

CIRCULAR NO. 162

SUBJECT – Amendment in Section of the Bombay Public Trusts Act, 1950

Attention of the Regional Officers is drawn to the latest amendment to the Bombay Public Trusts Act, 1950 which are made applicable from 16th June 1972 and especially to Section 9 of the Act, which has widened the scope of a “charitable purpose” to a very large extent. All activities in the nature of recreation or leisure time occupation will not fall within the ambit of a trust subject to limitations mentioned in the section. Similarly deletion of clause “Exclusively to sports” would bring all the sports activities within the ambit if they satisfy other ingredients of a public trust as defined.

2. The effect of it is that many trusts/societies/associations etc., which were declared by Regional Officers as unregistrable trusts/societies/associations before the amendment may perhaps not attract the provisions of the Bombay Public Trusts Act and may be public trusts within the meaning of section 2(13) of the Act read with Section 9 as amended. The Regional Officers should, therefore, take-up the work of reviewing such cases of trusts/societies/associations under Bombay Public Trusts Act, 1950.

In the first place they should issue a letter to the members of managing body or persons concerned of the trust/society or association for registration in view of the amendments of the Act, 1950. In case the applications are received the authority may hear the cases and dispose them on merits and the previous finding if any would not come in the way of the authority in view of the change in law. Only thing that he will have to do is to mention the fact about change in law. If in spite of a letter the members of managing body or persons concerned, are not ready to make application even under protest *sou motu* inquiry may be started and decided according to law.

Such letters may be addressed to all activities which may attract the new provisions irrespective of the fact whether there was a previous inquiry. The progress of the work of review of such cases may be intimated to this office along with the monthly return in the following form :-

No. of cases declared to be not registrable as on 16 th June 1972	No. of cases received		Remarks on pending work of review
	No. of applications received or <i>sou motu</i> inquiries started.	No. of cases disposed of till the date of report	

M. D. KAMBLI
Charity Commissioner,
Bombay

Dated : 5th October 1972.

CIRCULAR NO. 162

In continuation to this office Circular No.162 dated 5th October 1972, it is hereby brought to the notice of all the Regional Offices that after recent amendment to Section 9 of the Bombay Public Trusts Act, 1950 under which the definition of the word "Charitable purpose" is widened as already pointed under the previous circular the amended Section 9 shall read as follows :-

SECTION 9 :-

- (1) For the purpose of this Act, a charitable purpose includes, -
 - (1) relief of poverty or distress,
 - (2) educational
 - (3) medical relief,
 - (3a) provision for facilities for recreation or other leisure time occupation (including assistance for such provision), if the facilities are provided in the interest of social welfare and public benefit, and
 - (4) the advancement of any other object of general public utility, but does not include a purpose which relates, -
 - (b) exclusively to religious teaching or worship.
- (2) The requirement of this section that the facilities are provided in the interest of social welfare shall not be treated as satisfied unless, -
 - (a) the facilities are provided with the object of improving the conditions of life for the persons for whom the facilities are primarily intended ; and
 - (b) either, --
 - (i) those persons have need of such facilities as aforesaid by reason of their youth, age, infirmity or disablement, poverty or social and economic circumstances, or
 - (ii) the facilities are to be available to the members of the public at large
- (3) Subject to the said requirement, sub-section (1), of this section applies in particular to the provision of facilities at village halls, community centres and women institutes, and to the provision and maintenance of grounds and buildings to be used for purpose of recreation and leisure time occupation, and extends to the provision of facilities for those purpose by the organising of any such activity.

Hence necessary steps should be taken in this behalf as already directed and progress report be sent every month alongwith the usual monthly statements. The first report be submitted on 5th Novemeber 1972.

M. D. KAMBLI
Charity Commissioner,
Bombay

Dated : 21st October 1972.