



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ११, अंक ३५]

सोमवार, सप्टेंबर १, २०२५/भाद्रपद १०, शके १९४७

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असाधारण क्रमांक ७९

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) Ordinance, 2025 (Mah. Ord. VII of 2025), 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.

(Translation in English of the Maharashtra Public Trusts (Amendment) Ordinance, 2025 (Mah. Ord. VII of 2025), published under the authority of the Governor).

LAW AND JUDICIARY DEPARTMENT

Mantralaya, Madam Cama Marg, Hutatma Rajguru Chowk,
Mumbai 400 032, dated the 1st September 2025.

MAHARASHTRA ORDINANCE No. VII OF 2025.

AN ORDINANCE

further to amend the Maharashtra Public Trusts Act.

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 Maharashtra Public Trusts Act, for the purposes hereinafter appearing ;

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 :—

(1)

Short title and commencement. **1. (1)** This Ordinance may be called the Maharashtra Public Trusts (Amendment) Ordinance, 2025.

(2) (a) Except section 5, it shall come into force at once.

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

“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 ;
- (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 five 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
70 A 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.

STATEMENT

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

It is 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 is 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”. The proposed amendment in sub-section (6) of section 18 provides 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 is 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 is 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 is specified for filing application under said section 70A. Therefore applications under the said section are filed even after lapse of prolonged period. Hence it is 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 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 Maharashtra Public Trusts Act, for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 30th August 2025.

C. P. RADHAKRISHNAN,
Governor of Maharashtra.

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

SUVARNA KEOLE,
Principal Secretary and RLA
to Government.