### The Bombay Public Trusts Act, 1950 Cheat Sheet by Dr Milind Audichya (drmkaudichya) via cheatography.com/202141/cs/42894/

ACT DETAILS

| Short Title                        | The Bombay Public Trusts Act, 1950   |
|------------------------------------|--|
| Act Year                           | 1950   |
| Act Number                         | 24   |
| Department                         | Legal Department   |
| Туре                               | State - Gujarat  |
| Long Title                         | An Act to regulate and to make better provision for<br>the administration of public religious and charitable<br>trusts in the State of Bombay. |
| Enactment<br>Date                  | 14-08-1950   |
| Chapters(12)                       | I-XII  |
| Sections(88)                       | 1-88   |
| Schedule (3)                       | A, AA, B   |
| The Bombay<br>Public Trusts<br>Act | Click to access act in English   |

| CHAPTERS |   |          |
|----------|---|----------|
| CHAPTER  | CHAPTER TITLE   | SECTIONS |
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| II       | ESTABLISHMENT   | 3-8      |
| III      | CHARITABLE PURPOSES AND<br>VALIDITY OF CERTAIN PUBLIC<br>TRUSTS   | 9-13     |
| IV       | REGISTRATION OF PUBLIC TRUSTS   | 14-31    |
| V        | ACCOUNTS AND AUDIT  | 32-36    |
| VI       | CONTROL   | 37-41A   |
| VII      | OTHER FUNCTIONS AND POWERS<br>OF CHARITY COMMISSIONER   | 42-56B   |
| VII-A    | SPECIAL PROVISION AS RESPECTS<br>RELIGIOUS AND CHARITABLE<br>INSTITUTIONS AND ENDOWMENTS<br>WHICH VEST IN, OR THE<br>MANAGEMENT OF WHICH VESTS IN,<br>THE STATE GOVERNMENT. | 56C-56T  |
| VIII     | PUBLIC TRUSTS ADMINISTRATION<br>FUND  | 57-61    |
| IX       | ASSESSORS   | 62-65    |
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| Land | mark Judgements           |            |          |
|------|---------------------------|------------|----------|
| SR.  | CASE                      | PARTICULAR | LINK     |
| NO.  |                           |            |          |
| 1    | Vinodchandra Sakarlal     |            | AIR 2020 |
|      | Kapadia etc. vs. State of |            | SUPREME  |
|      | Gujarat and Ors.          |            | COURT    |
|      |                           |            | 5138     |

| CHAPTER I        |   |
|------------------|---|
| CHAPTER<br>TITLE | PRELIMINARY   |
| SECTION          | PARTICULAR  |
| 1                | Short title, extent, operation and application.   |
| 2                | Definitions   |
| <del>2A</del>    | <del>[Deleted]</del>  |
| 2B               | Construction of certain references in the Act in their application to that part of Gujarat to which the Act extends |

#### CHAPTER II CHAPTER ESTABLISHMENT TITLE SECTION PARTICULAR 3 **Charity Commissioner** Joint Charity Commissioners 3A 4 Qualifications for appointment of Charity Commissioner 5 Deputy and Assistant Charity Commissioners 6 Subordinate Officers 6A Charity Commissioner and other officers to be servants of State Government 6B Cost of pay, pension, etc., of Charity Commissioner, etc., to be paid to Government out of the Public Trusts Administration Fund 7 Assessors



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#### CHAPTER II (cont)

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Delegations

| CHAPTER I        | II.   |
|------------------|---|
| CHAPTER<br>TITLE | CHARITABLE PURPOSES AND VALIDITY OF<br>CERTAIN PUBLIC TRUSTS                                    |
| SECTION          | PARTICULAR  |
| 9                | Charitable purposes   |
| 10               | Public trust not to be void on ground of uncertainty  |
| 11               | Public trust not void on ground that it is void for non-ch-<br>aritable or nonreligious purpose |
| 12               | Public trust not void on ground of absence of obligation  |
| 13               | Public trust not void on failure of specific object of society, etc. ceasing to exist           |

#### CHAPTER IV

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|------------------|--|
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| 14               | Regions and sub-regions  |
| 15               | Public Trusts Registration Offices   |
| 16               | Deputy or Assistant Charity Commissioner to be in<br>charge of Public Trusts Registration Office |
| 17               | Books, indices and registers   |
| 18               | Registration of public trusts  |
| 19               | Inquiry for registration   |
| 20               | Findings of Deputy or Assistant Charity Commissioners  |
| 21               | Entries in register  |
| 22               | Change   |
| 22A              | Further inquiry by Deputy or Assistant Charity Commissioner                                      |

#### CHAPTER IV (cont)

| 22B   | 0       | ration of trust property in the name of public trust, which eady been registered, etc                    |
|-------|---------|--|
| 22C   | 0       | ation of particulars of immovable property of trusts<br>registered with certain officers and authorities |
| 23    |         | ure where trust property is situated in several regions regions  |
| 24    | Stay of | inquiry  |
| 25    |         | regarding public trust not to be held by more than one<br>or Assistant Charity Commissioner              |
| 26    | Court t | o forward copy of decision to Charity Commissioner   |
| 27    | [Repea  | led.]  |
| 28    |         | trusts previously registered under enactments<br>ed in Schedule  |
| 28A   |         | f entries relating to immovable property to be sent to gistrar, revenue and local authorities.           |
| 28B   | [Delete | d.]  |
| 29    | Public  | trust created by will  |
| 30    |         | of particulars of immovable property and scripts<br>d in register.                                       |
| 31    | Bar to  | hear or decide suits   |
| СНАР  | PTER V  |  |
| CHAP  |         | ACCOUNTS AND AUDIT   |
| TITLE |         |  |
| SECT  | ION     | PARTICULAR   |
| 32    |         | Maintenance of Accounts  |
| 33    |         | Balancing and auditing of accounts   |
| 34    |         | Auditor's duty to prepare balance sheet and to report irregularities, etc                                |

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Alienation of immovable property of public trust

Investment of public trust money

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| CHA | рπ | <br>V/ |
|-----|----|--------|
|     |    | V.     |

| CHAPTER<br>TITLECONTROLSECTIONPARTICULAR37Power of inspection and supervision38Explanation on report of auditor39Report to Charity Commissioner40Decision of Charity Commissioner on report under<br>section 3941Order of surcharge41APower of Charity Commissioner to issue directions to<br>trustees and other persons |         |                                     |
|--|---------|-------------------------------------|
| 37Power of inspection and supervision38Explanation on report of auditor39Report to Charity Commissioner40Decision of Charity Commissioner on report under<br>section 3941Order of surcharge41APower of Charity Commissioner to issue directions to   |         | CONTROL                             |
| 38Explanation on report of auditor39Report to Charity Commissioner40Decision of Charity Commissioner on report under<br>section 3941Order of surcharge41APower of Charity Commissioner to issue directions to  | SECTION | PARTICULAR                          |
| 39Report to Charity Commissioner40Decision of Charity Commissioner on report under<br>section 3941Order of surcharge41APower of Charity Commissioner to issue directions to  | 37      | Power of inspection and supervision |
| 40Decision of Charity Commissioner on report under<br>section 3941Order of surcharge41APower of Charity Commissioner to issue directions to  | 38      | Explanation on report of auditor    |
| <ul> <li>41 Order of surcharge</li> <li>41A Power of Charity Commissioner to issue directions to</li> </ul>  | 39      | Report to Charity Commissioner      |
| 41A Power of Charity Commissioner to issue directions to   | 40      | , ,                                 |
|  | 41      | Order of surcharge                  |
|  | 41A     | 5                                   |

#### CHAPTER VII

| CHAPTER<br>TITLE | OTHER FUNCTIONS AND POWERS OF CHARITY<br>COMMISSIONER   |
|------------------|---|
| SECTION          | PARTICULAR  |
| 42               | Charity Commissioner to be Corporation sole   |
| 43               | Charity Commissioner to be Treasurer of Charitable<br>Endowments under Act, VI of 1890  |
| 44               | Charity Commissioner can act as trustee of public trusts  |
| 45               | Charity Commissioner may with consent be appointed trustee of settlement by grantor   |
| 46               | Appointment of Charity Commissioner as trustee under will   |
| 47               | Power of Court to appoint new trustee or trustees as the case may be  |
| 47A              | Power to Court to vest property in new trustee  |
| 47AA             | ower of Charity Commissioner to apply to Court for<br>appointment of new trustee where trustee convicted<br>under Act   |
| 47B              | Court not to appoint Charity Commissioner as trustee<br>of religious trust and Charity Commissioner not to<br>accept such trust if management of religious affairs is<br>involved |
| 48               | Levy of administrative charges  |
|                  |   |

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#### CHAPTER VII (cont)

|  | Trans          | fer of property by Charity Commissioner   |
|--|----------------|---|
| 50   | Suits          | relating to public trusts   |
| 50A  |                | r of Charity Commissioner to frame, amalgamate or<br>y schemes  |
| 51   | Conse          | ent of Charity Commissioner for institution of suit   |
| 52   |                | application of sections 92 and 93 of Civil Procedure Code<br>olic trusts  |
| 52A  | Suit a<br>time | gainst assignee for valuable consideration not barred by  |
| 53   | Beque          | est under will for benefit of public trust  |
| 54   | Dharr          | nada  |
| 55   | Cypre          | s   |
| 56   | Court          | 's power to hear application  |
| 56A  | Powe           | rs of trustee to apply for directions   |
| 56B  | Proce          | edings involving question affecting public charitable or  |
|  | religio        | bus purpose   |
| СНАЕ   | PTER V         | 11-A  |
|  |                |   |
| CHAF   | TFR            | SPECIAL PROVISION AS RESPECTS RELIGIOUS   |
| CHAF   | PTER           | SPECIAL PROVISION AS RESPECTS RELIGIOUS<br>AND CHARITABLE INSTITUTIONS AND  |
|  |                |   |
|  |                | AND CHARITABLE INSTITUTIONS AND   |
|  | Ξ              | AND CHARITABLE INSTITUTIONS AND<br>ENDOWMENTS WHICH VEST IN, OR THE<br>MANAGEMENT OF WHICH VESTS IN, THE STATE  |
| TITLE  | Ξ              | AND CHARITABLE INSTITUTIONS AND<br>ENDOWMENTS WHICH VEST IN, OR THE<br>MANAGEMENT OF WHICH VESTS IN, THE STATE<br>GOVERNMENT  |
| TITLE  | Ξ              | AND CHARITABLE INSTITUTIONS AND<br>ENDOWMENTS WHICH VEST IN, OR THE<br>MANAGEMENT OF WHICH VESTS IN, THE STATE<br>GOVERNMENT<br>PARTICULAR<br>Provisions of Chapter VII-A to apply to certain   |
| SECT<br>56C  | Ξ              | AND CHARITABLE INSTITUTIONS AND<br>ENDOWMENTS WHICH VEST IN, OR THE<br>MANAGEMENT OF WHICH VESTS IN, THE STATE<br>GOVERNMENT<br>PARTICULAR<br>Provisions of Chapter VII-A to apply to certain<br>endowments<br>Vesting, or transfer of management, of certain   |
| SECT<br>56C<br>56D   | Ξ              | AND CHARITABLE INSTITUTIONS AND<br>ENDOWMENTS WHICH VEST IN, OR THE<br>MANAGEMENT OF WHICH VESTS IN, THE STATE<br>GOVERNMENT<br>PARTICULAR<br>Provisions of Chapter VII-A to apply to certain<br>endowments<br>Vesting, or transfer of management, of certain<br>endowments   |
| TITLE           SECT           56C           56D           56E                             | Ξ              | AND CHARITABLE INSTITUTIONS AND<br>ENDOWMENTS WHICH VEST IN, OR THE<br>MANAGEMENT OF WHICH VESTS IN, THE STATE<br>GOVERNMENT<br>PARTICULAR<br>Provisions of Chapter VII-A to apply to certain<br>endowments<br>Vesting, or transfer of management, of certain<br>endowments<br>Committees of management   |
| TITLE           SECT           56C           56D           56E           56F               | Ξ              | AND CHARITABLE INSTITUTIONS AND<br>ENDOWMENTS WHICH VEST IN, OR THE<br>MANAGEMENT OF WHICH VESTS IN, THE STATE<br>GOVERNMENT<br>PARTICULAR<br>Provisions of Chapter VII-A to apply to certain<br>endowments<br>Vesting, or transfer of management, of certain<br>endowments<br>Committees of management<br>Term of office of members of committee                                   |
| TITLE           SECT           56C           56D           56E           56F           56G | Ξ              | AND CHARITABLE INSTITUTIONS AND<br>ENDOWMENTS WHICH VEST IN, OR THE<br>MANAGEMENT OF WHICH VESTS IN, THE STATE<br>GOVERNMENT<br>PARTICULAR<br>Provisions of Chapter VII-A to apply to certain<br>endowments<br>Vesting, or transfer of management, of certain<br>endowments<br>Committees of management<br>Term of office of members of committee<br>Disqualification of membership |

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| CHAPTER VII-A | (cont) |
|---------------|--------|
|---------------|--------|

| 56K | Power of Committee to appoint sub-committees  |
|-----|---|
| 56L | Secretary and other officers of Committee   |
| 56M | Terms and conditions of service of Secretary and other servants   |
| 56N | General duties of committee   |
| 560 | Act of committee not invalid by reason of vacancy or defect   |
| 56P | Power of State Government to issue directions   |
| 56Q | Power of Charity Commissioner to require duties of committee<br>to be performed and to direct expenses in respect thereof to<br>be paid from fund of committee, etc |
| 56R | Power to supersede a committee  |
| 56S | Power to make regulations   |
| 56T | Non-application of certain provisions of this Act to endowments   |
|     |   |

#### CHAPTER VIII

| CHAPTER<br>TITLE | PUBLIC TRUSTS ADMINISTRATION FUND   |
|------------------|---|
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| 58               | Contribution by public trusts to Public Trusts Administration Fund  |
| 59               | Penalties as recovery of contribution   |
| 60               | Application of Public Trusts Administration Fund  |
| 61               | State Government to direct crediting of funds consti-<br>tuted under any Act in Schedule to Public Trusts<br>Administration Fund constituted under this Chapter |

| CHAPTER IX       |   |
|------------------|---|
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| 62               | Lists of Assessors  |
| 63               | Person summoned to attend at the time and place specified |
| 64               | Cases in which assessors shall be summoned                |
| 65               | Number of assessors to be called                          |

| CHAPTER X     |                        |
|---------------|------------------------|
| CHAPTER TITLE | OFFENCES AND PENALTIES |
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| 67            | Other offences         |

| CHAPTER XI       |   |
|------------------|---|
| CHAPTER<br>TITLE | FUNCTIOS OF CHARITY COMMISSIONERS,<br>PROCEDURE, JURISDICTION APPEALS   |
| SECTION          | PARTICULAR  |
| 68               | Duties, functions and powers of Deputy or Assistant<br>Charity Commissioner   |
| 69               | Duties, functions and powers of Charity Commissioner  |
| 70               | Appeals from findings of Deputy or Assistant Charity<br>Commissioner  |
| 70A              | Charity Commissioner to call for and examine record<br>and proceedings before Deputy or Assistant Charity<br>Commissioner |
| 71               | Appeal to Bombay Revenue Tribunal   |
| 72               | Application from Charity Commissioner's decision under section 40, 41 or 70, etc  |
| 73               | Officers holding inquiries to have powers of Civil Court  |
| 74               | Inquiries to be judicial inquiries  |
| 75               | Limitation  |
| 76               | Civil Procedure Code to apply to proceedings under this Act   |

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77 Recovery of sums due under section 18, 41 or 48 or rules

| CHAPTER X        | II   |
|------------------|--|
| CHAPTER<br>TITLE | MISCELLANEOUS  |
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| 78               | Charity Commissioner and other officers and assessors to be public servants  |
| 79               | Decision of property as public trust property  |
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| 79B              | Costs of proceedings before Courts including High<br>Court   |
| 79C              | Costs of proceedings before Charity Commissioner, etc  |
| 79CC             | Compensatory costs for frivolous or vexatious procee-<br>dings before Charity Commissioner, etc                                    |
| 79D              | Court fee to be paid as prescribed by Schedule B   |
| 80               | Bar of jurisdiction  |
| 81               | Indemnity from suits and proceedings   |
| 82               | Trial of offences under this Act   |
| 83               | Previous sanction of Charity Commissioner necessary for prosecution.   |
| 84               | Rules  |
| 85               | Repeal   |
| 86               | Further repeals and savings consequent on commen-<br>cement of Bom. XXIX of 1950, in other areas of State                          |
| 87               | Act not to apply to certain wakfs to which Act XXIX of<br>1954 applies or to Gurudwara governed by Hyderabad<br>Act XXXVII of 1956 |
| 88               | Provision for removal of difficulties  |

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