

L. A. BILL No. XCII OF 2025.

A BILL

further to amend the Maharashtra Public Trusts Act.

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

5 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, 2025 on the 1st September 2025;

XXIX of
1950.

Mah.
Ord.

VII of
2025.

10 AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Seventy-sixth Year of the Republic of India as follows :–

Short title and commencement.	<p>1. (1) This Act may be called the Maharashtra Public Trusts (Second Amendment) Act, 2025.</p>
	<p>(2) (a) Except section 5, it shall be deemed to have come into force on the 1st September 2025.</p>
	<p>(b) Section 5 shall come into force on such date as the State Government may by notification published in the <i>Official Gazette</i>, appoint. 5</p>
Amendment of section 2 of XXIX of 1950.	<p>2. In section 2 of the Maharashtra Public Trusts Act (hereinafter referred to as “the principal Act”),— XXIX of 1950.</p>
	<p>(1) after clause (9), the following clause shall be inserted, namely :—</p>
	<p>“(9A) “perpetual trustee” means a trustee appointed for life or as a permanent trustee as per instrument of trust or as per the provisions of this Act;”; 10</p>
	<p>(2) after clause (17), the following clause shall be inserted, namely :—</p>
	<p>“(17A) “tenure trustee” means a trustee appointed for a specific period of time as per instrument of trust or as per the provisions of this Act;”; 15</p>
	<p>(3) for clause (18), the following clause shall be substituted, namely :—</p>
	<p>“(18) “trustee” means a person in whom either alone or in association with other persons, the trust property is vested and includes a tenure trustee and perpetual trustee;”. 20</p>
Amendment of section 18 of XXIX of 1950.	<p>3. In section 18 of the principal Act, in sub-section (6), after the words “is in existence” the words “and a copy of the document showing ownership over or interest in the immovable property of the trust” shall be added.</p>
Insertion of new section 30A in XXIX of 1950.	<p>4. After section 30 of the principal Act, the following section shall be inserted, namely :— 25</p>
Appointment of tenure trustee or perpetual trustee.	<p>“30A. (1) When the specific period of appointment of a tenure trustee expires, then notwithstanding anything contrary contained either in the instrument of trust or any decision taken by the trustees, such tenure trustee shall cease to perform functions and discharge the duties as a trustee, unless and until he is re-appointed : 30</p>
	<p>Provided that, if the instrument of trust is silent or does not expressly provide for any specific period for appointment or re-appointment of a trustee, then notwithstanding anything contrary contained in the instrument of trust, or any decision that may have been taken by the trustees, it shall be lawful for the continuing or surviving trustees to unanimously appoint a trustee for a period upto five years at a time. 35</p>
	<p>(2) If the instrument of trust does not contain any specific provision for appointment of trustee as perpetual trustee, then notwithstanding anything contrary to the usage of the trust or any decision that the trustees may have taken, the number of perpetual trustees at any point of time in the trust shall not exceed one-fourth of the total number of trustees : 40</p>

Provided that, the continuing or surviving trustees may, unanimously appoint a tenure trustee whose period has expired to be a perpetual trustee only against the vacancy of the perpetual trustee arising on account of any of the following reasons :—

- 5 (a) death ;
- (b) insolvency ;
- (c) becoming incapable or unfit to discharge the functions and duties of his office by reason of extreme old age, disease whether of body or mind ;
- 10 (d) leaving India with an intention of permanently residing abroad ;
- (e) conviction for any offence involving moral turpitude.

15 (3) Notwithstanding anything contrary contained in the instrument of trust, or any decision that may have been taken by the trustees, the tenure trustees or the perpetual trustees shall always be appointed within the limit of maximum number of trustees expressly or by necessary implication laid down in the instrument of trust. Accordingly, the continuing or surviving trustees shall not either upon expiry of the period of the tenure trustee or on happening of any event specified in clauses (a) to (e) of sub-section (2), appoint any trustee or trustees over and above the maximum number of trustees so laid down in the instrument of trust.”.

20 **5.** After section 50A of the principal Act, the following section shall be inserted, namely :—

25 **“50B.** (1) Any reference to the Civil Court or Civil Judge, District Court or District Judge, in any instrument of trust, scheme, order or decree of any Court made or passed, whether before or after the date of the application of the Act to any public trust as having jurisdiction, power or authority to,—

- (a) frame or modify a scheme for any public trust, or ;
- (b) to act as or discharge the functions of the President or Chairman or trustee or office bearer of any public trust, or ;
- 30 (c) to appoint any trustee or trustees of any public trust,

shall be construed as reference to the Charity Commissioner and he shall accordingly exercise the jurisdiction, powers and authority.”.

35 **6.** In section 66A of the principal Act, for the words “simple imprisonment, which may extend to six months or with fine, which may extend to rupees twenty-five thousand, or with both” the words “imprisonment of either description, which may extend to one year or with fine, which may extend to rupees fifty thousand, or with both” shall be substituted.

40 **7.** In section 66B of the principal Act, for the words “three months or with fine which may extend to rupees twenty thousand, or with both” the words “one year or with fine which may extend to rupees fifty thousand, or with both” shall be substituted.

Insertion of new section 50B in XXIX of 1950.

Reference to Charity Commissioner in place of Civil Court, etc.

Amendment of section 66A of XXIX of 1950.

Amendment of section 66B of XXIX of 1950.

Amendment
of section
70A of XXIX
of 1950.

8. In section 70A of the principal Act, in sub-section (1),—

(1) before the existing proviso, the following proviso shall be inserted, namely :—

“Provided that, an application under this sub-section shall be submitted to the Charity Commissioner within one hundred and 5 twenty days from the date of recording of the findings or the passing of the orders, as the case may be :”;

(2) in the existing proviso, for the words “Provided that” the words “Provided further that” shall be substituted.

Amendment
of section 75
of XXIX of
1950.

9. In section 75 of the principal Act,—

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(1) after the words “period of appeal” the words “and application under section 70A” shall be inserted;

(2) after the words “such appeals” the words “and applications” shall be added.

Amendment
of section 82
of XXIX of
1950.

10. In section 82 of the principal Act, the words “a Metropolitan Magistrate 15 or” shall be deleted.

Repeal of
Mah. Ord. VII
of 2025 and
saving.

11. (1) The Maharashtra Public Trusts (Amendment) Ordinance, 2025 is hereby repealed.

Mah.
Ord. VII
of 2025.

(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, as the case may be, issued under the corresponding provisions of the principal Act, as amended by this Act. 20

STATEMENT OF OBJECTS AND REASONS

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

2. It was noticed that in various instruments of trusts there was no clarity about appointment of perpetual or permanent trustees and tenure trustees and their tenure, which led to multiple litigations before the Charity Commissioner and the court. This affected the working of the trusts, welfare of beneficiaries and the public.

It was considered expedient to provide in the Act, by inserting new section 30A, for appointment of tenure trustees and perpetual trustees where the instrument of trusts does not contain any specific provision therefor. The existing definition of “trustee” contained in section 2(18) of the said Act was proposed to be amended with the purpose of specifying the types of trustees based upon their period of appointment i.e. tenure trustees and perpetual trustees therein.

3. Section 18 of the said Act deals with “Registration of public trusts”. In the proposed amendment to sub-section (6) of section 18 it was provided that, an application for registration of trust must be accompanied by a copy of the document showing ownership over or interest in the immovable property of the trusts. This would prevent any false claim being made over any property as the trust property while registering the trust.

4. To resolve the issue of jurisdiction of Courts and Charity Commissioner in cases where, the reference to the Civil Court or Civil Judge or District Court or District Judge in any instrument of trust or any scheme, order or decree of any Court made or passed, a new section 50B was proposed to be inserted in the said Act to provide that such reference shall be construed as a reference to the Charity Commissioner to enable him to exercise jurisdiction, powers and authority in such cases.

5. Section 66A of the said Act provides punishment for alienation of immovable property of public trust without previous sanction of the Charity Commissioner and section 66B provides punishments for failure to comply with the directions under section 41AA in respect of reserving beds in charitable hospitals for indigent and weaker section patients. The Government has noticed various instances of above referred contraventions. Therefore, in order to have deterrent effect of punishment, it was proposed to enhance existing punishments by amending said sections, suitably.

6. Section 70A provides for revisionary powers of the Charity Commissioner in respect of proceedings before Deputy or Assistant Charity Commissioner. However, no time limit was specified for filing of an application under the said section 70A. Therefore, applications under the said section are filed even after lapse of prolonged period. Hence it was proposed to amend the said section 70A to provide for limitation of one hundred and twenty days for filing such application.

7. As both Houses of the State Legislature were not in session and 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 aforesaid, the Maharashtra Public Trusts (Amendment) Ordinance, 2025 (Mah. Ord. VII of 2025), was promulgated by the Governor of Maharashtra on the 1st September 2025.

8. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Mumbai,

Dated the 11th November, 2025.

DEVENDRA FADNAVIS,

Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

Clause 1(2) (b).— Under this clause, power is taken to the State Government to bring into force section 5 of the Act on such date as the State Government may, by notification in the *Official Gazette*, appoint.

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

ANNEXURE TO THE L.A. BILL No. XCII OF 2025 -

THE MAHARASHTRA PUBLIC TRUSTS
(SECOND AMENDMENT) BILL, 2025.

(Extracts from the Maharashtra Public Trusts Act, 1950)

(Mah. XXIX of 1950)

1.

* * * *

2. In this Act unless there is anything repugnant in the subject or context, —
(2) to (17) * * * *

Definitions.

(18) "trustee" means a person in whom either alone or in association with other persons, the trust property is vested and includes a manager;

(19) and (20) * * * *

2A. * * * *

3. to 17. * * * *

18. (1) It shall be the duty of the trustee of a public trust to which this Act has been applied to make an application for the registration of the public trust. Registration of public trusts.

(2) Such application shall be made to the Deputy or Assistant Charity Commissioner of the region or sub-region within the limits of which the trustee has an office for the administration of the trust or the trust property or substantial portion of the trust property is situated, as the case may be.

(3) Such application shall be in writing, shall be in such form and accompanied by such fee as may be prescribed.

(4) Such application shall —

(a) in the case of a public trust created before this Act was applied to it, be made, within three months from the date of the application of this Act, and

(b) in the case of a public trust created after this Act comes into force, within three months of its creation.

(5) Such application shall inter alia contain the following particulars :-

(ai) the designation by which the public trust is or shall be known hereinafter referred to as the name of the public trust,

(i) the names and addresses of the trustees and the manager,

(ii) the mode of succession to the office of the trustee,

(iii) the list of the moveable and immovable trust property and such descriptions and particulars as may be sufficient for the identification thereof,

(iv) the approximate value of moveable and immovable property,

(v) the gross average annual income of the trust property estimated on the income of three years immediately preceding the date on which the application is made or of the period which has elapsed since the creation of the trust, whichever period is shorter,

(vi) the amount of the average annual expenditure in connection with such public trust estimated on the expenditure incurred within the period to which the particulars under clause (v) relate,

(vii) the address to which any communication to the trustee or manager in connection with the public trust may be sent,

(viii) such other particulars which may be prescribed :

Provided that the rules may provide that in the case of any or all public trusts it shall not be necessary to give the particulars of the trust property of such value and such kind as may be specified therein.

(6) Every application made under sub-section (1) shall be signed and verified in the prescribed manner by the trustee or his agent specially authorised by him in this behalf, It shall be accompanied by a copy of an instrument of trust, if such instrument had been executed and is in existence.

(6A)	*	*	*	*
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(7)	*	*	*	*
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19. to 35.	*	*	*	*
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Alienation of **36.** (1) Notwithstanding anything contained in the instrument of trust —

immovable

property of

public trust.

(a) no sale, exchange or gift of any immovable property, and

(b) no lease for a period exceeding ten years in the case of agricultural land or for a period exceeding three years in the case of non-agricultural land or a building,

Belonging to a public trust, shall be valid without the previous sanction of the Charity Commissioner. Sanction may be accorded subject to such condition as the Charity Commissioner may think fit to impose, regard being had to the interest, benefit or protection of the trust;

(c) if the Charity Commissioner is satisfied that in the interest of any public trust any immovable property thereof should be disposed of, he may, on application, authorise any trustee to dispose of such property subject to such conditions as he may think fit to impose, regard being had to the interest or benefit or protection of the trust.

Provided that, the Charity Commissioner may, before the transaction for which previous sanction is given under clause (a), (b), or (c) is completed, modify the conditions imposed thereunder, as he deems fit:

Provided further that, if such condition is of time-limit for execution of any contract or conveyance, then application for modification of such condition shall be made before the expiry of such stipulated time.

(1A) The Charity Commissioner shall not sanction any lease for a period exceeding thirty years under this Act.

(2) The Charity Commissioner may revoke the sanction given under clause (a) or clause (b) of sub-section (1) on the ground that such sanction was obtained by fraud or mis-representation made to him or by concealing from the Charity Commissioner, facts material for the purpose of giving sanction; and direct the trustee to take such steps

within a period of one hundred and eighty days from the date of revocation or such further period not exceeding in the aggregate one year as the Charity Commissioner may from time to time determine as may be specified in the direction for the recovery of the property.

Provided that, no sanction shall be revoked under this section after the execution of the conveyance except on the ground that such sanction was obtained by fraud practiced upon the Charity Commissioner before the grant of such sanction.

(3) No Sanction shall be revoked under this section unless the person in whose favour such sanction has been made has been given a reasonable opportunity to show-cause why the sanction should not be revoked.

(4) If, in the opinion of the Charity Commissioner, the trustee has failed to take effective steps within the period specified in sub-section (2), or it is not possible to recover the property with reasonable efforts or expense, the Charity Commissioner may assess any advantage received by the trustee and direct him to pay compensation to the trust equivalent to the advantage so assessed.

(5) Notwithstanding anything contained in sub-section (1), in exceptional and extraordinary situations where the absence of previous sanction contemplated under sub-section (1) results in hardship to the trust, a large body of persons or a *bona fide* purchaser for value, the Charity Commissioner may grant *ex-post-facto* sanction to the transfer of the trust property, effected by the trustees prior to the date of commencement of the Maharashtra Public Trusts (Second Amendment) Act, 2017, if he is satisfied that, -

- (a) there was an emergent situation which warranted such transfer,
- (b) there was compelling necessity for the said transfer,
- (c) the transfer was necessary in the interest of trust,
- (d) the property was transferred for consideration which was not less than prevalent market value of the property so transferred, to be certified by the expert,
- (e) there was reasonable efforts on the part of trustees to secure the best price,
- (f) the trustees actions, during the course of the entire transaction, were *bonafide* and they have not derived any benefit, either pecuniary or otherwise, out of the said transaction, and
- (g) the transfer was effected by executing a registered instrument, if a document is required to be registered under the law for the time being force.

Explanation.- For the purpose of sub-section (5), the term "the Charity Commissioner" shall mean only the Charity Commissioner appointed under section 3.

36A. and 36B. * * * *

37. to 41. * * * *

41A.

* * * *

Power of **41AA.** (1) Notwithstanding anything contained in any law for the time being in force or in any instrument of trust or in any contract or in any judgement, decree or order of any Court, Tribunal, Charity Commissioner or other competent authority, in the case of any State aided public trust, whose annual expenditure exceeds five lakhs of rupees, or such other limit as the State Government may, from time to time, by notification in the *Official Gazette*, specify, with a view to making essential medical facilities available to the poorer classes of the people, either free of charge, or at concessional rates, it shall be lawful for the Charity Commissioner, subject to such general or special order as the State Government may, from time to time, issue in this behalf, to issue all or any of the following directions to the trustees of, or persons connected with, any such trust, which maintains a hospital including any nursing home or maternity home, dispensary or any other centre for medical relief hereinafter in this section referred to as "the medical centre", namely:-

(a) having regard to the accommodation and facilities available to keep admission to the medical centre open to any person without any discrimination on the ground of religion, race, caste, sex, place of birth, language or any of them:

Provided that, where a medical centre is exclusively for females, treatment for any males at such centre shall not be insisted upon;

(b) to reserve and earmark ten per cent. of the total number of operational beds and ten per cent. of the total capacity of patients treated at such medical centre, for medical examination and treatment in each department of the medical patients seeking admission or treatment, who shall be medically examined and treated including intra-ocular operation and admitted as the case may be, free of charge;

(c) to reserve and earmark ten per cent. of the total number of operational beds and ten per cent. of the total capacity of patients treated at such medical centre, for medical examination and treatment in each department of the medical centre, in such manner as may be specified in the directions, for the weaker sections of the people seeking admission for medical examination and treatment, (including intra-ocular operation) who shall be charged according to such rates as the State Government may, by general or special order, determine from time to time having regard to the rates charged by the State Government in the corresponding medical centres maintained by it;

(d) to comply with such other incidental or supplemental requirements as may be specified in the directions or in any general or special orders issued thereunder:

Provided that, while issuing any directions as aforesaid the Charity Commissioner shall take into consideration such facilities as are already made available by any such medical centre and having regard to the availability of such facilities may give appropriate directions if any, consistent with and subject to the percentage specified in clauses (b) and (c):

Provided further that, where the intra-ocular operation of a person is carried out

in the medical centre, from the aid or grant received from the Central or State Government or any other institution, the person undergoing such operation shall not be counted as a beneficiary for the purpose of clause (b) or clause (c), as the case may be.;

(2) (a) It shall be lawful for the officer duly authorised by the State Government in this behalf, or for the Charity Commissioner by himself or through his representative duly authorised by him in this behalf, to verify the implementation of the directions given under sub-section (1) to any medical centre, and for that purpose, visit, inspect and call for information and returns periodically or otherwise.

(b) It shall be the duty of every trustee of, or person connected with, such medical centre to comply with the directions issued under sub-section (1) and to afford all reasonable facilities and assistance required by the said officer or the Charity Commissioner or his representative for verification of the implementation of such directions under clause (a) and to comply with the requirements thereunder.

(c) In case there arises any dispute relating to the interpretation, implementation or any matter whatsoever in respect of any direction issued under sub-section (1), it shall be referred to the State Government, through the Charity Commissioner, for appropriate directions.

(3) Nothing in sub-sections (1) and (2) shall prejudicially affect any medical facilities of whatever nature which any such State-aided public trust has provided by virtue of any condition subject to which any grant, exemption, concession, *etc.* referred to in clause (a) of sub-section (4) has been granted or received by it or otherwise and such medical facilities, which are in operation on the date of commencement of the Bombay Public Trusts (Amendment) Act, 1984, shall continue as before if they exceed the percentage of reserved and earmarked category.

(4) For the purposes of this section,-

(a) "State-aided public trust" means a public trust exclusively for medical relief or for medical relief and other charitable purposes, which maintains a hospital including any nursing home or maternity homes, dispensary or any other centre for medical relief, and which-

(i) has received any grant of land or building, either on ownership basis or on lease or leave and licence, at a nominal or concessional rate, from the State Government or the Central Government or any local authority; or

(ii) has been given by the State Government any exemption or permission to continue to hold any vacant land under section 20 or 21 of the Urban Land (Ceiling and Regulation) Act, 1976; or

(iii) has been given any concessions or exemption or relaxation of a substantial nature from the Development Control Rules by any competent authority for the purposes of the trust; or

(iv) has received any loan or guarantee or any non-recurring grant-in-aid or other financial assistance or is receiving any recurring grant-in-aid or other financial assistance from the State Government, the Central Government or any local authority;

(b) "indigent person" means a person whose total annual income does not exceed three thousand and six hundred rupees or such other limit as the State Government may, from time to time, by notification in the *Official Gazette*, specify;

(c) "person belonging to the weaker sections of the people" means a person who is not an indigent person, but whose income does not exceed fifteen thousand rupees per annum or such other limits as the State Government may, from time to time, by notification in the *Official Gazette*, specify;

(d) it shall be the duty of the governing body (by whatsoever name called) of every medical centre to get the category of a patient duly verified and recorded in a register kept for the purpose in the prescribed form before he is admitted or treated as a patient within the reserved fund earmarked percentage under sub-section (1). If there is any dispute as to the category of a patient, it shall be referred to the State Government, through the Charity Commissioner, for appropriate direction.

(5) Notwithstanding anything contained in the foregoing provisions of this section, any person, who desires to undergo an operation for sterilization or who desires to undergo any operation or medical treatment specified by the State Government in this behalf, shall not be entitled, and shall not be allowed, to seek admission in any hospital or other medical centre in the reserved or earmarked quota provided under this section.

41B. to 41F. * * * *

42. to 66. * * * *

Punishment for
contravention
of provisions of
section 36.

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 41AA.

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.

66C. * * * *

67. to 69. * * * *

Appeals from
findings of
Deputy or
Assistant
Charity
Commissioner.

70. (1) An appeal against the finding or order of the Deputy or Assistant Charity Commissioner may be filed to the Charity Commissioner in the following cases :-

- (a) the finding and order, if any, under section 20;
- (b) the finding under section 22;
- (b-1) the finding under section 22A;
- (c) the finding under section 28 ;
- (c-1) the order under section 41C;
- (c-2) the order under section 50A;

- (d) the order under sub-section (3) of section 54;
- (d-1) an order under sub-section (1) of section 79;
- (e) an order confirming or amending the record under section 79AA.

(2) No appeal shall be maintainable after the expiration of sixty days from the recording of the finding or the passing of the order, as the case may be.

(3) The Charity Commissioner may, after hearing the appellant or any person appearing on his behalf for reasons to be recorded in writing either annul, reverse, modify or confirm the finding or the order appealed against or he may direct the Deputy or Assistant Charity Commissioner to make further inquiry or to take such additional evidence as he may think necessary or he may himself take such additional evidence.

70A. (1) The Charity Commissioner may in any of the cases mentioned in section 70, either suo motu or on application call for and examine the record and proceeding of such case before any Deputy or Assistant Charity Commissioner for the purpose of satisfying himself as to the correctness of any finding or order recorded or passed by the Deputy or Assistant Charity Commissioner and may either annul, reverse, modify or confirm the said finding or order or may direct the Deputy or Assistant Charity Commissioner to make further inquiry or take such additional evidence as he may think necessary or he may himself take such additional evidence :

Charity
Commissioner
to call for
and examine
records and
proceeding
before Deputy
or Assistant
Charity
Commissioner.

Provided that the Charity Commissioner shall not record or pass any orders without giving the party affected thereby an opportunity of being heard.

(2) Nothing in sub-section (1) shall entitle the Charity Commissioner to call for and examine the record of any case -

73. to 74.

* * * *

75. In computing the period of appeal under this Chapter, the provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeals.

Limitation.

76. to 81.

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82. No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the First Class shall try an offence punishable under this Act.

Trial of
offences under
this Act.

83. to 88.

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SCHEMES.

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**MAHARASHTRA LEGISLATURE
SECRETARIAT**

[L. A. BILL No. XCII OF 2025.]

**[A Bill further to amend the
Maharashtra Public Trusts Act.]**

**[SHRI DEVENDRA FADNAVIS,
Chief Minister]**

**JITENDRA BHOLE,
Secretary-1,
Maharashtra Legislative Assembly.**