



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ४, अंक ३३(२)]

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असाधारण क्रमांक ७२

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, 2017 (Mah. Act No. XXXVI of 2018), is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,

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

MAHARASHTRA ACT No. XXXVI OF 2018.

(First published, after having received the assent of the President in the "Maharashtra Government Gazette", on the 25th April 2018.)

An Act 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 Sixty-eighth Year of the Republic of India as follows :—

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

Short title and
commence-
ment.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Substitution of section 41C of XXIX of 1950.

2. For section 41C of the Maharashtra Public Trusts Act (hereinafter referred to as “the principal Act”), the following section shall be substituted, namely :—

XXIX of 1950.

Persons (other than public trust) collecting money, subscription or donation, etc.

“ **41C.** (1) Notwithstanding anything contained in this Act, no person (other than public trust) shall, after the commencement of the Maharashtra Public Trusts (Amendment) Act, 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 :

Mah. XXXVI of 2017.

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 application 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 accounts 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.”.

Insertion of section 41F in XXIX of 1950.

3. After section 41E of the principal Act, the following section shall be inserted, namely :—

Attachment of property in certain cases.

“**41F.** (1) Wherein it is brought to the notice of the Charity Commissioner by any Assistant 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.”.

4. After section 66B of the principal Act, the following section shall be inserted, namely :—
- Insertion of section 66C in XXIX of 1950.
- “66C. 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.”.
- Punishment for contravention of section 41C.
5. In section 70 of the principal Act, in sub-section (1), after clause (c), the following clause shall be inserted, namely :—
- Amendment of section 70 of XXIX of 1950.
- “(c-1) the order under section 41C;”.
6. In section 72 of the principal Act,—
- Amendment of section 72 of XXIX of 1950.
- (a) in sub-section (1), the figures, letter and word “, 41C and” shall be deleted;
- (b) in the marginal note, the figures, letter and word “, 41C and” shall be deleted.
7. In the Schedule B appended to the principal Act, in column (1) regarding ‘Section’,—
- Amendment of Schedule B appended to XXIX of 1950.
- (a) in entry relating to section 70 (1), in column (2), for the words “or order” the words, figures and letter “or order under section 41C or order” shall be substituted;
- (b) in entry relating to section 72 (1), in column (2), the figures and letter “, 41C ” shall be deleted.