

Formation and Registration of Trusts , Societies under under the MPT Act

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by CA. Suhas Malankar

Brief background

Forming a public trust or a society under the Societies Registration Act 1860, or a section 8 company are 3 popular forms for carrying out charitable or religious work. In the state of Maharashtra legislation governing Public Trust is The Maharashtra Public Trusts Act (the MPT Act). The title of the Act changed in 2012 from 'The Bombay Public Trusts Act 1950 (BPT Act) to 'The Maharashtra Public Trusts Act' with retrospective effect from 1st May 1960 by the Maharashtra (Change of short titles of certain Bombay Acts) Act 2011. Relevant Rules are 'The Maharashtra Public Trust Rules' (title changed in May 2019). BPT Act was enacted to regulate and to make better provisions for the administration of public religious and charitable trusts in the state of Bombay. The act is applicable to all the public religious and charitable trusts where office of administration and or substantial portion of its properties are situated in the state of Maharashtra. Its provisions are applicable to Societies registered under The Societies Registration Act, 1860 where their administrative office or substantial portion of properties of such society is situated in the state of Maharashtra. (SC has held that where main trust in one state and other few branches are spread in another state situs of principal math will determine applicability of the Act- **Charity Commissioner of Bombay Vs. Administrator of Shringeri Math** AIR 1969 SC 566: 71 BOM.L.R. 678 SC.) Certain organizations /person/ associations collecting money for charitable or religious objects are also governed by certain provisions of the MPT Act. However provisions of the MPT Act do not apply to Sec. 25/ sec. 8 companies and to private trusts.

Before we take up subject of formation and registration of Public Trusts under the MPT Act it is essential to study and understand certain related basic terms or concepts as given below:

Meaning of the term "Trust": -

Term trust is not defined in the MPT Act, therefore one has to go to the definition of Trust as given in sec. 3 of the Indian Trusts Act 1882 which is as follows:-

A "trust" is an obligation annexed to the ownership of property, and arising out of a confidence reposed in and accepted by the owner, or declared and accepted by him, for the benefit of another, or of another and the owner:

Section further states....

the person who reposes or declares the confidence is called the "author of the trust":

*the person who accepts the confidence is called the “trustee”:
the person for whose benefit the confidence is accepted is called the “beneficiary”: the subject-matter of the trust is called “trust-property” or “trust-money”:
the “beneficial interest” or “interest” of the beneficiary is his right against the trustee as owner of the trust-property;
and the instrument, if any, by which the trust is declared is called the “instrument of trust”.*

However term ‘beneficiary’ and ‘instrument of trust’ is defined under the MPT Act as follows:

Sec. 2(2A) “beneficiary” means any person entitled to any of the benefit as per the objects of the trust explained in the trust deed or the scheme made as per this Act and constitution of the trust and no other person (inserted wef.10.10.2017)

Sec. 2(7A) “Instrument of trust” means the instrument by which the trust is created by the author of the trust and includes any scheme framed by a competent authority or any memorandum of association and rules and regulations of a society registered under the Societies Registration Act, 1860, to its application to the State of Maharashtra.

Thus this definition covers:

- a) the instrument by which the trust is created by the author of the trust
- b) any scheme framed by a competent authority
- c) any memorandum of association and rules and regulations of a society registered under the Societies Registration Act, 1860, to its application to the State of Maharashtra.

Sec. 2 (13) “Public trust” means an express or constructive trust for either a public religious or charitable purpose or both and includes a temple, a math, a wakf, church, synagogue, agiary or other place of public religious worship, a dharmada or any other religious or charitable endowment and society formed either for a religious or charitable purpose or for both and registered under the Societies Registration Act, 1860;

This definition covers:

- a) An express or constructive trust
- b) for either a public religious or charitable purpose or both
- c) a temple, a math, a wakf, church, synagogue, agiary or other place of public religious worship,
- d) a dharmada or
- e) any other religious or charitable endowment and
- f) a society formed either for a religious or charitable purpose or for both and registered under the Societies Registration Act, 1860;

A public trust must be for the benefit of either public at large, or some considerable portion of it, answering a particular description, i.e. the number of beneficiaries should be a fluctuating body.

Public purpose is not capable of precise definition. Whatever furthers the general interest of the community as opposed to the particular interest of the individual must be regarded as public purpose.

It is not necessary that object should be to benefit the whole of mankind or all the persons living in a particular country or province. It is sufficient if the intention is to benefit a sufficiently large section of the public as distinguished from specified individual.

Sec. 2(6) defines "**Hindu**" as follows:-

"Hindu" includes Jain, Buddhist and Sikh;

Sec. 2(10) defines "**Person having interest**" as follows:

Person having interest includes

(a) *In the case of a temple*

person who is entitled to attend at or is in the habit of attending performance of worship or service at temple OR

who is entitled to partake or is in the habit of partaking in distribution of gifts thereof,

(b) *In the case of math*

A disciple of a math or

A person of religious persuasion to which math belongs,

(c) *In case of waqf*

A person entitled to receive pecuniary or other benefit from the Waqf

A person who has right to worship or perform religious right in a mosque, dargah etc.

(d) *In case of a society registered under 1860 Act*

any member of such society,

(e) *In case of any other public trust, any trustee or beneficiary*

Sec. 2(20) *words and expressions used but not defined in this Act (i.e. the MPT Act) and defined in the Indian Trusts Act, 1882, shall have the meanings assigned to them in that Act*

Essential elements for creating a trust:

How trust is created- A trust is created when the author of the trust indicates with reasonable certainty by any words or acts:

(a) an intention on his part to create a trust

(b) the purpose(objects) of the trust

(c) the beneficiary, and

(d) trust property, and

(unless the trust is declared by will or the author of the trust is himself a trustee) he transfers the trust property to the trustee.

It has been held by courts that a trust can be created by word of mouth.

It is also held by courts that - No formal language is necessary to constitute an effective declaration of trust, but the language used must be certain (1) that the settler intended to constitute a trust binding in law on himself or the person to whom the property is given (2) that he intended to bind definite property by the trust, and (3) that he intended to benefit a definite person or persons in a definite way.

However to avoid future disputes with authorities and to have certainty as to objects and the terms governing the trust it is most desirable to have properly drafted trust deed.

Every trust must be for lawful purpose. Section 4 of the Indian Trusts Act, 1882 defines lawful purpose as follows: -

A trust may be created for any lawful purpose.

The purpose of a trust is lawful unless it is

(a) forbidden by law, or

(b) is of such a nature that, if permitted, it would defeat the provisions of any law, or

(c) is fraudulent, or

(d) involves or implies injury to the person or property of another, or

(e) the court regards it as immoral or opposed to public policy.

Every trust of which the purpose is unlawful is void. And where a trust is created for two purposes, of which one is lawful and the other unlawful and the two purposes cannot be separated, the whole trust is void.

Objects / purposes for which a public trust can be formed: -

Charitable Purpose is defined u/s.9 of the MPT Act

As per this definition – charitable purpose shall include

1. Relief of poverty or distress,
2. Education,
3. Medical Relief,
4. Provision for facilities for recreation or leisure time occupation (including assistance for such provision) if these facilities are provided in the interest of social welfare and public benefit

However there is further condition that-

- 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 or economic circumstances OR
 - (ii) the facilities should be available to the members of public at large,
5. the advancement of any other object of general public utility. However it shall not include a purpose which relates exclusively to religious teaching or worship,
 6. provision of facilities at village hall, community centre and women's institutes and provision and maintenance of grounds and building to be used for purposes of recreation and leisure time occupation.

Since it is an inclusive definition it shall cover and include other activities, which can be called charitable, so one has to look at various legal decisions in this respect.

At this stage one should also refer to - keep in mind definition of charitable purpose as per Income Tax Act 1961 which is as follows:

Meaning of 'Charitable Purpose' [Sec. 2(15) of Income Tax Act]

'Charitable purpose includes

relief of the poor,

education,

yoga w.e.f.1.4.2016,

medical relief,

preservation of environment (including watersheds, forests and wildlife) and preservation of monuments or places or objects of artistic or historic interest, and the advancement of any other object of general public utility.

Provided that advancement of any other object of general public utility shall not be a charitable purpose if it involves the carrying on of any activity in the nature of trade commerce or business or any other activity of rendering any service in relation to any trade, commerce or business, for a cess or fee or any other consideration, irrespective of the nature of use or application, or retention, of the income from such activity, unless -

- (i) such activity is undertaken in the course of actual carrying out of such advancement of any other object of general public utility, and
- (ii) the aggregate receipts from such activity or activities during the previous year do not exceed twenty per cent of the total receipts of trust or institution undertaking such activity or activities of that previous year."

Definition of charitable purpose under income Tax Act is also an inclusive definition therefore one should keep in mind important case laws on this subject.

A purpose must in order to be charitable, be directed to the benefit of the community or a section of the community, as distinguished from an individual or a group of individuals as held in - **CIT v Ahmadabad Rana Caste Association (1983) 140 ITR 1 (SC)**.

Where the primary purpose of the settler is to benefit the members of his family and relations and only remotely and indirectly the general public, the trust is not a charitable trust.

- Not necessary to benefit whole of mankind
- Not necessary to provide free services
- Cross subsidization permissible.

Religious purpose-Religious purpose is not defined under the MPT Act nor it is defined under the Income Tax Act. Religious purposes would include the advancement, support or propagation of a religion and its tenets (central principles).

Installation of idols of deity, worship of such deities, celebrating various religious festivals like Ram Navmi, Mahashivratri, Ganeshutsav, Navratri etc. can be regarded as religious purpose.

Pl. also refer to tribunal judgment in case of **Shiv Mandir Devasthan Panch Committee Sanstan v. CIT** [2013] 56 SOT 456 (Nagpur), it says Hindu is neither a religion nor a community. Therefore expenses incurred for worship of Lord Shiva, Hanuman, Goddess Durga and for maintenance of temple cannot be regarded to be for religious purpose.

- Thus trust can be formed for carrying out public religious or charitable or both purposes.
- Cross ref. sec. 80G, 115BBC (anonymous donations) of I. Tax

Contents of Trust Deed

- Author/settler -
- trustee - permanent - for a particular term
- transfer of property-
- trust fund -
- office -

- objects – charitable/public religious
- management –
- meetings –
- A/c Year –ending 31st March, 30th June, 31st Dec, Diwali
- Irrevocability clause
- Dissolution clause
- signatures – of settler and trustees
- 2 witnesses

Stamp Duty applicable: -

The trust deed is required to be stamped and the relevant Articles of the Maharashtra Stamp Act as applicable to Maharashtra are Articles 55 and 61 of Schedule I, are as follows:

		Stamp Duty
Article 55.	Settlement: - A. <u>Instrument of settlement</u> (i) where the <u>settlement</u> is made <u>for a religious or charitable purpose</u>	<u>2%of</u> a sum equal to the amount settled or the <u>market value of the property settled.</u>
	(ii) in any other case	Same duty as is leviable on a conveyance under cl. (a) (b) (c) of article 25
	B. Revocation of settlement	Rs. 500
Article 61	Trust A. <u>Declaration of Trust</u> - of, or concerning, any property when made by any writing <u>not being a Will,</u> (a) Where <u>there is disposition of property, --</u> (i) where the <u>trust</u> is made <u>for</u> a <u>religious or charitable purpose;</u>	<u>2%of</u> a sum equal to the amount settled or the <u>market value of the property settled</u>
	(ii) in any other case.....	the same duty as per conveyance
	(b) where there is no disposition of the property,-- (i) where the <u>trust</u> is made <u>for</u> a <u>religious or charitable purpose;</u> (ii) in any other case	Rs.500/-

		Rs.500/-
	B. Revocation of Trust	Rs.500/-

Registration of Public Trust (Sec. 18,19,20 & Rule 6)

Once a Public Trust is formed in Maharashtra it is required to be registered under the provision of the MPT Act. Where it is formed as society and registered under the Societies Registration Act, 1860 it is again required to be registered as Public Trust under the MPT Act. Provisions related to registration of Public Trust are broadly as follows: -

1. Application to be made by the trustee to the Dy./Asst. Charity Commissioner (ACC) of the region or sub-region within the limits of which the trustee has an office for the administration of the trust or the trust property or substantial portion of the trust property is situated, as the case may be.
2. Such application shall be made in writing, in form as per Schedule II. Court fee stamp of Rs.100/- is required to be affixed to the application.
3. Such application shall be made within 3 months of creation of the public trust.
4. Such application among other things shall contain the following particulars:
 - (i) name of the public trust,
 - (ii) the names and addresses of the trustees and the manager
 - (iii) the mode of succession to the office of the trustee;
 - (iv) the list of the movable and immovable property of the trust with descriptions and particulars of the property as may be sufficient for its identification;
 - (v) the approximate value of such movable and immovable property;
 - (vi) the gross average annual income of the trust estimated on the basis of income of past 3 years. If trust is in existence for less than 3 years, average should be based on number of year's income for which trust is in existence since the creation of the trust.
 - (vii) similarly estimated expenditure to be given.
 - (viii) the address to which any communication to the trustees or manager in connection with the public trust should be sent;
 - (ix) such other particulars which may be prescribed:
5. Application for registration shall be signed and verified in the manner prescribed by Rule 6, sub rule 4 of the MPT Rules by the trustee or his agent specially authorized by him in this behalf.(ss. 6)
6. It shall be accompanied by a copy of an instrument of trust and copy of scheme in operation, (if any).
7. In case a trust at the time of registration owns any immovable property then, along with the application for registration or during registration

process, the trustee have to produce an extract from the property register, record of rights and municipal records in order that officer holding the inquiry can ascertain if the property stands in the name of the trustee or the vahivatdar, or whether it stands in the name of a stranger. If it is found out that property is standing in the name of a stranger, it would be the duty of the Dy./ ACC to issue notice to such persons and ascertain the facts.

8. Address proof for registered office also required.
9. Copies of photo id of trustees - self attested with photos of trustees affixed thereon.

Note:- Public notice - The Dy./ACC generally instructs trustee to publish notice in local news paper. (Notice period 30 days)

Affidavit in prescribed format is required to be submitted in the course of inquiry for registration. This affidavit need not be on stamp paper, only court fee stamp of Rs. 10/- is required to be affixed. It can be signed by applicant before superintendent concerned in the office of the Dy./ACC.

Inquiry for registration by Deputy or Assistant Charity Commissioner (Sec. 19)

On the receipt of an application for registration under section 18 of the MPT Act, the Dy./ACC shall make an inquiry in the prescribed manner on various points as stated in this section and ss. 18(5) for the purpose of ascertaining-

1. Whether a trust exists and whether such trust is a public trust?
2. Whether the property as shown in the application is the property of the trust and what is the estimated value of the movable and of the immovable property?
3. Whether the whole or any substantial portion of the subject matter of the trust is situated within his jurisdiction?
4. What is the mode of succession to the trusteeship and managership?
5. What are the objects of the trust?...etc...

Findings of Dy./Asst. Charity Commissioners (Sec. 20)

On completion of the inquiry as provided for under Section 19 the Dy./ACC shall record his findings with the reasons there for and may make an order for the payment of the registration fee.

On payment of registration fees a certificate of registration is issued under the hand of Dy./ACC.

Under **Section 70 Appeal** against the findings/order to Charity Commissioner can be filed within 60 days from the date of order.

Date of Registration of the trust: -

The date of Registration of the trust shall be date of passing of the order and not from the date of application.

Entries in register (Section 21)

The Dy./ACC shall make entries in the Register of Public Trust kept under section 17 (i.e. in Schedule I) in accordance with the findings recorded by him under section 20.

Public trust created by will (Sec. 29)

In the case of the public trust which is created by a will, the executor of such will shall within 1 month from the date on which the probate of the will is granted or within 6 months from the testator's death whichever is earlier make an application for the registration in the manner provided in section 18 and all the provisions of the MPT Act & Rules in respect of registration shall apply to the registration of such trust. However in appropriate cases the period prescribed as above for making an application for registration may, for sufficient cause can be extended by the Dy./ACC concerned.

ONLINE PROCESS FOR REGISTRATION

Online process for trust registration is started and application for registration can be submitted online however as on date it is optional and it is advisable to submit application for registration in physical form.

System of coding trust:

In the records of Office of Charity Commissioner a system of coding is followed as follows:

- A. Hindu Religious
- B. Muslim Religious
- C. Parsee Religious
- D. Christian / Jew Religious
- E. Trust registered on the basis of Trust Deed
- F. Societies registered under 1860 Act registered as trust

FORMATION OF SOCIETIES

Societies formed by Memorandum of Association and Rules and Regulations under the Societies Registration Act, 1860.

This is another prevalent form of forming a charitable/public religious organization.

'Sec.1- Any seven or more persons associated for any literary, scientific or charitable purpose, or for any such purpose, as is described in Section 20 of this Act, may by subscribing their names to a Memorandum of Association, and filing the same with the registrar form themselves into a society under this Act.'

Sec. 20 To what societies Act applies

'ss. (1)The following societies may be registered under this Act:-

Charitable societies, the military orphan funds or societies established at the several presidencies of India, societies established for the promotion of science, literature, or the fine arts, for instruction, the diffusion of useful knowledge, the diffusion of political education, the foundation or maintenance of libraries or reading-rooms for general use among the members or open to the public, or public museums and galleries of paintings and other works of art, collections of natural history, mechanical and philosophical inventions, instruments or designs.'

However it should be noted that political purpose is not regarded as charitable purpose.

CONTENTS OF THE MEMORANDUM OF ASSOCIATION....

1. Name of The Society
2. Office Address
3. Object of the Society
4. Members Addresses, Designation, Age and Occupation
5. Affirmation

CONTENTS OF THE RULES AND REGULATIONS...

Rules and Regulations of a society formed for charitable or religious or other purposes contains following clauses-

1. Definition
2. Jurisdiction
3. Financial Year
4. Membership- minimum 7
5. Types of Members -
6. Ceasing to be a Member
7. Managing Committee
8. Power of the Managing Committee
9. Meeting of the Managing Committee
10. Quorum for the Managing Committee
11. Minutes to be kept

12. Office Bearers and their duties
 - i) President
 - ii) Secretary
 - iii) Treasurer
13. General Body Meeting
14. Extra Ordinary General Body Meeting
15. Notice of the General Body/Extra Ordinary General Body Meeting
16. Business of the Annual General Meeting
17. Quorum of the General Body Meeting
18. Election
19. Source of Income and its application
20. Bank Account
21. Sub Committees
22. Books of Accounts
23. Provision regarding sale and purchase of Immovable Property
24. Provision regarding Loans & Deposit
25. Membership register to be kept
26. Custody of the Documents
27. Provision for Amendments in Rules & Regulation
28. Provision for change in name and object of the society
29. Dissolution

Note - since Societies Registration Act do not contain specific provisions about most of the items of rules and regulation it can be drafted to suit requirement of the organization.

DOCUMENTS REQUIRED AT THE TIME OF REGISTRATION OF THE SOCIETY:

1. Application letter
2. True copy of Memorandum of Association
3. True copy of the Rules & Regulations
4. Consent Letter duly signed by all the Members of the Managing Committee (under both the acts)
5. Authority letter duly signed by all the Members of the Managing Committee (under both the acts)
6. Affidavit/ self declaration in standard format
7. resolution in standard format
8. Address proof for registered office & NOC of owner.
9. Schedule I, II and VI as per society registration rules.
10. Copies of self attested photo id of managing committee members with photos of members affixed thereon.
- Application in Sch. II duly notarized with Rs. 100/- court fee stamp also reqd. to be affixed.(as society is later on registered as trust)

- Two sets are required to be submitted.
- Exemption from publication of paper notice:-Application for granting exemption from publication of paper notice can be submitted and is allowed by the Asst. Registrar concerned.
- Online Application:- Option for online submission of society registration application is available.
- Once society is registered under the Societies Registration Act 1860 it is compulsorily required to be registered as public trust under provisions of the MPT Act.

SEC. 8 COMPANY:-

A charitable institution/ association may be registered as a non-profit company and can obtain a license under section 8 of the Companies Act 2013. Such company is registered without addition of word 'Limited 'or 'Private Limited' to its name.

Meaning of Non-profit Making Company

A Non-profit making Company is a Company which:

- (a) has in its objects the promotion of commerce, art, science, sports, education, research, social welfare, religion, charity, protection of environment or any such other object;
- (b) intends to apply its profits, if any, or other income in promoting its objects; and
- (c) intends to prohibit the payment of any dividend to its members.

Procedure for registration of Non-Profit making Company

Procedure for getting License under section 8 for new companies with charitable objects is given in rule 19 and 20 of Companies (Incorporation) Rules, 2014 which is as follows:

Obtain Digital Signatures

It is necessary to obtain a Digital Signature Certificate for at least one director to sign the E-forms related to incorporation like form Spice + (INC-32) for obtaining license and registration certificate / INC 12 (for existing co.) for obtaining license.

Obtain Director Identification Number (DIN) [Section 153]

Every individual intending to be appointed as director of a company shall make an application for allotment of DIN in form DIR.3 to the ROC along with prescribed fees.

The license may be granted to new company as well as to existing companies. The procedure in each case shall be as under:

(a) For registering New company:

Now the procedure is more or less similar to formation of any other new co with few exceptions.

The proposed company should make an application for reservation of name in SPICE+ Part A to the ROC and follow the guidelines issued in this regard.

After reservation of name make application in Form SPICE+ Part B along with the following documents:

(i) Memorandum and Articles of Association of the proposed company (refer Form INC-13 for form of Memorandum). No stamp duty is payable on the Memorandum and Articles of Association of a company to be registered under these provisions.

(ii) Declarations in form INC-14:

Signed by an advocate or a Chartered Accountant or a Cost Accountant or a Company Secretary in whole time practice in India, who is engaged in the formation of company.

(iii) Declaration signed by each of the applicants in Form INC-15.

(vi) An estimate of future annual income and expenditure of the company for next 3 years, specifying the sources of income and objects of expenditure.

(Part B of SPICE+ can be uploaded either after receiving name approval on submission of Part A or simultaneously with Part A).

Grant of License: The license is granted by the Registrar after the scrutiny of the application. The Registrar may direct the company to incorporate in its memorandum or articles or both, such conditions as may be specified by the Registrar in this behalf. License shall be in form INC 16.

Registration: after granting license u/s. 8 company registration certificate shall be granted to the company. Now process is concurrent with single application in Form SPICE+

- (b) **Companies Already Registered** : A limited company registered under the act or under any previous company law, with objects of charitable nature, desirous of obtaining license under section 8 of the Act, should apply to ROC concerned, in Form INC-12 along with:
- i) Memorandum Form INC -13 and articles of association
 - ii) Declaration in Form INC-14 signed by:
an advocate or a Chartered Accountant or a Cost Accountant or a Company Secretary whole time practicing in India who is engaged in the formation of company,
 - iii) Declaration signed by each of the applicant in Form INC-15.
 - iv) Financial Statements (i.e. Statement of Profit & Loss, Balance Sheet and Cash Flow statement), report of Board of Directors and audit report of the company for each of last 2 financial years. (If the company is in existence for less than two years, documents relating to one year only may be submitted.)
 - v) A statement of assets and liabilities of the company, with their values, as on the date of application or within 30 days before that date.
 - vi) An estimate of future annual income and expenditure of the company for next 3 years.
 - vii) Certified copies of Board/General Meeting resolutions approving registration of company u/s. 8.

Notice to be published: Within a week after making application in INC -12 to the Registrar, a notice is required to be published - in English and one vernacular newspaper of the area where the registered office is situated and on the websites notified by the Central Government.

Grant of License: The license is granted by the Registrar after the scrutiny of the application, and after considering the objections, if any, received by it within 30 days from the date of publication of notice. The registrar may require the company to furnish approval/concurrence of any appropriate authority, regulatory body department or Ministry of Central/State Government(s). License shall be in form INC 17.

The registrar may direct the company to incorporate in its memorandum or articles or both, such conditions of the license as may be specified by him in this behalf.

If there is change in memorandum/articles, as advised by the Registrar while granting license u/s 8, the same will be incorporated and the

amended memorandum/articles should be filed with the ROC along with the requisite filing fee.

- Requirement of minimum paid up capital is not applicable to section 8 company.
- No restriction on maximum no of directors- Restriction on maximum no. of directors to 15 is not applicable. Notification dt. 13.06.2017.
- No requirement of Independent Directors.
- May hold only 1 Board Meeting in every 6 calendar months.
- See notification No. GSR 466(E) dt.05.06.2015 as amended by notification No. GSR 584(E) dt. 13.06.2017 for privileges of section 8 company.
- For non compliance with any of the requirements of section 8 – fine of Rs.10 lakhs to Rs. 1 Cr. to company and fine of Rs.25000 to Rs. 25 lakhs to directors, and imprisonment upto 3 years or both. [sec. 8(11)]

Which form is better - Trust or society forms are popular in Maharashtra for purpose of carrying out charitable or religious activity. Some prefer sec. 8 company form. Choice of the form of organization should be done very carefully considering pros – and - cons of each form.

- Web site of charity commissioner – www.charity.maharashtra.gov.in – may be referred for useful information.

Thank you
