



# महाराष्ट्र शासन राजपत्र

## असाधारण भाग आठ

वर्ष ३, अंक ७४]

मंगळवार, ऑक्टोबर १०, २०१७/आश्विन १८, शके १९३९

[पृष्ठे ३, किंमत : रुपये २७.००

असाधारण क्रमांक १५०

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) (Mah. Ord. XXII of 2017), is hereby published under the authority of the Governor.

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

R. G. BHAGWAT,

I/c Secretary (Legislation) to Government,  
Law and Judiciary Department.

[Translation in English of the Maharashtra Public Trusts (Amendment) (Mah. Ord. XXII of 2017), published under the authority of the Governor].

### LAW AND JUDICIARY DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,  
Mumbai 400 032, dated the 10th October 2017.

### MAHARASHTRA ORDINANCE No. XXII OF 2017.

#### AN ORDINANCE

*further to amend the Maharashtra Public Trusts Act.*

WHEREAS both Houses of the State Legislature are not in session ;

XXIX of 1950. AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Public Trusts Act, for the purpose hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

1. (1) This Ordinance may be called the Maharashtra Public Trusts (Amendment) Ordinance, 2017.

Short title and commencement.

(2) It shall come into force at once.

(१)

Amendment of section 36 of XXIX of 1950. 2. In section 36 of the Maharashtra Public Trusts Act, in sub-section (5),— XXIX of 1950.

(a) for the words “ transfer of the trust property by the trustees ” the words, brackets and figures “ transfer of the trust property, effected by the trustees prior to the date of commencement of the Maharashtra Public Trusts (Second Amendment) Act, 2017 ” shall be substituted ; Mah. LV of 2017.

(b) the following *Explanation* shall be added, namely :—

“ *Explanation.*—For the purposes of sub-section (5), the term “the Charity Commissioner” shall mean only the Charity Commissioner appointed under section 3.”.

STATEMENT.

Sub-section (5) of section 36 of the Maharashtra Public Trusts Act (XXIX of 1950), deals with the power of the Charity Commissioner to grant the *ex-post facto* sanction to the transfer of the trust property by the trustees only in the case mentioned therein. Sub-section (5) of the said section 36 is added by the Maharashtra Public Trusts (Second Amendment) Act, 2017 (Mah. LV of 2017). In pursuance of the discussion of the L. A. Bill No. LIX of 2017 (regarding the said Maharashtra Act No. LV of 2017), during its passage in the State Legislature, it is considered expedient to provide that the power of the Charity Commissioner to grant *ex-post facto* sanction shall be circumscribed to the transactions of transfer of trust property effected prior to the date of commencement of the said sub-section (5). It is, therefore, considered expedient to amend the said sub-section (5), suitably.

For effective implementation of provisions of the said sub-section (5), it is also considered expedient to provide that such power of *ex-post facto* sanction shall be exercised only by the Charity Commissioner appointed under section 3 of the said Act.

2. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Public Trusts Act (XXIX of 1950), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,  
Dated the 7th October 2017.

CH. VIDYASAGAR RAO,  
Governor of Maharashtra.

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

N. J. JAMADAR,  
Principal Secretary to Government  
and R.L.A.