quota provided under this section.]

41B. Power to institute inquiries.— (*1*) On receipt of a complaint in writing from any person having interest in respect of any public trust or *suo motu* the Charity Commissioner or Deputy or Assistant Charity Commissioner may institute an inquiry with regard to charities or a particular charity or class of charities either generally, or for particular purposes.

(*2*) The officers aforesaid may either hold the inquiry themselves, or entrust such inquiry to the officer authorised under sub-section (*1*) of section 37.

(*3*) For the purpose of any such inquiry, the officer holding the inquiry may, by notice, require any person to attend at a specified time and place and give evidence or produce documents in his custody or control which relate to any matter in question at the inquiry.

(*4*) For the purpose of any such inquiry, evidence may be taken on oath and the person holding the inquiry may for that purpose administer an oath under the Indian Oaths Act, 1873 (10 of 1873), or may instead of administering an oath, on solemn affirmation require the person to make and subscribe a declaration of the truth of the matters about which he is examined.

(*5*) The necessary expenses of any person of his attendance to give evidence or produce documents for the purpose of the inquiry shall be paid in the manner prescribed.

(*6*) After the completion of the inquiry, the person holding the inquiry (not being the Charity Commissioner) shall submit his report to the officer who entrusted such inquiry to him.

(*7*) The Deputy or Assistant Charity Commissioner of the region concerned shall submit his own report or report received by him under this section to the Charity Commissioner or he may, proceed under section 38, if necessary, or send a copy of the report to the Charity Commissioner with his

1 The words "or an *intra – ocular* operation" were deleted by Mah. 4 of 2019, s. 2(*b*).

remarks thereon. The Charity Commissioner may, if he is satisfied that there is a *prima facie* case against the trustees, take such steps as are necessary under the provisions of this Act.

(*8*) The Charity Commissioner may himself also call for the proceedings of any inquiry made under this section for such action as he may think fit.

[1][**41C. Persons (other than public trust) collecting money, subscription or donation, etc.—** (*1*) Notwithstanding anything contained i er than public trust) shall, after the

commencement of the Maharashtra Public Trusts (Amendment) Act, 2017 (Mah. XXXVI of 2017), collect or cause to be collected any money, contribution, subscription or donation, in cash or kind, for religious or charitable purposes, without seeking prior permission of the Assistant Charity Commissioner or the Deputy Charity Commissioner upon a written application in such form as may be prescribed, either online or directly to the Assistant Charity Commissioner or the Deputy Charity Commissioner :

Provided that, in the exigencies for aiding, assisting or giving relief to the persons affected by natural disaster, war, riots, accidents or similar cause, the collection may be made by giving intimation in the form prescribed to the Assistant Charity Commissioner or the Deputy Charity Commissioner.

(*2*) The Assistant Charity Commissioner or the Deputy Charity Commissioner shall, after making an enquiry as deemed fit, decide the applications and may issue a certificate in form prescribed, subject to such terms and conditions as he deems fit, within seven days from the date of receipt of application, for an application received online; and within fifteen days from the date of receipt of application, for an application received in writing :

Provided that, if the permission is not granted to the applicant within the stipulated period, the permission shall be deemed to have been granted under this section for the purpose for which the application is made.

(*3*) In case the intimation as specified under the first proviso to sub-section (*1*) is given, the Assistant Charity Commissioner or the Deputy Charity Commissioner shall satisfy that the collection is done for valid reason and purpose and may issue a certificate in form prescribed, subject to such terms and conditions as he deems fit, within fifteen days from the date of receipt of intimation. If the Assistant charity Commissioner or the Deputy Charity Commissioner has reason to believe that there is a possibility of fraud, misappropriation or other abuse, he shall direct such person to stop making such collection forthwith and require such person to render an account of the collections made by him and deposit the amount so collected in the Public Trusts Administration Fund.

(*4*) The certificate issued under sub-section (*2*) or (*3*) shall be valid for a period of six months from the date of its issue; and shall not be renewable. The applicant or the person to whom the certificate is issued under sub-section (*2*) or (*3*) shall submit the audited account of such collections or receipt of contribution and remaining amount, if any, within a period of two months next after expiry of the said period.

(*5*) The remaining amount so collected shall be credited in the Public Trusts Administration Fund.]

41D. Suspension, removal and dismissal of trustees.— (*1*) The Charity Commissioner may, either on application of a trustee or any person interested in the trust, or on receipt of a report under section 41B or *suo motu* may suspend, remove or dismiss any trustee of a public trust, if he,—

(*a*) makes persistent default in the submission of accounts report or return;

(*b*) wilfully disobeys any lawful orders issued by the Charity Commissioner under the provisions of this Act or rules made thereunder by the State Government;

(*c*) continuously neglects his duty or commits any mal-feasance or misfeasance, or breach of trust in respect of the trust;

1 Section 41C was substituted by Mah. 36 of 2018, s. 2.

(*d*) misappropriates or deals improperly with the properties of the trust of which he is a trustee ; or

(*e*) accepts any position in relation to the trust which is inconsistent with his position as a trustee ;

(*f*) if convicted of an offence involving moral turpitude.

1[(*2*) (*a*)When the Charity Commissioner proposes to take action under sub-section (*1*), the Charity Commissioner may issue notice to the trustee or the person against whom the action is proposed to be taken only when he finds that there is *pr* d against the said person.

(*b*) The trustee or person to whom a notice under clause (*a*) is issued, shall submit his reply thereto within fifteen days from the date of receipt of notice.

(*c*) If the person fails to give reply to the notice issued under clause (*a*) or the Charity Commissioner finds that the reply is not satisfactory, the Charity Commissioner shall frame charges against the said person within fifteen days of the filing of the reply or the default in the filing of reply, as the case may be, and give the said person an opportunity of meeting such charges and after considering the evidence adduced against him and in his favour, may pass order regarding suspension or removal or dismissal within three months from the date of framing of charges. If it is not practicable for the Charity Commissioner to issue notice, frame charges and pass final orders within stipulated time, he shall record reasons for the same.

(*d*) The order of suspension, removal or dismissal shall state the charges framed against the trustee. his explanation, if any, and the finding on each charge with reasons therefor.].

(*3*) Pending disposal of the charges framed against a trustee the Charity Commissioner may place the trustee under suspension.

(*4*) Where the Charity Commissioner has made an order suspending, removing or dismissing any trustee and such trustee is the sole trustee or where there are more than one trustee and the remaining trustee according to the instrument of trust, cannot function or administer the trust without the vacancy being filled, then in that case the Charity Commissioner shall appoint a fit person to discharge the duties and perform the function of the trust, and such person shall hold office only until a trustee is duly appointed according to the provisions of the instrument of trust.

[2]* *

[3][(*6*) An appeal shall lie to the Court against the order made under sub- section (*1*), as if such decision was a decree of a district court as a court of original jurisdiction from which an appeal lies, within sixty days from the date of the order.]

(*7*) The order of the Charity Commissioner shall, subject to any order of the Court or in appeal, be final.

41E. Power to act for protection of Charities.— (*1*) Where it is brought to the notice of the Charity Commissioner either by the Deputy or Assistant Charity Commissioner through his report or by an application by at least two persons having interest supported by affidavit,—

(*a*) that any trust property is in danger of being wasted, damaged or improperly alienated by any trustee or any other person, or

(*b*) that the trustee or such person threatens, or intends to remove or dispose of that property,

the Charity Commissioner may by order grant a temporary injunction or make such other order for the purpose of staying and preventing the wasting, damaging, alienation, sale, removal or disposition of such property, on such terms as to the duration of injunction, keeping an account, giving security, production of the property or otherwise as he thinks fit.

1 Sub-section (*2*) was substituted by Mah. 55 of 2017, s. 10(*a*).

2 Sub-Section (*5*) was deleted by Mah. 55 of 2017. S. 10(*b*).

3 Sub- Section (*6*) was substituted by Mah. 55 of 2017, s. 10(*c*).

(*2*) The Charity Commissioner shall in all such cases, except where it appears that the object of granting injunction would be defeated by delay, before granting an injunction, give notice of the facts brought to his notice to the trustee, or the person concerned.

(*3*) After hearing the trustee or person concerned and holding such inquiry as he thinks fit, the Charity Commissioner may confirm, discharge or vary or set aside the order of injunction or pass any other appropriate order.

[1]* *

(*5*) A trustee or a person against whom the order of injunction or any other order under this section is passed may, within ninety days of the date of communication of such order, appeal to the Court against such order.

[2]* *

[3]* *

[4][**41F. Attachment of property in certain cases.—** (*1*) Wherein it is brought to the notice of the Charity Commissioner or Deputy Charity Commissioner or two or more persons having interest in the trust property that disobedience of any of the orders passed under any of the sections in the Chapter VI is committed, the Charity Commissioner may after hearing the parties concerned, order the property of such person guilty of such disobedience or breach, to be attached and may also order such person to be detained in jail for a term not exceeding six months. No attachment under this sub-section shall remain in force for more than one year, at the end of which time, if the disobedience or breach continues, The property attached may be sold, and out of the proceeds the Charity Commissioner may award such compensation as he thinks fit, and shall pay the balance, if any, to the person entitled thereto, and thereupon, any order passed by the Charity Commissioner, under this section, if in force shall stand vacated, or as the case may be, cancelled.

(*2*) A trustee or a person against whom the order under this section is passed, may, within ninety days of the date of communication of each order, appeal to the High Court against such order.]

CHAPTER VII

OTHER FUNCTIONS AND POWERS OF CHARITY COMMISSIONER

42. Charity Commissioner to be corporation sole.— [5][Each Charity Commissioner] shall be a corporation sole and shall have perpetual succession and a common seal and may sue and be sued in his corporate name.

[6][**43. Maharashtra Charity Commissioner to be Treasurer of Charitable Endowments under Act VI of 1890.—** [7][(*1*)] [8]* * * * *

1 Sub-section (*4*) was deleted by Mah. 55 of 2017, s. 11.

2 Sub-section (*6*) was deleted by Mah. 55 of 2017, s. 11.

3 Sub-section (*7*) was deleted by Mah. 55 of 2017, s. 11.

4 This section was inserted by Mah. 36 of 2018, s. 3.

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

6 Section 43 was substituted by the Treasurer of Charitable Endowments, Bombay (Reconstitution) Order, 1962.

7 Section 43 was re-numbered as sub-section (*1*) and sub-section (*2*) was added by Mah. 20 of 1971, s. 30.

8 Sub-section (*1*) of section 43 was deleted by Mah. 32 of 1975, s. 3.

Section 3 of Mah. 32 of 1975 reads as follows :—

"3. Charity Commissioner to cease to be Treasurer of Charitable Endowments under Act VI of 1890, amendment of section 43 of Bom. XXIX of 1950.— (*1*) On the commencement of the Bombay Public Trusts (Amendment) Act, 1975 (Mah. XXXI of 1975), the Charity Commissioner, Maharashtra, shall cease to be the Treasurer of Charitable Endowments for that part of the State of Maharashtra to which the principal Act extends and the property vesting in the Charity Commissioner as the Treasurer of Charitable Endowments by or under any law for the time being in force shall cease to vest in the Charity Commissioner and shall vest in the Treasurer of Charitable Endowments appointed under the Charitable Endowments Act, 1890 (VI of 1890);

And accordingly, sub-section (*1*) of section 43 of the principal Act shall stand deleted".

[1][(*2*) Notwithstanding anything contained in the Charitable Endowments Act, 1890 (VI of 1890), the Charity Commissioner shall have the following powers :—

(*a*) power to modify or substitute the scheme for the administration of any charitable endowment framed under the Charitable Endowments Act, 1890 (VI of 1890), after hearing the State Government and the Administrator under section 50A ;

(*b*) power to exercise powers under section 37 ; and

(*c*) power to change the administrator after hearing and in consultation with the State Government if the endowment is n ed.]

44. [*Charity Commissioner can act as trustee of public trusts.*] *Deleted by Mah. 20 of 1971, s. 31.*

45. [*Charity Commissioner may with consent be appointed trustee of settlement by grantor.*] *Deleted by Mah. 20 of 1971, s. 31.*

46. [*Appointment of Charity Commissioner as trustee under will.*] *Deleted by Mah. 20 of 1971, s. 31.*

2[**47. Power of Charity Commissioner to appoint, suspend, remove or discharge trustees and to vest property to new trustees.—** (*1*) Any person interested in a public trust may apply to the Charity Commissioner for the appointment of a new trustee, where there is no trustee for such trust or the trust cannot be administered until the vacancy is filled, or for the suspension, removal or discharge of a 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 the 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 as insolvent;

(*e*) desires to be discharged from the trust;

(*f*) refuses to act as a trustee ;

(*g*) becomes in the opinion of the Charity Commissioner unfit or physically incapable to act in the trust or accepts a position which is inconsistent with his position as trustee;

(*h*) in any of the cases mentioned in Chapter III, is not available to administer the trust; or

(*i*) is convicted of an offence punishable under this Act or an offence involving moral turpitude.

(*2*) The Charity Commissioner may, after hearing the parties and making such enquiry as he may deem fit, by order appoint any person as a trustee or may also remove or discharge any trustee for any of the reasons specified in sub-section (*1*).

(*3*) In appointing a trustee under sub-section (*2*), the Charity Commissioner shall have regard—

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

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

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

1 Section 43 was re-numbered as sub-section (*1*) and sub-section (*2*) was added by Mah. 20 of 1971, s. 30 2 Section 47 was substituted by Mah. 20 of 1971, s. 32.

(*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.

(*4*) It shall be lawful for the Charity Commissioner upon Making any order appointing a new trustee under sub-section (*2*) 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 and thereupon it shall so Vest.

1[(*5*) An appeal shall lie to the Court, against the order of Charity Commissioner under sub-section (*2*), as if such order was a decree of a district court as a court of original jurisdiction from which an appeal lies, within sixty days from the date of the order, which shall otherwise be final.]

47AA. [*Power of Charity Commissioner to apply to Court for appointment of new trustee where convicted under Act.*] *Deleted by Mah. 20 of 1971, s. 33.*

47A. [*Power of Court to vest property in new trustee.*] *Deleted by Mah.20 of 1971, s. 33.*

47B. [*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.*] *Deleted by Mah. 20 of 1971, s. 33.*

48. [*Levy of administrative charges.*] *Deleted by Mah. 20 of 1971, s. 33.*

49. [*Transfer of property by Charity Commissioner.*] *Deleted by Mah. 20 of 1971, s. 33.*

2[**50. Suit by or against or relating to public trusts or trustees or others.—** In any case,—

(*i*) where it is alleged that there is a breach of a public trust, negligence, mis-application or misconduct on the part of a trustee or trustees,

[3][(*ii*) where a direction or decree is required to recover the possession of or to follow a property belonging or alleged to be belonging to a public trust or the proceeds thereof or for an account of such property or proceeds from a trustee, ex-trustee, alienee or any other person but not a person holding adversely to the public trust, trespasser, licensee or tenant,]

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

(*iv*) for any declaration or injunction in favour of or against a public trust or trustee or trustees or beneficiary thereof,

the Charity Commissioner after making such enquiry as he thinks necessary, or two or more persons having an interest in case the suit is under sub-clauses (*i*) to (*iii*), or one or more such persons in case the suit is under sub-clause (*iv*) 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 or proceeds thereof;

(*b*) the removal of any trustee or manager;

(*c*) the appointment of a new trustee or manager;

(*d*) vesting any property in a trustee;

(*e*) a direction for taking accounts and making certain enquiries;

1 Sub-section (*5*) was substituted by Mah. 55 of 2017, s. 12.

2 Section 50 was substituted by Mah. 20 of 1971, s. 34.

3 This clause was substituted by Mah. 55 of 2017, s. 13(*a*).

(*f*) an order directing the trustees or others to pay to the trust the loss caused to the same by their breach of trust, negligence, misapplication, misconduct or wilful default;

(*g*) 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;

[1]* *

(*i*) a direction authorising the whole or any part of the trust property to be let, sold, mortgaged or exchanged or in any manner alienated on such terms and conditions as the court may deem necessary;

(*j*) the settlement of a scheme, or variations or alterations in a scheme already settled;

(*k*) an order for amalgamation of two or more trusts by framing a common scheme for the same;

(*l*) an order for winding up of any trust and applying the funds for other charitable purposes;

(*m*) an order for handing over of one trust to the trustees of some other trust and deregistering such trust;

(*n*) an order exhonerating the trustees from techincal breaches, etc;

(*o*) an order varying, altering, amending or superseding any instrument of trust;

(*p*) declaring or denying any right in favour of or against a public trust or trustee or trustees or beneficiary thereof and issuing injunctions in appropriate cases ; or

(*q*) granting any other relief as the nature of the case may require which would be a condition precedent to or consequential to any of the aforesaid relief or is necessary in the interest of the trust:

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:

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:

Provided also that, the provisions of this section and other consequential provisions shall apply to all public trusts, whether registered or not or exempted from the provisions of this Act under sub-section (*4*) of section 1].

2[*Explanation.*— In this section, "Court" means, in the Greater Mumbai, the City Civil Court and elsewhere, the District Court.].

3[**50A. Power of Charity Commissioner to frame, amalgamate or modify schemes.—** (*1*) Notwithstanding anything contained in section 50, where the 4[Assistant or Deputy Charity Commissioner] has reason to believe that, in the interest of the proper management or administration of 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 5[Assistant or Deputy 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.

1 Sub-clause (*h*) was deleted by Mah. 55 of 2017, s. 13(*b*).

2 This *Explanation* was added by Mah. 55 of 2017, s. 13(*c*).

3 This section was inserted by Bom. 6 of 1960, s. 27.

4 These words were substituted for the words "Charity Commissioner" by Mah. 55 of 2017, s. 14(*a*).

5 These words were substituted for the words "Charity Commissioner" by Mah. 55 of 2017, s. 14(*a*).

(*2*) Where the 1[Assistant or Deputy 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*2[and also if necessary in any newspaper which in the opinion of the 3[Assistant or Deputy Charity Commissioner] is best calculated to bring to the notice of persons likely to be interested in the trust] 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.

(*3*) The 4[Assistant or Deputy Charity Commissioner] may, at any time, after hearing the trustees, modify the scheme framed by him under sub-section (*1*) or sub-section (*2*).

5[(*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 Charity Commissioner under section 70, have effect as a scheme settled or altered, as the case may be, under a decree of a Court under section 50.]

51. Consent of Charity Commissioner for institution of suit.— (*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. 6[If the Charity Commissioner after hearing the parties and making such enquiries (if any) as he thinks fit is satisfied that there is a *prima facie* case, he] 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.

7[(*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 Court, as if such order was an order

passed by the District Court from which an appeal lies, within sixty days from the date of the said order, which shall otherwise be final.]

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

[8]* *

52. Non-application of sections 92 and 93 of Civil Procedure Code to public trusts.— [9][(*1*)] Notwithstanding anything contained in the Code of Civil Procedure, 1908 (V of 1908), the provisions of sections 92 and 93 of the said Code shall not apply to the public trusts.

[10][(*2*) If [11][on the date of the application of the Act to any public trust any legal proceedings in respect of such trust are pending before [12][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

1 These words were substituted for the words "Charity Commissioner" by Mah. 55 of 2017, s. 14(*a*).
2 These words were substituted for the words and brackets "and also in at least two newspapers (one in English and the other in the language of the region)" by Mah. 20 of 1971, s. 35.
3 These words were substituted for the words "Charity Commissioner" by Mah. 55 of 2017, s. 14(*a*).
4 These words were substituted for the words "Charity Commissioner" by Mah. 55 of 2017, s. 14(*a*).
5 This sub-section was substituted by Mah. 55 of 2017, s. 14(*b*).
6 These words were substituted for the words "The Charity Commissioner, after hearing the parties and after making such inquiry as he thinks fit", by Mah. 20 of 1971, s. 36.
7 This sub-section was substituted by Mah. 55 of 2017, s. 15(*a*).
8 Sub-section (*4*) was deleted by Mah. 55 of 2017, s. 15(*b*).
9 Section 52 was re-numbered as sub-section (*1*) of that section by Bom. 28 of 1953, s. 10(*1*).
10 This portion was added by Bom. 14 of 1951, s. 13.
11 The brackets, figure and word "(*2*) if" were substituted for the words "Provided that if" by Bom. 28 of 1953, s. 10 (*1*).
12 These words were substituted for the words "Any Court including the High Court", by Bom. 28 of 1953, s. 10(*2*).

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.]

[1][(*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 reference to the Charity Commissioner.]

[2][**52A. Suit against assignee for valuable consideration not barred by time.—** Notwithstanding anything contained in the Indian Limitation Act, 1908 (IX of 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.]

53. Bequest under will for benefit of public trust.— (*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 copy thereof to the Deputy or Assistant Charity Commissioner for the region or sub-region where [3][such trust] may have been, or is required to be, registered.

(*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. Dharmada.— (*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 [4][(in this Act called—"*dharmada*")] shall vest in the person charging or collecting the same as a trustee.

(*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 Commissio

(*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.

[5][(*4*) The provisions of Chapter IV shall not apply to *dharmada*.].

[6][**55. Cypres.—** (*1*) If upon an application made to him or otherwise, the Assistant or Deputy Charity Commissioner is of opinion that,—

(*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 utilised or is not likely to be utilised;

(*c*) 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; or

1 Sub-section (*3*) was inserted by Bom. 28 of 1953, s. 10(*3*).

2 This section was inserted by Bom. 23 of 1955, s. 7.

3 These words were substituted for the words "such will" by Bom. 28 of 1953, s. 11.

4 These brackets and words were inserted by Bom. 14 of 1951, s. 14(*i*).

5 Sub-section (4) was added, by Bom. 14 of 1951, s. 14(*ii*).

6 Section 55 was substituted by Mah. 55 of 2017, s. 16.

(*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 Charity Commissioner are necessary then,

the Assistant or Deputy Charity Commissioner shall pass appropriate orders after making an enquiry and make a report to the Charity Commissioner.

(*2*) The Charity Commissioner may *suo motu* or on the report of Assistant or Deputy Charity Commissioner, give directions and in giving such direction, he shall give effect to the original intention of the author of the public trust or object for which the public trust was created.

(*3*) The Charity Commissioner may direct the property or income of the public trust or any portion thereof to be applied cypress to any other charitable or religious objects. In doing so, it shall be lawful for the Charity Commissioner 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.

(*4*) An appeal shall lie against the decision or order passed by the Charity Commissioner under sub-section (*2*) or, as the case may be, sub-section (*3*) of this section to this section to the Court, as if such order was a decree passed by the District Court from which an appeal lies, within sixty days from the date of the said order, which shall otherwise be final.]

[1]* *

[2]* *

56B. Proceedings involving question affecting public charitable or religious purpose.— (*1*) In any suit or legal proceedings in which [3]* * * 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 [4][State of Maharashtra].

SPECIAL PROVISION AS RESPECTS RELIGIOUS AND CHARITABLE INSTITUTIONS AND ENDOWMENTS WHICH VEST IN, OR THE MANAGEMENT OF WHICH VESTS IN,THE STATE GOVERNMENT

56C. Provisions of Chapter VII-A to apply to certain endowments.— (*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 *OfficialGazette*, 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,

1 Section 56 was deleted by Mah. 55 of 2017, s. 17.

2 Section 56A was deleted by Mah. 55 of 2017, s. 18.

3 The words "it appears to the Court that" were deleted by Mah. 20 of 1971, s. 39.

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

5 This Chapter was inserted by Bom. 6 of 1960, s. 29.

as far as may be, apply to the making of entries in the register kept under section 17, provided that such entries shall also conform 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.

56D. Vesting or transfer of management, of certain endowments.— 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 immovable 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 or such endowment within the meaning and for the purposes of this Act.

56E. Committees of management.— (*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) 1[one or more committees for one or more districts as the State Government may think fit].

(*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.

56F. Term of office of members of committee.— (*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 committee :

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

56G. Disqualification of membership.— (*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 unfound 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;

1 These words were substituted for the words "one or more committees for each district" by Mah. 6 of 1964, s. 2.

(*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 1[Maharashtra] Legislative Assembly or the 2[Maharashtra] Legislative Council or any local authority by reason only of the fact that he is a member of such committee.

56H. Power of Government to appoint new member.— The State Government may appoint a new member when a member of 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.

56I. Chairman and treasurer of committee.— (*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 3[from the Management Fund constituted under section 56QQ] and in such manner as may be prescribed.

56J. Meeting of and procedure for committee.— 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.

56K. Power of committee to appoint sub-committees.— 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.

56L. Secretary and other officers of committee.— (*1*) The State Government may appoint a Secretary to the Committee.

1 This word was substituted for the word "Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

2 This word was substituted for the word "Bombay" by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

3 This portion was substituted for the words "from such fund" by Mah. 6 of 1964, s. 3.

(*2*)The committee may appoint such officers (other than the Secretary) and servants at 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 salary of over one hundred per mensum shall be appointed by a committee without the previous approval of the State Government.

56M. Terms and conditions of service of Secretary and other servants.— (*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 the committee shall be paid 1[out of the Management Fund].

56N. General duties of committee.— (*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 2[from the Management Fund] ;

(*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, intended 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.

56O. Act of committee not invalid by reason of vacancy or defect.— 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.

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

56Q. Power of Charity Commissioner to require duties of committee to be performed and to direct expenses in respect thereof to be paid from fund of committee, etc.— The Charity

1 These words were substituted for the words "out of such funds as may be prescribed" by Mah. 6 of 1964, s. 4.

2 These words were substituted for the words "from such fund as may be prescribed" by Mah. 6 of 1964, s. 5.

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.

[1][**56QQ. Management Fund.—** (*1*) For each committee there shall be constituted a fund to be called the " Management Fund " which shall vest in, and be under the control of the committee.

(*2*) There shall be placed to the credit of every Management Fund—

(*a*) save as otherwise provided in sub-section (*3*) in respect of Kolhapur, the total balances (whether in cash, securities or in any other form) standing to the credit of any endowment held by the State Government immediately before such endowment or the management thereof is transferred to, and vested in, the members of the committee under section 56D ;

(*b*) a sum not exceeding ten percent, of the gross annual income of each endowment transferred to, or under the management of, the members of the committee as the committee may, with the approval of the State Government fix in this behalf. In fixing such sum regard shall be had to the gross annual income of the endowment, the annual expenditure incurred to give effect to the objects and purposes for which or for the benefit of whom the endowment is founded, created, intended, or is being administered, the liability, if any, to which the endowment is subject, and any other factors which the State Government may either generally or specially specify in the case of any endowment or class of endowments ;

(*c*) the fees charged for inspection of proceedings of the committee, and for copies of records, maintained by the committee ;

(*d*) any other sum which the State Government may by order specify in this behalf.

(*3*) The contributions levied—known as "*Devasthan cess*" or by whatever name called—on *Devasthan* inam lands in the former State of Kolhapur, and collected in the *Devasthan* Fund as provided by the *Sar Subha Vat No.* 20, dated 29th September 1917 and continued to be levied and collected in that fund as aforesaid under the provisions of *Sar Subha Jahirnama* No. 36, dated the 5th November 1932, shall, on the commencement of the Bombay Public Trusts (Amendment) Act, 1963 (Mah. VI of 1964), cease to be levied and collected on the *Devasthan* inam lands aforesaid ; and the total balance (whether in cash, securities or in any other form) to the credit of the said *Devasthan* Fund at such commencement including the sum accumulated out of the income of the endowments in the former State of Kolhapur (such accumulated sum being commonly known as the *Amanat* Fund) shall be placed to the credit of the

Management Fund of such committee or committees in the district of Kolhapur as may be specified by the State Government in this behalf.

(*4*) The Management Fund shall, subject to the provisions of this Act and subject to any general or special order of the State Government, be applied to,—

(*i*) the payment of honorarium, fees and allowances of the chairman, treasurer and other members of the committee ;

(*ii*) the payment of salaries, allowances and other sums payable to the secretary, officers and servants of the committee ;

(*iii*) the payment of any expenses lawfully incurred by the committee in the exercise of its powers and in the performance of its duties and functions as provided by section 56N.

(*5*) The custody and investment of the moneys credited to the Management Fund and the disbursement and payment thereform and the audit of accounts of the Fund shall be regulated in the prescribed manner.]

1 Section 56QQ was inserted by Mah. 6 of 1964, s. 6.

56R. Power to supersede a committee.— (*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 (*1*) 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 notification 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.

1[**56RR. Power of removal of members of committee and appointment of Administrator temporarily.—** (*1*) Notwithstanding anything contained in this Chapter or any other provisions of this Act or in any judgement, decree, order or scheme of any Court, Charity Commissioner or any other authority, where a committee of management has been appointed by the State Government under section 56E in respect of any endowment or endowments, and the State Government is of opinion that for better management and administration of the endowments, the management of the said endowments should be taken over temporarily by the State Government and then should be governed by a scheme or schemes framed by the Charity Commissioner or should be handed over again to the committee as reconstituted, the State Government may, by notification in the *Official Gazette*,—

(*a*) terminate the appointment of all the existing members of the committee (including the Chairman and the Treasurer), even rm of office of five years, on and from

such date as may be specified in the notification, whereupon they shall be deemed to have vacated their office on that date ;

(*b*) appoint a Government officer, from time to time, as the Administrator of the Committee, for such period not exceeding three years as may be specified in the notification, which may be extended by like notification, from time to time, so, however, that the total period shall not exceed five years :

Provided that, if during the said period, the committee is reconstituted, the Administrator shall cease to hold his office from the day the committee is reconstituted or as and when any scheme is framed by the Charity Commissioner in respect of any endowment, the Administrator shall cease to function in respect of that endowment from the day of scheme comes into operation.

(*2*) During the period the Administrator is holding his office, all the powers, duties and functions of the committee and its members and sub-committees (if any), under this Act or any other law for the time being in force, shall be exercised, performed and discharged by the Administrator and he shall be deemed to be the sole trustee in respect of the endowments under his management under section 56D.

1 This section was inserted by Mah. 43 of 1981, s.2.

(*3*) The Administrator may delegate any of his powers, duties and functions to any officer or servant of the committee or, with the previous approval of the State Government, to any other Government officer.

(*4*) The Administrator and any other Government officer to whom he may have delegated any of his powers, duties and functions shall receive such salary and allowances from the Management Fund and be subject to such other conditions of service as the State Government may, by general or special order, determine.]

56S. Power to make regulations.— (*1*) The committee may, with the approval of the State Government make regulation 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.

56T. Non-application of certain provisions of this Act to endowments.— Except so far as is expressly provided in the provisions of this Chapter, nothing in sections 18,19, 20, 21 [1]** * 47, [2]* * * 50, 59, 66 and 67 shall apply to the endowments to which this Chapter applies :

[3][Provided that, the provisions of this Chapter shall cease to apply to any such endowment in respect of which a scheme has been framed under section 50A, and upon framing of such scheme, the other provisions of this Act, except sections 18, 19, 20, and 21 shall apply to such endowment.]

CHAPTER VIII

PUBLIC TRUSTS ADMINISTRATION FUND

57.Public Trusts Administration Fund.— [4][(*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 :—

[5][(*a*) fees leviable under section 18 ;]

(*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

(*f*) any other sum which may be directed to be credited by or under "the provisions of [6][this

Act or the Inter- State Corporation Act, 1957 (Bom. XXVIII of 1957)] [7][or the Bombay Statutory Corporations (Regional Reorganisation) Act, 1960 (Bom. XXI of 1960)]

[8]**58. Contribution by public trusts to Public Trusts Administration Fund.—** (*1*) Subject to the provisions of this section, every public trust shall pay to the Public Trusts Administration Fund

1 These figures and letters "44, 45, 46, 47A, 47B" were deleted by Mah. 20 of 1971, s. 40.

2 These figures and letters "44, 45, 46, 47A, 47B" were deleted by Mah. 20 of 1971, s. 40.

3 This proviso was inserted by Mah. 43 of 1981, s. 3.

4 This sub-section was substituted by Bom. 6 of 1960, s. 30.

5 Clause (*a*) was substituted by Mah. 29 of 1971, s. 41.

6 These words were substituted for the words "the Act" by the Bombay Public Trusts (Corporation) Order, 1959.

7 These words were inserted by Bombay Charity Commissioner (Regional Reorganisation) Order, 1960, Sch.

8 Section 58 was substituted for the original by Mah. 29 of 1962, s. 2.

annually such contribution at a rate or rates not exceeding [1][five per cent, of the gross annual income, or of the gross annual collection or receipt, as the case may be, as may be notified, from time to time, by the State Government, by order published in the *Official Gazette*. The contribution shall be paid on such date and in such manner as may be prescribed.]

[2][The contribution payable] under this section shall—

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

(*ii*) in the case of other public trusts, be fixed at a rate or rates on the gross annual income of such public trust.

[3][*Explanation1*.—For the purposes of this sub-section 'gross, annual collection or receipt' or 'gross annual income' does not include any donations received by any *dharmada* or public trust from another *dharmada* or public trust registered under this Act.]

Explanation[4][*2*].— (*a*) For the purpose of this sub-section 'gross annual income' means gross income from all sources in a year (including all donations and offerings), but does not include any payment made or anything given with a specific direction that it shall form part of the corpus of the public trust, nor include any deductions which the State Government may allow by rules :

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

(*b*) Where a public trust conducts a business or trade as one of its activities for the purpose of assessing the contribution as respects that activity, the net annual profits of such business or trade shall be treated as the gross annual income of the business or trade.

[5][(*2*) The State Government may exempt from payment of contribution public trusts which are exclusively for the purpose of the advancement and [6][propagation of education, or exclusively for the purpose of water conservation, or exclusively for the purpose of development of forest, horticulture or agriculture, or exclusively for the purpose of welfare of the Schedule Castes, Schedule Tribes, Denotified Tribes, Nomadic Tribes or Women,] or exclusively for the purpose of medical relief or veterinary treatment of animals, or exclusively for the purpose of relief of distress caused by scarcity, drought, flood, fire or other natural calamity, and may also exempt from the payment of contribution any donations

forming part of the gross annual income and which are actually spent on the relief of distress caused by scarcity, drought, flood, fire or other natural calamity. If any question is raised whether a trust falls in any exempted class of trusts or whether any donations are donations which qualify for exemption from contribution under this subsection, the decision of the State Government on the question, obtained in the manner prescribed, shall be final.]

(*3*) The State Government may, by order published in the *Official Gazette*, reduce, whether prospectively or retrospectively, the rate or rates at which the contribution fixed under sub-section (*1*)

Section 4 of that Act reads as follows :—

"**4. Retrospective operation and removal of doubts.–** The substitution of section 58 in the principal Act by section 2 of this Act shall be and shall always be deemed to have been made in the principal Act, and provisions of clause (*iii*) of sub-rule (*3*) of rule 32 of the Bombay Public Trusts Rules, 1951, shall be deemed to have been deleted from the date on which those rules came into force; and accordingly, rule 32 of those Rules as amended shall be deemed always to have been validly made and to have full effect, as if it had been duly made under the principal Act as amended by this Act, and anything done or action taken under that rule shall be deemed to have been validly done or taken.".

1 These words were substituted for the words "five per cent, of the gross annual income, or as the case may be, of the gross annual collection or receipt, on such date, and in such manner, as may be prescribed" by Mah. 35 of 1977, s. 5(*1*) (*a*).

2 These words were substituted for the words "The contribution prescribed" by Mah. 35 of 1977, s. 5 (*1*)(*b*).

3 *Explanation1* was inserted and the existing *Explanation* was re-numbered as *Explanation2* by Mah. 20 of 1971, s. 42 (*1*).

4 *Explanation1* was inserted and the existing *Explanation* was re-numbered as *Explanation2* by Mah. 20 of 1971, s. 42 (*1*).

5 Sub-section (*2*) was substituted by Mah. 20 of 1971, s. 42 (*2*).

6 This portion was substituted for the words "propagation of secular education" by Mah. 39 of 1997, s. 2.

is payable by any class of public trusts and may in like manner remit the whole of such contribution or any part thereof, regard being had to the nature of the objects of the class of public trusts, or the smallness of the income thereof.

1[(*4*) In determining the rate or rates of contribution to be notified under sub-section (*1*), the State Government shall take into consideration the balance available in the Public Trusts Administration Fund and the estimated income and expenditure (including any capital expenditure) of the Charity Organisation and ensure that the levy has reasonable corelation with the services rendered or to be rendered or any expenditure incurred or to be incurred for carrying out the purposes of this Act. For this purpose, the rates of contribution may be increased or decreased, or reductions or remissions may be granted, from time to time, prospectively or retrospectively, by the State Government, by an order or orders made as provided in this section and published in the *Official Gazette.*]

2[(*5*) Notwithstanding anything contained in the foregoing provisions in this section, on and after the commencement of the Bombay Public Trusts (Amendment) Act, 1983 (Mah. XXIX of 1983), every trustee of a public trust liable to pay contribution shall, while filing a copy of the balance sheet and income and expenditure account under sub-section (*1A*) of section 34, pay in advance the whole amount of the annual contribution of the public trust computed at the rate fixed under sub-section (*1*) of this section, according to specified percentage of the gross annual income, or of the gross annual collection or receipt, as the case may be, as shown in the balance sheet and income and expenditure account, in such manner, and subject to such adjustments to be made after the contribution payable is assessed, as may be prescribed.]

59. Penalties as recovery of contribution.— (*1*) If the trustee of a public trust (other than the Charity Commissioner) 3[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 money belonging to the public trust are deposited to pay the contribution from 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 belonging 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 to the State Government, and the State Government may after making such inquiry as it thinks fit, confirm, modify or cancel such order.

60. Application of Public Trusts Administration Fund.— (*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.

61. State Government to direct crediting of funds constituted under any Act in Schedule to Public Trusts Administration Fund constituted under this Chapter.— 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 [4][Schedule A] [5][or Schedule AA], [6][the State Government may direct that the Charity

1 Sub section (*4*) was added by Mah. 35 of 1977, s. 5 (*2*).

2 Sub-section (5) was added by Mah. 29 of 1983, s. 4.

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

4 This word and letter were substituted for the word "Schedule" by Bom. 14 of 1951, s. 17.

5 These words and letters were inserted by Bom. 6 of 1960, s. 31 (*a*).

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

Commissioner shall recover any arrears due under any such Act and] that the amount of any fund or for the administration of public trusts constituted under the said Act for the region or sub-region in which such public trust or class of public trust was registered or any portion thereof [1][including the arrears recovered by the Charity Commissioner] shall be credited to the Public Trusts Administration Fund constituted under this Chapter.

[*CHAPTER IX—ASSESSORS.*] *Deleted by Mah. 22 of 1967, s. 5.*

CHAPTER X

OFFENCES AND PENALTIES

[2]**[66.Penalty.—** Whoever contravenes any provision of any of the sections mentioned in the first column of the following table shall, on conviction, for each such offence, be punished with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

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 which	Subject	Fine may be imposed
(1)	(2)	(3)
		Rs.
Section 18, sub-sections	Duty of trustee to make an application to Deputy or Assistant Charity	10,000

(*1*) and (*4*). Commissioner for registration of public trust within time.

Section 18, sub-section Duty of trustee to send memoranda of movable property to certain
10,000
(*7*) officers and authorities within time.

Section 22 Failure to report a change.
10,000

Section 22B Failure to make an application within the time provided for.
10,000

Section 22C Failure to send memoranda within the time provided for.
10,000

Section 29 Duty of an executor to apply for the registration of a public trust
10,000
within the time provided for.

Section 32 Duty to keep regular accounts.
10,000

Section 35 Failure or omission to invest money in public securities.
10,000

Section 59 Failure to pay contribution under section 58 by a trustee (other than
10,000
the Charity Commissioner) or by a person charging or collection
dharmada.

66A. Punishment for contravention of provisions of section 36.— Whoever alienates or attempts to alienate any immovable property of the trust without the previous sanction of the Charity Commissioner in contravention of the provision of section 36 shall, on conviction, be punished with simple imprisonment, which may extend to six months or with fine, which may extend to rupees twenty-five thousand, or with both.

66B. Punishment for contravention of provisions of section 41AA.— Whoever fails without reasonable cause to comply with any directions issued under section 41AA shall, on conviction, be

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

2 These sections were substituted for section 66 by Mah. 20 of 2009, s. 2.

punished with simple imprisonment, which may extend to three months or with fine which may extend to rupees twenty thousand, or with both.]

1[**66C. Punishment for contravention of section 41C.—** Whoever contravenes the provisions of section 41C shall, on conviction, be punished with simple imprisonment for a term which may extend to three months or with fine, which may extend to one and half times the amount or contribution collected without seeking prior permission under sub-section (*1*) of section 41C or intimation under the proviso to sub-section (*1*) of section 41C, as the case may be, or with both.].

67. Other offences.— Whoever contravenes any of the provisions of this Act or the rules for which no specific penalty has been provided by this Act 2[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 3[Rs. 10,000].

4[**67A. Compounding of offence.—** (*1*) The officer not below the rank of Assistant Charity Commissioner under whose direction the complaint has been lodged may, either before or after the institution of proceedings for any offence punishable under this Act, on receipt of composition amount, which he deems fit, having regard to the nature of the default, past and present conduct of the accused and other relevant factors, may authorise co

Provided that, the composition amount shall not exceed one-fourth of the maximum amount of fine provided under the respective sections.

(*2*) The amount of composition of offences so recovered shall be credited to the Public Trust Administration Fund.]

CHAPTER XI

FUNCTIONS OF CHARITY COMMISSIONER,PROCEDURE,

JURISDICTION AND APPEALS

68.Duties, functions and powers of Deputy or Assistant Charity Commissioner.— 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 maintain 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 [5][or the cancellation of the entries] under section 22 ;

[6][(*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;

1 This section was inserted by Mah. 36 of 2018, s. 4.

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

3 These letters and figures were substituted for the letters and figures “Rs. 1,000” by Mah. 20 of 2009, s. 3.

4 Section 67A was inserted, by Mah. 20 of 2009, s. 4.

5 These words were inserted by Mah. 39 of 1965, s. 3.

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

[1][(*e-1*) to encourage and facilitate the better administration of public trust to make them litigation free ;

(*e-2*) to accept resignation of a trustee who has submitted it to the trust and not reported by the other trustees and treat it as a report under section 22 and decide the same after making the necessary enquiry therefor ;

(*e-3*) to frame or modify schemes under section 50A ;

(*e-4*) to pass appropriate order and make a report under section 55].

[2]* * * * *

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

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

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

[3][(*b*) power to entertain and dispose of appeals from the findings of a Deputy or Assistant Charity Commissioner under section 20, 22 or 28 and order under sections 50A and 79] ;

(*c*) power to determine which of the Deputy or Assistant Charity Commissioners shall proceed with an inquiry relating to the registratio ection 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, account 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 ;

(*j*) [4][power of the Charity Commissioner, [5]* * * to act] as the Treasurer of Charitable Endowments under the Charitable Endowments Act, 1880 (VI of 1880), under section 43 ;

(*k*) power to act as trustee of a public trust;

(*l*) power to file suit under section 50 ;

[6]* *

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

[7](*n*) power to give notice to trustees for the *cypres* application of the trust, money and to pass appropriate orders for the same] ;

1 Clauses (*e-1*), (*e-2*), (*e-3*), (*e-4*) were inserted by Mah. 55 of 2017, s. 19.

2 Clause (*f*) was deleted by Mah. 22 of 1967, s. 7.

3 Clause (*b*) was substituted by Mah. 55 of 2017, s. 20(*a*).

4 These words were substituted for the words "power to act" by the Bombay Charity Commissioner (Regional Reorganisation) Order, 1960, Sch.

5 The word "Bombay" was omitted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960. 6 Clause (*ll*) was deleted by Mah. 55 of 2017, s. 20(*b*).

7 This clause substituted by Mah. 55 of 2017, s. 20(*c*).

[1]* * * * * *

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

70. Appeals from findings of Deputy or Assistant Charity Commissioner.— (*1*) An appeal [2][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 [3][and order, if any,] under section 20 ;

(*b*) the finding under section 22;

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

(*c*) the finding under section 28 ;

[5][(*c-1*) the order under section 41C;]

[6][(*c-2*) the order under section 50A;]

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

[7][(*d-1*) an order under sub-section (*1*) of section 79;]

[8][(e) an order confirming or amending the record under section 79AA.]

(*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 or the order appealed against or he may direc harity Commissioner to make further

inquiry or to take such additional evidence as he may think necessary or he may himself take such additional evidence.

[9][**70A. Charity Commissioner to call for and examine records and proceeding before Deputy or Assistant Charity Commissioner.—** (*1*) The Charity Commissioner may in any of the cases mentioned in section 70, [10][either *suo motu* or on application] 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 orders without giving the party affected thereby an opportunity of being heard.

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

1 Clause (*o*) was deleted by Mah. 22 of 1967, s. 8.
2 These words were substituted for the words "against the finding" by Bom. 28 of 1953, s. 15 (*i*).
3 These words were inserted, by Bom. 28 of 1953, s. 15 (*ii*).
4 This clause was inserted by Bom. 59 of 1954, s. 7.
5 This clause was inserted by Mah. 36 of 2018, s. 5.
6 This clause was inserted by Mah. 55 of 2017, s. 21(*a*).
7 This clause was inserted by Mah. 55 of 2017, s. 21(*d*).
8 This Clause (*e*) was added by Mah. 20 of 1971, s. 44.
9 Section 70A was inserted by Bom. 59 of 1954, s. 8.
10 These words were inserted by Mah. 20 of 1971, s. 45.

(*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

[1][(*b*) in which an order has been passed in an appeal made under section 70.]

[2]* *

[3]* *

73. Officers holding inquiries to have powers of civil court.— 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 (V of 1908) in trying a suit—

(*a*) proof of facts by affidavits,

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

[4][(*c*) ordering discovery and inspection, and compelling the production of documents,]

(*d*) issuing of commissions :

[5][Provided that, while holding enquiry under section 22 of the Act, the Assistant or Deputy Charity Commissioner shall record the evidence in the form of affidavits only subject to the cross-examinations of the deponent, if permitted by him in appropriate case].

[6][**73A. Power of inquiry officer to join persons as party to proceedings.—** In any proceedings under this Act, any person having interest in the public trust may be joined as a party to such proceedings on an application made by such person on such terms and conditions as the officer holding the inquiry may order.]

74. Inquiries to be judicial inquiries.— 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 1860).

[7][**74A. Charity Commissioner, Joint Charity Commissioner, Deputy or Assistant Charity Commissioner, etc., to be civil court** **346 the code Criminal Procedure,**

1973.— When the State Government so directs, the Charity Commissioner, Joint Charity Commissioner or Director of Accounts or any Deputy or Assistant Charity Commissioner shall be deemed to be a civil court within the meaning of sections 345 and 346 of the Code of Criminal Procedure, 1973 (2 of 1974).]

75. Limitation.— In computing the period of appeal under this Chapter, the provisions of sections 4, 5,12 and 14 of the Indian Limitation Act, 1908 (IX of 1908), shall apply to the filing of such appeals.

76. Civil Procedure Code to apply to proceedings [8][before Court] under this Act.— Save in so far as they may be inconsistent with anything contained in this Act, the provisions of the Code of Civil Procedure, 1908 (V of 1908), shall apply to all proceedings before the court under this Act.

[9][**77. Recovery of sums under the Act and rules.—** All sums payable under the provision of this Act or rules, if not paid shall notwithstanding anything contained in any law be recoverable as an arrear of land revenue.]

1 Clause (*b*) was substituted by Mah. 55 of 2017, s. 22.
2 Section 71 was deleted by Mah. 55 of 2017, s. 23.
3 Section 72 was deleted by Mah. 55 of 2017, s. 24.
4 Clause (*c*) was substituted by Mah. 20 of 1971, s. 47.
5 This proviso was added by Mah. 55 of 2017, s. 25.
6 Section 73A was inserted by Mah. 20 of 1971, s. 48.
7 Section 74A was substituted by Mah. 55 of 2017, s. 26.
8 These words were inserted by Bom. 6 of 1960, s. 38.
9 Section 77 was substituted by Mah. 55 of 2017, s. 27.

CHAPTER XII

MISCELLANEOUS

78.Charity Commissioner and other officers [1]* to be public servants.—** The Charity Commissioner, Deputy and Assistant Charity Commissioners, [2][the Director and Assistant Director of Accounts,] Inspectors and other subordinate officers [3]* * * appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

[4][**79. Decision of property as public trust property.—** (*1*) Any question, 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 as provided by this Act.

(*2*) An appeal shall lie against such decision of the Assistant or Deputy Charity Commissioner to the Charity Commissioner under section 70.]

[5][**79AA. Power to finalise reconstructed record.—** (*1*) Whenever any record kept in any Public Trust Registration Office is damaged or destroyed due to any cause whatsoever and is reconstructed, the Assistant or Deputy Charity Commissioner may by notice in the prescribed form published in the *Official Gazette*, and also in any newspapers with wide circulation in the region concerned, announce the fact of the reconstruction of the record, and call upon all persons having interest in the public trusts which are entered in such reconstructed record to show cause in writing within a period of thirty days from the publication of the notice in the *Official Gazette*, why such record should not be treated as final and conclusive. A copy of such notice may be sent also to the trustees of such public trusts.

(*2*) On the expiry of the period of thirty days aforesaid, the Assistant or Deputy Charity Commissioner shall, after hearing the trustees and persons having interest, if any, and after duly considering the objections and documents produced, if any, and if necessary, after making an inquiry, record his findings with the reasons therefor, and either confirm or amend the record including any entries therein accordingly. The record so confirmed or amended shall, subject to the provisions of this Act, be final and conclusive, as if such record was made or maintained under this Act.]

[6][**79A. Recovery of costs and expenses incurred on legal proceedings by Charity Commissioner, etc.—**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 proceedings 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.

79B. Costs of proceedings before Courts including High Court.— 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 direction 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.

79C. Costs of proceedings before Charity Commissioner, etc.— 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

1 These words "and Assessors" were deleted by Mah. 22 of 1967, s. 9.

2 These words were inserted by Mah. 20 of 1971, s. 51.

3 These words "and Assessors" were deleted by Mah. 22 of 1967, s. 9.

4 Section 79 was substituted by Mah. 55 of 2017, s. 28.

5 Section 79AA was inserted by Mah. 20 of 1971, s. 52.

6 Sections 79A to 79D were inserted by Bom. 14 of 1951, s. 22.

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.

1[**79CC. Compensatory costs for frivolous or vexatious proceedings before Charity Commissioner, etc.—** (*1*) 2[If in an inquiry under the provisions of this Act, the Charity Commissioner or the Deputy or Assistant Charity Commissioner is of opinion that the application on which such inquiry was commenced was either frivolous or vexatious, the Charity Commissioner, the Deputy or as the case may be, Assistant Charity Commissioner], 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 aforesaid.

(*2*) If the Deputy or Assistant Charity Commissioner or the Charity Commissioner, 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 3[five hundred rupees] as he may determine be paid by the applicant to the opponent.

4[(*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 whose decision shall be final and the provisions of section 70 shall apply to such appeal.]

79D. Court fee to be paid as prescribed by Schedule 'B'.— Notwithstanding anything contained in the Court-fees Act, 1870 (VII of 1870), the documents described in columns 1 and 2 of Schedule B hereto shall bear a Court-fee stamp of the value specified in column 3 thereof.]

80. Bar of Jurisdiction.— 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, 5[and in respect of] which the decision or order of such officer or authority has been made final and conclusive.

81. Indemnity from suits and proceedings.— 6** No suit, prosecution or other proceeding shall be instituted against the State Government or any officer or authority 7[or representative of the Charity Commissioner] in respect of anything in good faith done or purporting to be done under this Act.

8* * * * * * *

9[**82. Trial of offences under this Act.—** No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the First Class shall try an offence punishable under this Act.]

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

84. Rules.— (*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;

1 Section 79CC was inserted by Bom. 28 of 1953, s. 17.

2 This portion was substituted for the portion beginning with the words "If in an inquiry", and ending with the words "as the case may be" by Mah. 20 of 1971, s. 53(*1*).

3 These words were substituted for the words "two hundred and fifty rupees", by Mah. 20 of 1971, s. 53 (*2*).

4 Sub-section (*3*) was substituted by Mah. 55 of 2017, s. 29.

5 These words were substituted for the words "or in respect of" by Mah. 20 of 1971, s. 54.

6 The brackets and figures "(*1*)" were deleted, by Mah. 20 of 1971, s. 55 (*1*).

7 These words were inserted by Mah. 8 of 1985, s. 5.

8 Sub-section (*2*) was deleted by Mah. 20 of 1971, s. 55 (*2*).

9 Section 82 was substituted by Mah. 55 of 2017, s. 30.

1[(*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 Public Trusts 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 2[trustee] has to make a report regarding the change 3[under sub-section (*1*), and the manner of holding inquiry under sub-section (*2*) of section 22];

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

4[(*j*) the form of memorandum to be sent by trustees and Deputy and Assistant Charity Commissioners for registration 5[and the manner in which the memorandum shall be signed and verified ;]

6[(*j-1*) the inquiry to be made under sub-section (*1*) of section 28;

(*j-2*) the amount of annual income of a public trust exceeding which it is liable to prepare and submit budget, and the form or forms of such budget, under sub-section (*1*) of section 31-A ;]

(*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 ;

7[(*k-1*) the manner of payment of expenses under sub-section (*5*) of section 41-B ;]

8* * * * *

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

(*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

[10]* * * * *

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

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

3 These words, brackets and figures were substituted for the words and figures "under section 22" by Mah. 20 of 1971, s. 56 (*1*).

4 Clause (*j*) was inserted by Bom. 23 of 1955, s. 9.

5 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*).

6 Clauses (*j-1*) and (*j-2*) were inserted by Mah. 20 of 1971, s. 56(*2*).

7 Clause (*k-1*) was inserted by Mah. 20 of 1971, s. 56(*3*).

8 Clauses (*l-1*) and (*m*) were deleted, by Mah. 20 of 1971, s. 56(*4*).

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

10 This clause (*o*) was deleted by Mah. 55 of 2017, s. 31(*a*).

[1][(*o-1*) the conditions and restrictions subject to which the committee shall deal with property under sub-section (*2*) of section 56-E ;

(*o-2*) the honorarium or fees and allowances to be paid to chairman, treasurer and members of a committee under sub-section (*2*) of section 56-I [2][and the manner in which] such honorarium, or fees and allowances shall be paid ;

(*o-3*) the interval at which a committee shall meet and the procedure it shall follow under section 56-J;

(*o-4*) the terms and conditions as to service on which secretaries and officers of a committee are appointed under section 56-M [3]* * * *;

[4][(o-5) the manner in which the custody and investment of, and the disbursement and payment from the Management Fund and the audit of accounts of the Fund shall be regulated under section 56-QQ ;]

(*p*) the date on which and the manner in which [5][every public trust shall pay the annual contribution under section 58] [6][and the deductions to be allowed under the explanation to sub-section (*1*) and the manner of obtaining the decision of the State Government on whether or not a trust falls in any of the exempted class of public trusts under sub-section (*2*) of that section] and the manner in which the custody and investment of and the disbursement and payment from, such fund shall be made under section 60 ;

[7]* * * * * * *

* * * * * * *

(*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 ;

[8]* * * * * * *

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

[9][(*v-1*) the form of notice in respect of reconstructed record under sub-section (*1*) of section 79-AA ;]

(*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.

[10][(*4*) Every rule made under this section shall be laid, as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is

so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made and notify such decision in the *Official Gazette*, the rule shall from the date of such notification have effect only in such modified form or be

1 These clauses were inserted, by Bom. 6 of 1960, s. 39(*d*).

2 These words were substituted for the words "and the fund out of which" by Mah. 6 of 1964, s. 7(*a*).

3 The words "and the fund out of which their salary and allowances shall be paid" were deleted, by Mah. 6 of 1964, s. 7(*b*).

4 Clause (*o-5*) was inserted by Mah. 6 of 1964 s. 7(*c*).

5 These words were substituted for the words "and the amount of contribution which every public trust shall pay annually under section 58" by Mah. 35 of 1977, s. 6.

6 This portion was inserted by Mah. 29 of 1962, s. 3 (*a*).

7 Clauses (*q*) and (*r*) were deleted by Mah. 22 of 1967, s. 10.

8 Clause (*u*) was deleted by Mah. 55 of 2017, s. 31(*b*).

9 Clause (*v-1*) was inserted by Mah. 20 of 1971, s. 56(*5*).

10 Sub-section (*4*) was added by Mah. 29 of 1962, s. 3(6).

of no effect, as the case may be ; so however, that any such modification or amendment shall be without prejudice to the validity or anything previously done or omitted to be done under that rule.]

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

(*2*) 1[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 2[(hereafter in this section referred to as the said date)] the provisions of the Act specified in 3[Schedule A] which apply to such trust or class of trusts shall cease to apply to such trust or class of trusts.

(*3*) 4[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 5[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 6[the said date].

7[(*4*) Notwithstanding anything contained in sub-section (*5*) all proceedings pending before any authority under the Mussalman Wakf Act, 1923 (XLII of 1923), (as amended by the Mussalman Wakf (Bombay Amendment) Act, 1935 (Bom. XVIII of 1935), the Bombay Public Trusts Registration Act, 1935 (Bom. XXV of 1935), or the Parsi Public Trusts Registration Act, 1936 (Bom. XXIII of 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 (XLII of 1923) (as amended by the Mussalman Wakf (Bombay Amendment) Act, 1935 (Bom. XVIII of 1935), and by the Registrars under the Bombay Public Trusts Registration Act, 1935 (Bom. XXV of 1935), and the Parsi Public Trusts Registration Act, 1936 (Bom. XXIII of 1936), and shall pass such orders as may be just or proper.

(*5*) All records maintained by the authority or Court under any of the Acts 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.]

8[**86. Further repeals and savings consequent on commencement of Bom. XXIX of 1950 in other areas of State.—** (*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 (Bom. VI of 1960) —

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

(*ii*) the Madhya Pradesh Dharmadaya Funds Act, 1951 (M.P. Act XVIII of 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.

1 These words were substituted for the words "On the application" by Bom. 28 of 1953, s. 18 (*1*)(*a*).
2 These brackets and words were inserted, by Bom. 28 of 1953, s. 18 (*1*)(*b*).
3 The words and letter were substituted for the words "the Schedule" by Bom. 14 of 1951, s. 17.
4 These words were substituted for the words "Such repeal" by Bom. 28 of 1953, s. 18 (*2*) (*a*).
5 These words were substituted for the words "the date of the application of this Act," by Bom. 28 of 1953, s. 18(*2*)(*b*).
6 These words were substituted for the words "the date of the application of this Act," by Bom. 28 of 1953, s. 18(*2*)(*b*).
7 Sub-sections (*4*) and (*5*) were added by Bom. 28 of 1953, s. 18 (*3*).
8 These sections were added by Bom. 6 of 1960, s. 40.

(*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 liablity 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 (M. P. Act XVIII of 1951) shall abate on the repeal of that Act under sub-section (*1*).

(*4*) Notwithstanding anything contained in sub-section (*3*) all proceedings pending immediately before the said date before any authority (other than a court) under any enactment specified in Schedule AA shall be continued and disposed of [1][by such authority] under that enactment as if the Bombay Public Trusts (Unification and Amendment) Act, 1959 (Bom.VI of 1960), had not been passed.

(*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 recoverable under the provisions of this Act.

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

87. Act not to apply to certain wakf to which Act XXIX of 1954 applies or to Gurudwara governed by Hyderabad Act XXXVII of 1956.— 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 (XXIX of 1954), have continued to apply ; or

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

88. Provision for removal of difficulties.— 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.]

1 These words were inserted by Mah. 20 of 1971, s. 57.

[1][SCHEDULE A]

(*S*ee sections 28, 61 [2]and 85)

1. The Charitable and Religious Trusts Act, 1920 (XIV of 1920).
2. The MussalmanWakf 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 Parsee Public Trusts Registration Act, 1936 (Bom. XXIII of 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. 1 of 1948.

[3][SCHEDULE AA

1. The Charitable and Religious Trusts Act, 1920 (XIV OF 1920), in its application to the areas of

the State other than the area comprised in the pre-Reorganisation State of Bombay.

2. The Savantwadi Devasthan Act, 1932.
3. The (Hyderabad) Endowment Regulation, 1349, Fasli.
4. The Madhya Pradesh Public Trusts Act, 1951(M. P. Act XXX of 1951).]

[4][SCHEDULE-B

(*S*ee section 79D)

Section	Description of Documents	Value
(*1*)	(*2*)	(*3*)
18(*1*)	Application for the registration of a public trust.	Rs. 100
22(*1*)	Report of any change or proposed change in any of the entries recorded in the register kept under section 17.	Rs. 100
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 Commissioner Shall proceed with an inquiry under section 19 or 22 in regard to any public trust.	Rs.100
29	Application by the executor of a Will for the registration of a public trust created by such Will.	Rs. 100
35	Application for permission of Charity Commissioner for investing trust money in any other manner—	
	(*a*) where the amount to be invested does not exceed Rs. 5,000 ;	Rs. 50
	(*b*) where the amount to be invested exceeds Rs. 500 but does not exceed Rs.15,000 ;	Rs. 100

1 This word and letter were substituted 14 of 1951, s. 23.

2 The comma and figures, “64” were deleted by Bom. 21 of 1954, s. 3, Second Schedule.

3 This Schedule was inserted by Bom. 6 of 1960, s. 41.

4 This Schedule was substituted by Mah. 49 of 2005, s. 4.

[SCHEDULE-B

(*S*ee section 79D)

Section	Description of Documents	Value
(*1*)	(*2*)	(*3*)
	(*c*) in any other case where the amount to be invested exceeds Rs. 15,000.	Rs. 150
36(*1*)	Application for sanction of the Charity Commissioner for—	
	(*a*) sale, exchange or gift of an immovable property—	
	(*i*) where the value of the property involved does not exceed Rs. 5,000 ;	Rs. 50
	(*ii*) where the value of the property involved exceeds Rs. 5,000 but does not exceed Rs. 15,000;	Rs. 100
	(*iii*) in any other case where the value of the property involved exceeds Rs. 15,000.	Rs. 250
	(*b*) Lease of immovable property—	
	(*i*) where the average annual rent recovered does not exceed Rs. 500 ;	Rs. 25
	(*ii*) where the average annual rent recovered exceeds Rs. 500 but does not exceed Rs. 1,000 ;	Rs. 50
	(*iii*) in any other case where the average annual rent recovered exceeds Rs. 1,000	Rs. 100
	(*c*) Authorising trustees to dispose of immovable property—	
	(*i*) where the value of the property involved does not exceed Rs. 5,000 ;	Rs. 25
	(*ii*) where the value of the property involved exceeds Rs. 5,000 but does not exceed Rs. 15,000 ;	Rs. 100
	(*iii*) in any other case where the value of the property involved exceeds Rs. 15,000.	Rs. 150
36(*2*)	Application for revocation of sanction given by the Charity Commissioner under clause (*a*) or (*b*) of sub-section (*1*) of section 36.	Rs. 100
36A(*3*)	Application by a trustee to borrow money—	
	(*i*) where the amount to be borrowed does not exceed Rs. 5,000;	Rs. 25
	(*ii*) where the amount to be borrowed exceeds Rs. 5,00 but does not exceed Rs. 15000 ;	Rs. 100

	(*iii*) in any other case where the amount to be borrowed exceeds Rs. 15,000.	Rs. 150
41B(*1*)	Application containing a complaint by a person having interest in a public trust to institute an inquiry	Rs. 100
41D(*1*)	Application for removal or dismissal of a trustee.	Rs. 100
41E(*1*)	Application for temporary injunction for the purposes specified in section 41E (*1*).	Rs. 100
47(*1*)	Application under sub-section (*1*) of section 47.	Rs. 100
47(*5*)	Appeal to the High Court.	Rs. 100
50A	Application to the [1][Assistant or Deputy Charity Commissioner] for framing or modifying a scheme.	Rs. 100

1 These words were substituted for the words "Charity Commissioner" by Mah. 55 of 2017, s. 32(*a*).

[SCHEDULE-B

(*S*ee section 79D)

Section	Description of Documents	Value
(*1*)	(*2*)	(*3*)
51(*1*)	Application to the Charity Commissioner for consent to file a suit of the nature specified in section 50.	Rs. 100
[1][51(*2*)	Appeal to the Court against the decision of the Charity Commissioner.	Rs. 100]
55	Application to the [2][Assistant or Deputy Charity commissioner] for directions.	Rs. 100
	[3]* *	
59(*3*)	Appeal to the State Government against the order of the 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. 100
70(*1*)	Appeal to the Charity Commissioner against the finding of Deputy or Assistant Charity Commissioner under section 20, 22 or 28 [4][or order under section 50A, sub-section (*3*) of section 54 and sub-section (*1*) of section 79].	Rs. 100
70A	Application under section 70A.	
[5]*	*	
[6]*	*	
[7]*	*	
73A	Application by a person having interest in a public trust for joining as a party to proceedings under this Act.	Rs. 10
	Mukhtaranama or *Vakalatnama* when presented for the conduct of any inquiry, appeal or other proceeding to the Charity Commissioner or the Deputy or Assistant Charity Commissioner.	Rs. 10
	Application to the Charity Commissioner or the Deputy or Assistant Charity Commissioner for copies under the Act.	Rs. 5
	Any other application or petition presented to the Charity Commissioner or the Deputy or Assistant Charity Commissioner.	Rs. 10]

1 This entry was inserted by Mah. 55 of 2017, s. 32(*b*).

2 These words were substituted for the words “Court” by Mah. 55 of 2017, s 32(*c*).

3 This entry was deleted by Mah. 55 of 2017, s. 32(*d*).

4 These words, brackets and figures were substituted for the words, brackets and figures “or order under sub-section (*3*) of section 54” by Mah. 55 of 2017, s. 32(*e*).

5 This entry was deleted by Mah. 55 of 2017, s. 32(*f*).

6 This entry was deleted by Mah. 55 of 2017, s. 32(*g*).

7 This entry was deleted by Mah. 55 of 2017, s. 32(*h*).