

The Treasurer of Charitable Endowments, Bombay (Reconstitution) Order, 1962

UNION OF INDIA

India

The Treasurer of Charitable Endowments, Bombay (Reconstitution) Order, 1962

Rule

THE-TREASURER-OF-CHARITABLE-ENDOWMENTS-BOMBAY-RECON of 1962

- Published on 1 March 1962
- Commenced on 1 March 1962
- [This is the version of this document from 1 March 1962.]
- [Note: The original publication document is not available and this content could not be verified.]

The Treasurer of Charitable Endowments, Bombay (Reconstitution) Order, 1962Published vide Notification Gazette of India, 1962, Part 2, Section 3 (i), p. 194. (w.e.f. 1st March, 1962).G.S.R. 217, dated 30th January, 19621. - In exercise of the powers conferred by sub-section (1) of Section 4 of the Inter-State Corporations Act, 1957 (38 of 1957), the Central Government, after consulting the Governments of the States of Gujarat and Maharashtra, approves with certain modifications the Scheme forwarded by the Government of Maharashtra relating to the reconstitution and reorganisation of the Treasurer of Charitable Endowments for the State of Bombay, a Corporation sole constituted under the Charitable Endowments Act, 1890 (6 of 1890) read with Section 43 of the Bombay Public Trusts Act, 1950 (Bombay Act 29 of 1950) and now functioning in parts of the States of Gujarat and Maharashtra, and for the purpose of giving effect to the Scheme so approved the Central Government hereby makes the following Order, namely.

1. Short title and commencement.

(1)This Order maybe called the Treasurer of Charitable Endowments, Bombay (Reconstitution) Order, 1962.(2)It shall come into force on the 1st day of March, 1962.

2. Definitions.

- In this Order, unless the context otherwise requires,-(a)"Act" means the Charitable Endowments Act, 1890 (6 of 1890),(b)"appointed day" means the date of the commencement of this Order;(c)"Bombay areas of the State of Gujarat "means the area of the State of Gujarat excluding the

Saurashtra arid Kutch areas thereof;(d)"Bombay area of the State of Maharashtra" means the area of the State of Maharashtra excluding the Vidarbha region and Hyderabad area thereof.(e)"existing Corporation" means the [Charity Commissioner, Bombay,] [Corrected by G.S.R. 461, dated 4th April, 1962.] deemed to be appointed under the Act read with Section 43 of the Bombay Public Trusts Act, 1950 (Bombay Act 29 of 1950), as the Treasurer of Charitable Endowments for the Bombay area of the State of Gujarat and the Bombay area of the State of Maharashtra and functioning and operating, immediately before the appointed day such Treasurer in those areas;(f)"Hyderabad area of the State of Maharashtra" means the territories of the former State of Hyderabad transferred under Clause (b) of sub-section (1) of Section 8 of the States Reorganisation Act, 1956 (37 of 1956) and forming part of the State of Maharashtra;(g)"Kutch area of the State of Gujarat" means the territories of the former State of Kutch transferred under Clause (e) of sub-section (1) of Section 8 of the States Reorganisation Act, 1956 (37 of 1956) and forming part of the State of Gujarat.(h)"Saurashtra area of the State of Gujarat" means the territories of the former State of Saurashtra transferred under Clause (d) of sub-section (1) of Section 8 of the States Reorganisation Act, 1956 (37 of 1956) and forming part of the State of Gujarat.(i)"Vidarbha region of the State of Maharashtra" means the territories of the former State of Madhya Pradesh transferred under Clause (c) of subsection (1) of Section 8 of the States Reorganisation Act, 1956 (37 of 1956) and forming part of the State of Maharashtra;(j)words and expressions used herein and not defined but defined in the Act, shall have the meanings assigned to them in the Act.

3. Reorganisation of the existing Corporation.

- As from the appointed day, the existing Corporation shall-(a)cease to function and operate in the Bombay area of the State of Gujarat; and(b)be deemed to be reconstituted as the Charity Commissioner, Maharashtra, and be deemed to be appointed the Treasurer of Charitable Endowments for the State of Maharashtra.

4. Transfer of charitable endowment properties.

(1)All properties (including all documents of title) vesting in the existing Corporation shall, as from the appointed day,-(a)if the objects of the charitable endowment concerned extend beyond a single State, vest in the Treasurer of Charitable Endowments for India;(b)if the objects of the charitable endowment concerned do not extend beyond the whole or any part of the State of Gujarat, vest in the Treasurer of Charitable Endowments for that State;(c)in any other case, continue to vest in the existing Corporation as reconstituted for the State of Maharashtra.

5. Existing schemes deemed to be settled mutatis mutandis by Government concerned.

- All schemes settled, modified or substituted under Section 5 of the Act which were in operation immediately before the appointed day, shall, as from that day, be deemed to be settled, modified or substituted mutatis mutandis by the Central Government or the Government of Gujarat or Maharashtra according as the property vests under paragraph 4 in the Treasurer of Charitable

Endowments for India or the Treasurer for the State of Gujarat or Maharashtra, as the case may be.

6. Recovery of outstanding fees and dues.

- The right to recover fees and other dues (including the cost of vesting orders and schemes) recoverable under the Act before the appointed day in respect of any property vested in the existing Corporation shall, if such fees and other dues are not recovered before that day, belong to the Central Government or the Government of Gujarat or Maharashtra according as the property vests under paragraph 4 in the Treasurer of Charitable Endowments for India or the Treasurer of Charitable Endowments for the State of Gujarat or Maharashtra, as the case may be.

7. Residuary provision.

- The benefit or burden of any assets or liabilities of the existing Corporation not dealt with in the foregoing provisions shall, (a) if they relate to any property vested under this Order in the Treasury of Charitable Endowments for India or for the State of Gujarat, pass to that Treasurer, (b) in any other case, continue to be the assets and liabilities of the existing Corporation as reconstituted.

8. Legal proceedings.

(1) Where immediately before the appointed day, the existing Corporation is or is deemed to be a party to any legal proceedings in any Court or Tribunal in respect of any property vested in the Treasurer of Charitable Endowments for India or for the State of Gujarat under this Order, the Treasurer of Charitable Endowments for the State of Gujarat, shall as from that day, be deemed to be substituted as a party to those proceedings or added as a party thereto as the case may require, and the proceedings may continue accordingly. (2) Where immediately before the appointed day, the existing Corporation is or is deemed to be a party to any legal proceedings in respect of any property other than those referred to in sub-paragraph (1), the existing Corporation as reconstituted shall, as from that day, be deemed to be substituted for the existing Corporation as a party to those proceedings or added as a party thereto, as the case may require, and the proceedings may continue accordingly.

9. Adaptation and modification of Bombay Public Trusts Act.

- As from the appointed day, the Bombay Public Trusts Act, 1950 (Bombay Act 29 of 1950) shall, until altered, repealed or amended by the competent Legislature, have effect subject to the following modification, namely. For Section 43, substitute the following. - "43 Maharashtra Charity Commissioner to be Treasurer of Charitable Endowments under Act 6 of 1890. - Notwithstanding anything contained in the Charitable Endowments Act, 1890 (6 of 1890) on and from the commencement of the Treasurer of Charitable Endowments, Bombay (Reconstitution) Order, 1962, the Charity Commissioner, Maharashtra shall be deemed to be the Treasurer of Charitable Endowments for that part of the State of Maharashtra to which this Act extends appointed under the provisions of the Charitable Endowments Act, 1890 and the property vesting in the said Treasurer

by or under any law for the time being in force shall be deemed to vest in the said Charity Commissioner as the Treasurer of Charitable Endowments and the provisions of the said Act shall apply to the said Charity Commissioner as the Treasurer of Charitable Endowments appointed under the said Act."