



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष २, अंक (२०)]

गुरुवार, मार्च ३१, २०१६/चैत्र ११, शके १९३८

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असाधारण क्रमांक २७

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Public Trusts (Amendment) Act, 2016 (Mah. Act No. IX of 2016), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

PRAKASH H. MALI,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. IX OF 2016.

(First published, after having received the assent of the Governor in the "*Maharashtra Government Gazette*". on the 31st March 2016.)

An Act further to amend the Maharashtra Public Trusts Act.

WHEREAS the Maharashtra Public Trusts (Amendment) Bill, 2015 was introduced in the Maharashtra Legislative Assembly as L.A. Bill No. LIX of 2015 on the 8th December 2015 in the winter session of the Maharashtra State Legislature ;

AND WHEREAS the said Bill could not be passed by both Houses of the State Legislature, as the said session of the State Legislature was prorogued on the 23rd December 2015 ;

AND WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Public Trusts Act, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra Public Trusts (Amendment) Ordinance, 2016, on the 23rd February 2016 ;

XXIX of
1950.
Mah.
Ord. IV
of 2016.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Sixty-seventh Year of the Republic of India as follows :—

Short title
and commen-
cement.

1. (1) This Act may be called the Maharashtra Public Trusts (Amendment) Act, 2016.

(2) It shall be deemed to have come into force on the 23rd February 2016.

Amendment
of section 22
of XXIX of
1950.

2. In section 22 of the Maharashtra Public Trusts Act (hereinafter referred to as “the principal Act”), after sub-section (3), the following sub-sections shall be inserted, namely :—

XXIX of
1950.

“ (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 revocable, is expressly revoked ; 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.”.

Amendment
of section
36A of XXIX
of 1950.

3. In section 36A of the principal Act, to sub-section (3), the following proviso shall be added, namely :—

“ 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.”.

Mah.
Ord. IV
of 2016.

4. (1) The Maharashtra Public Trusts (Amendment) Ordinance, 2016, is hereby repealed.

Repeal of
Mah. Ord. IV
of 2016 and
saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of the principal Act, as amended by this Act.