

महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, मे १८, २००९/वैशाख २८, शके १९३१

STATEMENT.

Sections 66 and 67 of the Bombay Public Trusts Act, 1950 (Bom. XXIX of 1950), provides for the penalty for the contravention of the provisions of any of sections 18 (1), (4) and (7), 22, 22B, 22C, 29, 32, 35, 41AA and 59. Section 67 of the said Act provides for the penalty for contravention of any of the provisions of the said Act or the Rules for which no specific penalty has been provided by the Act. The penalty provided under the said sections 66 and 67 is only a fine ranging from Rs. 100 to 2000. The *ad hoc* Committee appointed by the State Legislature has suggested appropriate penalty to be imposed on charitable hospital which fails without reasonable cause to comply with any directions issued under section 41AA of the said Act. Since, the quantum of fine provided for contravention of the various provisions of the Act are very meagre, the Government considers it expedient to enhance the quantum of fine and to ensure deterrent effect by providing punishment of imprisonment, if the provisions of sections 36 and 41AA of the said Act are contravened. It is, therefore, proposed to amend the provisions of sections 66 and 67 suitably, and insert new sections 66A and 66B, in the said Act.

2. The Government also considers it expedient to insert a new section 67A with a view to empower the officer not below the rank of Assistant Charity Commissioner to compound offences under the said Act, on receipt of certain amount by way of composition of an offences, and to credit such amount in the Public Trust Administration Fund.

3. 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 Bombay Public Trusts Act, 1950, for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,  
Dated the 15th May 2009.

S. C. JAMIR,  
Governor of Maharashtra.

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

M. N. GILANI,  
Principal Secretary and  
Remembrancer of Legal Affairs.

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महाराष्ट्र शासन राजपत्र  
असाधारण भाग आठ

वर्ष १, अंक १०] सोमवार, मे १८, २००९/वैशाख २८, शके १९३१ [पृष्ठे ४, किंमत : रुपये २०.००

असाधारण क्र. 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 Bombay Public Trusts (Amendment) Ordinance, 2009 (Mah. Ord. VIII of 2009), is hereby published under the authority of the Governor.

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

H. B. PATEL,  
Secretary to Government,  
Law and Judiciary Department.

[ Translation in English of the Bombay Public Trusts (Amendment) Ordinance, 2009 (Mah. Ord. VIII of 2009), published under the authority of the Governor.]

LAW AND JUDICIARY DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 18th May 2009.

MAHARASHTRA ORDINANCE No. VIII OF 2009.

AN ORDINANCE

further to amend the Bombay Public Trusts Act, 1950.

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

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 Bombay Public Trusts Act, 1950, for the purposes hereinafter appearing;

1950. भाग आठ २७-१

(१)



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महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, मे १८, २००९/वैशाख २८, शके १९३१

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:—

Short title and commencement.

- (1) This Ordinance may be called the Bombay Public Trusts (Amendment) Ordinance, 2009.
- (2) It shall come into force at once.

Amendment of section 66 of Bom. XXIX of 1950.

- For section 66 of the Bombay Public Trusts Act, 1950 (hereinafter referred to as "the principal Act"), the following sections shall be substituted, namely:—

Bom. XXIX of 1950.

Penalty.

"66. 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	Subject	Fine which may be imposed
(1)	(2)	(3)
		Rs.
Section 18, sub-sections (1) and (4)	Duty of trustee to make an application to Deputy or Assistant Charity Commissioner for registration of public trust within time.	10,000
Section 18, sub-section (7)	Duty of trustee to send memoranda of movable property to certain officers and authorities within time.	10,000
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

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महाराष्ट्र शासन राजपत्र असाधारण भाग आठ, मे १८, २००९/वैशाख २८, शके १९३१

(1)	(2)	(3)
Section 29	Duty of an executor to apply for the registration of a public trust within the time provided for.	Rs. 10,000
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 the Charity Commissioner) or by a person charging or collecting <i>dharmada</i> .	10,000

66A. 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.

Punishment for contravention of provisions of section 36.

66B. Whoever fails without reasonable cause to comply with any directions issued under section 41AA shall, on conviction, be punished with simple imprisonment, which may extend to three months or with fine which may extend to rupees twenty thousand, or with both."

Punishment for contravention of provisions of section 41AA.

3. In section 67 of the principal Act, for letters and figures "Rs. 1,000" the letters and figures "Rs. 10,000" shall be substituted.

Amendment of section 67 of Bom. XXIX of 1950.

4. After section 67 of the principal Act, the following section shall be inserted, namely:—

Insertion of section 67A in Bom. XXIX of 1950.

"67A. (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 compounding of offence:

Compounding of offence.

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."