

L. A. BILL No. XCII OF 2025.

A BILL

further to amend the Maharashtra Public Trusts Act.

(As passed by the Legislative Assembly on the 9th December, 2025.)

(As passed by the Legislative Council on the 12th December, 2025.)

XXIX of
1950.
Mah.
Ord.
VII
of
2025.

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

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. **1. (1)** This Act may be called the Maharashtra Public Trusts (Second Amendment) Act, 2025.

(2) (a) Except section 5, it shall be deemed to have come into force on the 1st September 2025.

(b) Section 5 shall come into force on such date as the State Government may by notification published in the *Official Gazette*, appoint.

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”),— XXIX of 1950.

(1) after clause (9), the following clause shall be inserted, namely :—

“(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;”;

(2) after clause (17), the following clause shall be inserted, namely :—

“(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;”;

(3) for clause (18), the following clause shall be substituted, namely :—

“(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;” .

Amendment of section 18 of XXIX of 1950. **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.

Insertion of new section 30A in XXIX of 1950. **4.** After section 30 of the principal Act, the following section shall be inserted, namely :—

Appointment of tenure trustee or perpetual trustee. **“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 :

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.

(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 :

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 :—

- (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 ;
- (d) leaving India with an intention of permanently residing abroad ;
- (e) conviction for any offence involving moral turpitude.

(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.”.

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

Insertion of new section 50B in XXIX of 1950.

“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,—

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

- (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 ;
- (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.”.

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.

Amendment of section 66A of XXIX of 1950.

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.

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 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,—

(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 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.

(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.

Mah.
Ord. VII
of 2025.

**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.]**

**[As passed by the Legislative Assembly
on the 9th December, 2025.]**

**[As passed by the Legislative Council
on the 12th December, 2025.]**

DR. VILAS ATHAWALE,
Secretary-3,
Maharashtra Legislative Council.