



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष १०, अंक २०]

गुरुवार, जुलै १८, २०२४/आषाढ २७, शके १९४६

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असाधारण क्रमांक ५५

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) Bill, 2024 (L.C. Bill No. IV of 2024), introduced in the Maharashtra Legislative Council on the 11th July 2024, is hereby published under the authority of the Governor.

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

SATISH WAGHOLE,
Secretary (Legislation) to Government,
Law and Judiciary Department.

L. C. BILL No. IV OF 2024.

A BILL

further to amend the Maharashtra Public Trusts Act.

XXIX of 1950. WHEREAS it is expedient further to amend the Maharashtra Public Trusts Act, for the purposes hereinafter appearing; it is hereby enacted in the Seventy-fifth Year of the Republic of India, as follows :—

1. This Act may be called the Maharashtra Public Trusts (Amendment) Short title. Act, 2024.

Amendment of section 2 of XXIX of 1950.

2. In section 2 of the Maharashtra Public Trusts Act (hereinafter referred to as “the principal Act”), after clause (5A), the following clause shall be inserted, namely :—

XXIX of 1950.

“(5B) “electronic form”, “electronic record” and “electronic signature” shall have the same meanings, respectively, assigned to them in the Information Technology Act, 2000;”.

21 of 2000.

Amendment of section 4 of XXIX of 1950.

3. In section 4 of the principal Act, in clause (a),—

(1) for the words “District Judge or a Judge of the Bombay City Civil Court,” the words “Principal District Judge or a Principal Judge of the Bombay City Civil Court,” shall be substituted ;

(2) in the proviso, for the words “Assistant Judge” the words “District Judge or a Judge of the Bombay City Civil Court” shall be substituted.

Amendment of section 5 of XXIX of 1950.

4. In section 5 of the principal Act, in sub-section (2A),—

(1) for clause (b), the following clause shall be substituted, namely :—

“(b) (i) who has practiced as an Advocate in the High Court or Courts subordinate thereto for not less than three years ; or

(ii) who is working or has worked as a Public Prosecutor or a Government Advocate for not less than three years :

Provided that, for computing the period of three years, the period during which the candidate has worked as an Advocate shall also be included ; or

(iii) who is working on a post not below the rank of Assistant (Legal) in the Law and Judiciary Department, Government of Maharashtra, for not less than three years ; or

(iv) who is a fresh Law Graduate and who,—

(a) has secured a degree in law in the first attempt ; and

(b) has secured not less than fifty-five per cent. of marks in the final year examination of Bachelor’s Degree or Master’s Degree in Law from any University established by Law or any other University recognised by the State Government in this behalf ; or

(v) who is working in the Charity Organization on a post not below the rank of clerk-cum-typist and has worked for not less than three years in the Charity Organization, after obtaining a Bachelor’s Degree in Law from any University established by Law or any other University recognised by the State Government in this behalf.” ;

(2) for clauses (c) and (d) , the following clause shall be substituted, namely :—

“(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 on a post of Superintendent or Legal Assistant in the Charity Organisation, for not less than five years, after obtaining such degree and has passed the departmental examination for promotion to be conducted, as per the rules prescribed by the State Government.”.

5. In section 17 of the principal Act, after the words “other registers” at both the places wherever they occur, the words “including those maintained in an electronic form” shall be inserted. Amendment of section 17 of XXIX of 1950.
6. In section 19 of the principal Act, after the words “Assistant Charity Commissioner shall” the words “, within thirty days,” shall be inserted. Amendment of section 19 of XXIX of 1950.
7. In section 21 of the principal Act, in sub-section (1), after the words “make entries in the register” the words “including those maintained in an electronic form” shall be inserted. Amendment of section 21 of XXIX of 1950.
8. In section 22 of the principal Act, in sub-section (3), after the words “therefor accordingly.” the following shall be inserted, namely :—
 “Every inquiry held, either upon receipt of a report under sub-section (1) or merely held under sub-section (2), shall be completed within a period of one year from the date of initiating such an enquiry. Where such inquiry is not completed within a stipulated period of one year, the reasons for delay shall be recorded.”. Amendment of section 22 of XXIX of 1950.
9. In section 32 of the principal Act, in sub-section (2), after the words “such form” the words “including in an electronic form” shall be inserted. Amendment of section 32 of XXIX of 1950.
10. In section 36 of the principal Act,—
 (i) after sub-section (1), the following sub-section shall be inserted, namely :—
 “(1A) An application seeking previous sanction of the Charity Commissioner under clause (a), (b) or (c) of sub-section (1) shall be decided within 180 days of the filing of such application, and reasons for delay, if any, shall be recorded by the Charity Commissioner.”;
 (ii) existing sub-section (1A) shall be renumbered as sub-section (1B). Amendment of section 36 of XXIX of 1950.
11. In section 41AA of the principal Act,—
 (1) in sub-section (2), after clause (a), the following clause shall be inserted, namely :—
 “(a-1) The State Government or the Charity Commissioner with the prior approval of the State Government may, from time to time, take such measures, as may be required to ensure implementation of the directions given under sub-section (1) in an effective and transparent manner.”; Amendment of section 41AA of XXIX of 1950.
 (2) in sub-section (4), in clause (d), for the words “the category of a patient duly verified” the following shall be substituted, namely :—
 “, except in the case of an emergency, the category of a patient duly verified on the basis of income certificate issued by the Tahsildar or Ration Card or Below Poverty Line Card or if available, Permanent Account Number (PAN) issued by the Income Tax Department ”.
12. In section 66 of the principal Act, for the words “on conviction, for each such offence, be punished with” the words “for each such contravention, be liable to pay” shall be substituted. Amendment of section 66 of XXIX of 1950.

Substitution
of Schedule B
of XXIX of
1950.

13. In the principal Act, for the existing Schedule B, the following Schedule shall be substituted, namely :—

“SCHEDULE B

(See section 79D)

Sr. No. (1)	Section (2)	Description of Documents (3)	Value (4)
1.	18 (1)	Application for the registration of a public trust.	Rs. 200
2.	22 (1)	Report of any change or proposed change in any of the entries recorded in the register kept under section 17.	Rs. 200
3.	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. 200
4.	29	Application by the executor of a Will for the registration of a public trust created by such Will.	Rs. 200
5.	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. 5,000 but does not exceed Rs.15,000 ;	Rs. 100
		(c) where the amount to be invested exceeds Rs. 15,000 but does not exceed Rs. 25,000 ;	Rs. 150
		(d) in any other case where the amount to be invested exceeds Rs. 25,000.	Rs. 250
6.	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) where the value of the property involved exceeds Rs.15,000 but does not exceed Rs. 1,00,000 ;	Rs. 350
		(iv) where the value of the property involved exceeds Rs.1,00,000 but does not exceed Rs. 5,00,000 ;	Rs. 500
		(v) where the value of the property involved exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000 ;	Rs. 750

(1)	(2)	(3)	(4)
		(vi) where the value of the property involved exceeds Rs.10,00,000 but does not exceed Rs. 25,00,000 ;	Rs. 1,000
		(vii) where the value of the property involved exceeds Rs. 25,00,000 but does not exceed Rs. 50,00,000 ;	Rs. 1,500
		(viii) where the value of the property involved exceeds Rs.50,00,000 but does not exceed Rs.75,00,000 ;	Rs. 2,000
		(ix) where the value of the property involved exceeds Rs.75,00,000 but does not exceed Rs.1,00,00,000 ;	Rs. 2,500
		(x) in any other case where the value of the property involved exceeds Rs.1,00,00,000.	Rs. 3,000
		(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) where the average annual rent recovered exceeds Rs.1,000 but does not exceed Rs. 2,000 ;	Rs. 100
		(iv) where the average annual rent recovered exceeds Rs. 2,000 but does not exceed Rs. 5,000 ;	Rs. 200
		(v) where the average annual rent recovered exceeds Rs. 5,000 but does not exceed Rs.10,000 ;	Rs. 300
		(vi) in any other case where the average annual rent recovered exceeds Rs.10,000.	Rs. 500
		(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
7.	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. 200

(1)	(2)	(3)	(4)
8.	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. 5,000 but does not exceed Rs.15,000 ;	Rs. 100
	(iii)	where the amount to be borrowed exceeds Rs. 15,000 but does not exceed Rs.50,000 ;	Rs.150
	(iv)	where the amount to be borrowed exceeds Rs. 50,000 but does not exceed Rs.1,00,000 ;	Rs. 200
	(v)	where the amount to be borrowed exceeds Rs. 1,00,000 but does not exceed Rs.5,00,000 ;	Rs. 250
	(vi)	where the amount to be borrowed exceeds Rs. 5,00,000 but does not exceed Rs. 10,00,000 ;	Rs. 350
	(vii)	in any other case where the amount to be borrowed exceeds Rs. 10,00,000.	Rs. 500
9.	41B(1)	Application containing a complaint by a person having interest in a public trust to institute an inquiry.	Rs. 100
10.	41D(1)	Application for removal or dismissal of a trustee.	Rs. 100
11.	41E(1)	Application for temporary injunction for the purposes specified in section 41E(1).	Rs. 100
12.	47(1)	Application under sub-section (1) of section 47.	Rs. 100
13.	47(5)	Appeal to the High Court.	Rs. 200
14.	50A	Application to the Assistant or Deputy Charity Commissioner for framing or modifying a scheme.	Rs. 100
15.	51(1)	Application to the Charity Commissioner for consent to file a suit of the nature specified in section 50.	Rs. 100
16.	51(2)	Appeal to the Court against the decision of the Charity Commissioner.	Rs. 200
17.	55	Application to the Assistant or Deputy Charity Commissioner for directions.	Rs. 100
18.	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
19.	70(1)	Appeal to the Charity Commissioner against the finding of Deputy or Assistant Charity Commissioner under sections 20, 22 or 28 or order under section 41C or 50A, sub-section (3) of section 54 and sub-section (1) of section 79.	Rs. 100
20.	70A	Application under section 70A.	Rs. 100

(1)	(2)	(3)	(4)
21.	73A	(i) Application by a person having interest in a public trust for joining as a party to proceedings under this Act.	Rs. 10
		(ii) <i>Mukhtaranama</i> or <i>Vakalatnama</i> 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
		(iii) Application to the Charity Commissioner or the Deputy or Assistant Charity Commissioner for copies under the Act.	Rs. 5
		(iv) Any other application presented to the Charity Commissioner or the Deputy or Assistant Charity Commissioner.	Rs. 10.”.

STATEMENT OF OBJECTS AND REASONS

The Maharashtra Public Trusts Act (XXIX of 1950) was enacted to regulate and make provisions for the administration of public, religious and charitable trusts in the State of Maharashtra.

2. The recommendations of the Shetty Commission were accepted by the Government, it was also recommended in its report, to change the nomenclature of the judicial officers. Therefore, it is considered expedient to amend section 4 of the said Act, suitably with a view to change the nomenclature of the judicial officers posted in the office of the Charity Commissioner.

3. Sub-section (2A) of section 5 of the Maharashtra Public Trusts Act provides for the appointment of Assistant Charity Commissioner. To give an opportunity to the meritorious candidates and Public Prosecutors, Government Advocates and persons working on the post not below the rank of Legal Assistant (Legal) in the Law and Judiciary Department of Government of Maharashtra and Ministerial Staff of Charity Organisation, on the lines of qualifications prescribed for the appointments to the post of Civil Judge Junior Division and Judicial Magistrate First Class, it is, therefore, considered expedient to prescribe qualifications for the post of Assistant Charity Commissioner by amending clause (b) of sub-section (2A) of section 5 of the said Act.

4. The State Government being the Appointing Authority, for the post of Assistant Charity Commissioner, is empowered to prescribe the qualifications by rules, to conduct the departmental examination for promotion on the said post and also to make the provision in consonance with the Government policy and principles of services rules, it is considered expedient to substitute clause (c) of sub-section (2A) of section 5 of the said Act.

5. Section 17 of the said Act provides for keeping and maintaining, books indices and registers, section 21 provides for noting entries in the register and section 32 of the said Act provides for maintenance of accounts. To cope up with the modern technology, it is considered expedient to amend sections 17, 21 and 32 of the said Act, to provide for electronic form, in consonance with the Information Technology Act, 2000 (21 of 2000) and to take a step towards e-governance in the State.

6. Sub-section (1) of section 22 of the said Act provides for reporting a change to the Assistant Charity Commissioner or Deputy Charity Commissioner within a period of ninety days from such change. The Assistant Charity Commissioner or Deputy Charity Commissioner records the findings in the register. Sub-section (2) of section 22 provides for inquiry on the report so submitted. To record the findings no time limit is prescribed, therefore, it is considered expedient to provide a period of one year to record the findings by amending sub-section (3) of section 22, suitably.

Sub-section (1) (b) of section 36 of the said Act provides for previous sanction of Charity Commissioner for alienation of immovable property of public trust. The said provision does not provide for limitation to decide the application by the Charity Commissioner. It is, therefore, considered expedient to provide 180 days for deciding the application by the Charity Commissioner by amending section 36 of the said Act, suitably.

7. To give reservation of beds effectively and in transparent manner, to the indigent and weaker section patients in charitable hospitals by stream lining the procedure except in cases of emergency, it is considered expedient to amend section 41AA of the said Act.

8. To give effect to the initiative taken by the Government for speedy disposal of the matters as a part of Ease of Doing Business and to reasonably change the value of fees provided in the Schedule B, it is considered expedient to amend section 66 and Schedule B, respectively, of the said Act.

9. The Bill seeks to achieve the above objectives.

Mumbai,

Dated the 9th July 2024.

DEVENDRA FADNAVIS,

Deputy Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative power, namely :—

Clause 4(2).— Under this clause, power is taken to the State Government to prescribe by rules for the conduct of departmental examination for promotion to the post of Assistant Charity Commissioner.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.