

## The Bombay Public Trusts (Gujarat Amendment) Act, 1961

36 of 1961

**Keyword(s):**

Trust, Fine

**Amendments appended:** 31 of 1962, 31 of 1963

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## EXTRAORDINARY

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### PART IV

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and Regulations made by the Governor.

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The following Act of the Gujarat Legislature having been assented to by the Governor on the 6th November 1961, is hereby published for general information.

M. G. MONANI,  
Secretary to the Government of Gujarat,  
Legal Department.

#### GUJARAT ACT No. XXXVI OF 1961

*( First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 18th November 1961)*

An Act further to amend the Bombay Public Trusts Act, 1950

It is hereby enacted in the Twelfth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Public Trusts (Gujarat Amend- Short  
ment) Act, 1961. title,



Bom. XXIX of 1950. 2. Section 58 of the Bombay Public Trusts Act, 1950 (hereinafter referred to as "the principal Act") shall be re-numbered as sub-section (1) of that section, and after sub-section (1) so re-numbered, the following new sub-section shall be, and shall be deemed always to have been, inserted, namely:—

Amend-  
ment  
of sec-  
tion  
58 of  
Bom.  
XXIX  
of  
1950.

"(2) Notwithstanding anything contained in sub-section (1), the State Government may, by rules, provide for exemption of any public trust or class of public trusts from the whole or any part of the contribution payable under that sub-section, subject to such conditions, if any, as may be prescribed."

Amendment  
of section 84  
of Bom.  
XXIX of  
1950.

3. In section 84 of the principal Act —

(1) in sub-section (2) after clause (p) the following new clause shall be inserted, namely:—

"(pi) exemption of any public trust or class of public trusts under sub-section (2) of section 58 and the conditions of exemption;

(2) after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) All rules made under this Act shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to such modifications as the State Legislature may make during the session in which they are so-laid or the session immediately following. The modifications so made shall be published in the *Official Gazette* and shall take effect on and from the date of their publication."

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PART IV

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The following Act of the Gujarat Legislature, having been assented to by the President on the 9th September 1962, is hereby published for general information.

M. G. MONANI,  
Secretary to the Government of Gujarat,  
Legal Department.

GUJARAT ACT NO. XXXI OF 1962

*(First published, after having received the assent of the President in the "Gujarat Government Gazette" on the 13th September 1962).*

An Act further to amend the Bombay Public Trusts Act, 1950.

It is hereby enacted in the Thirteenth Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Public Trusts (Gujarat Amendment) Act, 1962.

Short title  
and commencement.

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

2. In section 37 of the Bombay Public Trusts Act, 1950 (hereinafter referred to as "the principal Act").

(1) in sub-section (1), in clause (b), for the words "any book or account in the possession of or under the control of the trustees" the words "any books of account or documents in the possession, or under the control, of the trustees or any person on behalf of the trustees" shall be substituted;

(2) in sub-section (2), for the words "or any other person in charge of the public trust" the words, brackets and figure "and person referred to in sub-section (1)" shall be substituted.

3. For section 39 of the principal Act, the following section shall be substituted, namely :—

"39. On considering the report referred in section 38, and the accounts and explanation, if any, furnished by the trustees or any other person, and after holding an inquiry in the prescribed manner, the Deputy or Assistant Charity Commissioner shall record his finding as to whether the trustees or any other person have been guilty of gross negligence, a breach of trust, misapplication or misconduct which has resulted in loss to the public trust and make a report thereof to the Charity Commissioner."

4. In section 40 of the principal Act, in clause (b), for the words "breach of trust" the words "gross negligence, breach of trust" shall be substituted.

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

"41A. (1) Subject to the provisions of this Act, the Charity Commissioner may, from time to time, issue directions to any trustee of a public trust or any person connected therewith to ensure that such trust is properly administered and the income thereof is properly accounted for or duly appropriated and applied to the objects and for the purposes of the trust.

(2) It shall be the duty of every such trustee and person to comply with a direction issued to him under sub-section (1)."

6. In section 50A of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely :—



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“(2A) A scheme under this section may provide for the number of trustees, the mode of appointment of trustees including the appointment of the first trustees, vesting of the trust property in the trustees so appointed, mode of filling any vacancy of a trustee, the remuneration of a trustee or manager of the public trust and where necessary, a clarification of the objects of the public trust.”.

7. In section 69 of the principal Act, in clause (h), for the words “account or” the words “books of account, document or” shall be substituted. Amendment  
of section 69  
of Bom.  
XXIX of  
1950.

8. In section 75 of the principal Act, after the words “this Chapter” the words and figures “or of an application under section 72” shall be inserted and for the words “such appeals” the words “such appeals and applications” shall be substituted. Amendment  
of section 75  
of Bom.  
XXIX of  
1950.



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## EXTRAORDINARY

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### PART IV

Acts of the Gujarat Legislature and Ordinances promulgated  
and Regulations made by the Governor.

[The following Act of the Gujarat Legislature, having been assented to by the  
President on the 29th May, 1963, is hereby published for general information.]

AKBAR S. SARELA,  
Secretary to Government,  
Legal Department.

#### GUJARAT ACT NO. XXXI OF 1963 X

(First published, after having received the assent of the President in the  
"Gujarat Government Gazette" on the 4th June 1963).

An Act further to amend the Bombay Public Trusts Act, 1950.

It is hereby enacted in the Fourteenth Year of the Republic of India as  
follows:—

1. (1) This Act may be called the Bombay Public Trusts (Gujarat Amend-  
ment) Act, 1963.

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.

2. Section 36 of the Bombay Public Trusts Act, 1950 (hereinafter referred  
to as "the principal Act") shall be renumbered as sub-section (1) of that sec-  
tion and after sub-section (1) as so renumbered the following sub-sections shall  
be added, namely:—

Bom.  
XXIX  
of  
1960.

Amend-  
ment of  
section 36  
of Bom.  
XXIX of  
1960



"(2) The decision of the Charity Commissioner under sub-section (1) shall be communicated to the trustees and shall be published in such manner as may be prescribed.

(3) Any person aggrieved by such decision may appeal to the Gujarat Revenue Tribunal within thirty days from the date of its publication.

(4) Such decision shall, subject to the provisions of sub-section (3), be final."

Amend-  
ment of  
section  
47 AA of  
Bom. XXIX  
of 1950.

3. In section 47AA of the principal Act after the words "under this Act" the words, brackets and figures "or any amount is surcharged on him under sub-section (1) of section 41", shall be inserted.

Amend-  
ment of  
section 56 T  
of Bom.  
XXIX of  
1950.

4. In section 56T of the principal Act, after the figures "50" the figures and letter "50A", shall be inserted.

Amend-  
ment of  
section 66  
of Bom.  
XXIX of  
1950.

5. To section 66 of the principal Act, before the *Explanation*, the following proviso shall be added, namely :—

"Provided that a trustee who has a previous conviction under this section shall be punished with fine which, except for adequate reasons to the contrary recorded in the judgment of the Court, shall not be less than Rs. 300 or the amount mentioned in that behalf in the said table, whichever be less."

Amend-  
ment of  
section 67  
of Bom.  
XXIX of  
1950.

6. To section 67 of the principal Act, the following proviso shall be added, namely :—

"Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, a person who has a previous conviction under this section, shall be punished with fine which shall not be less than Rs. 300."