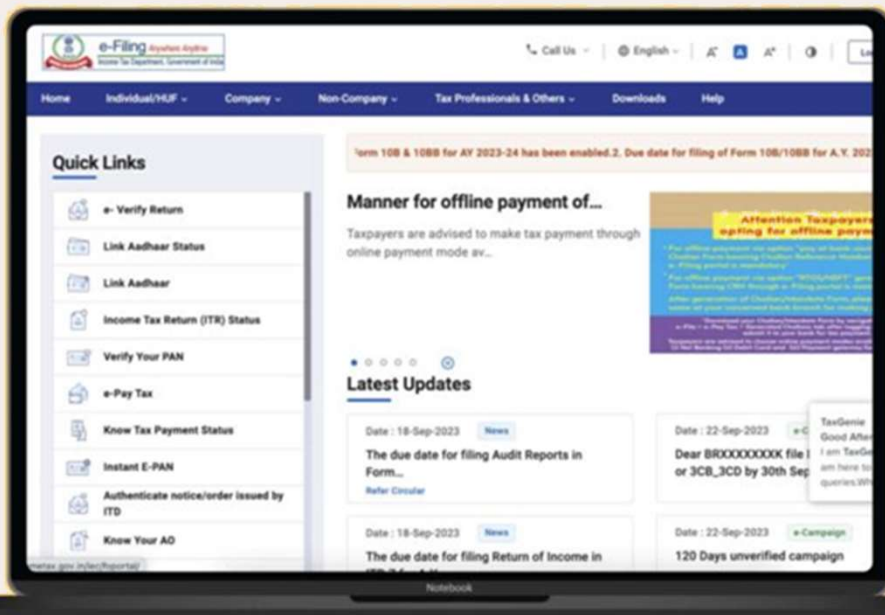


# 12AB & 80G REGISTRATION PROCESS RECENT CHANGES





# Hello! I Am Ghalib Moideen

Partner M A Moideen and Associates  
Practicing in Direct Tax

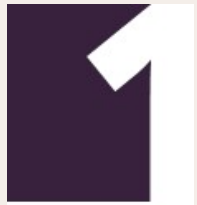


ghalibmoideen



ghalibmoideenvlogs

## Coverage



Old Provision



Mandatory Clauses



New Provision



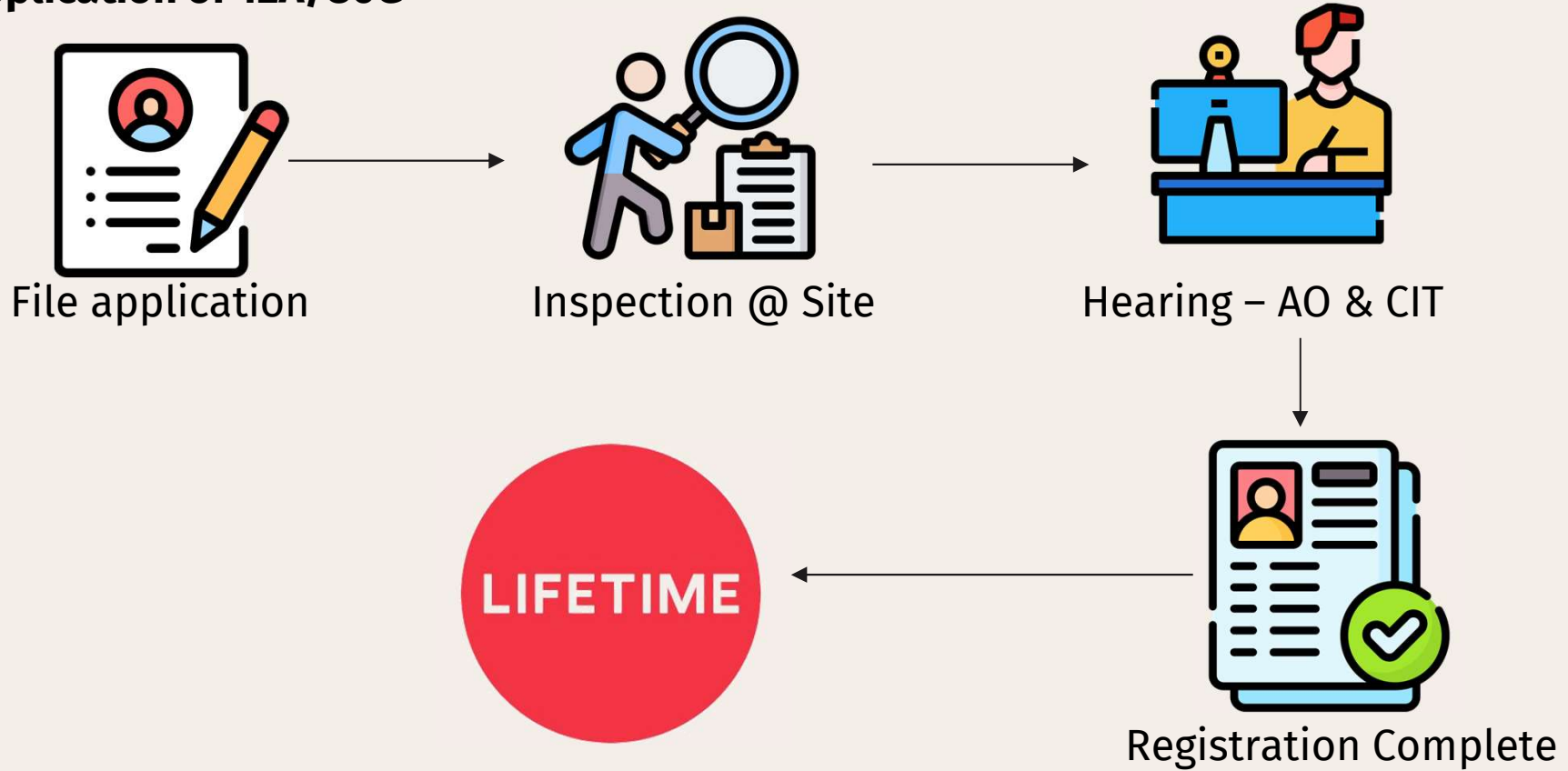
New Due Dates



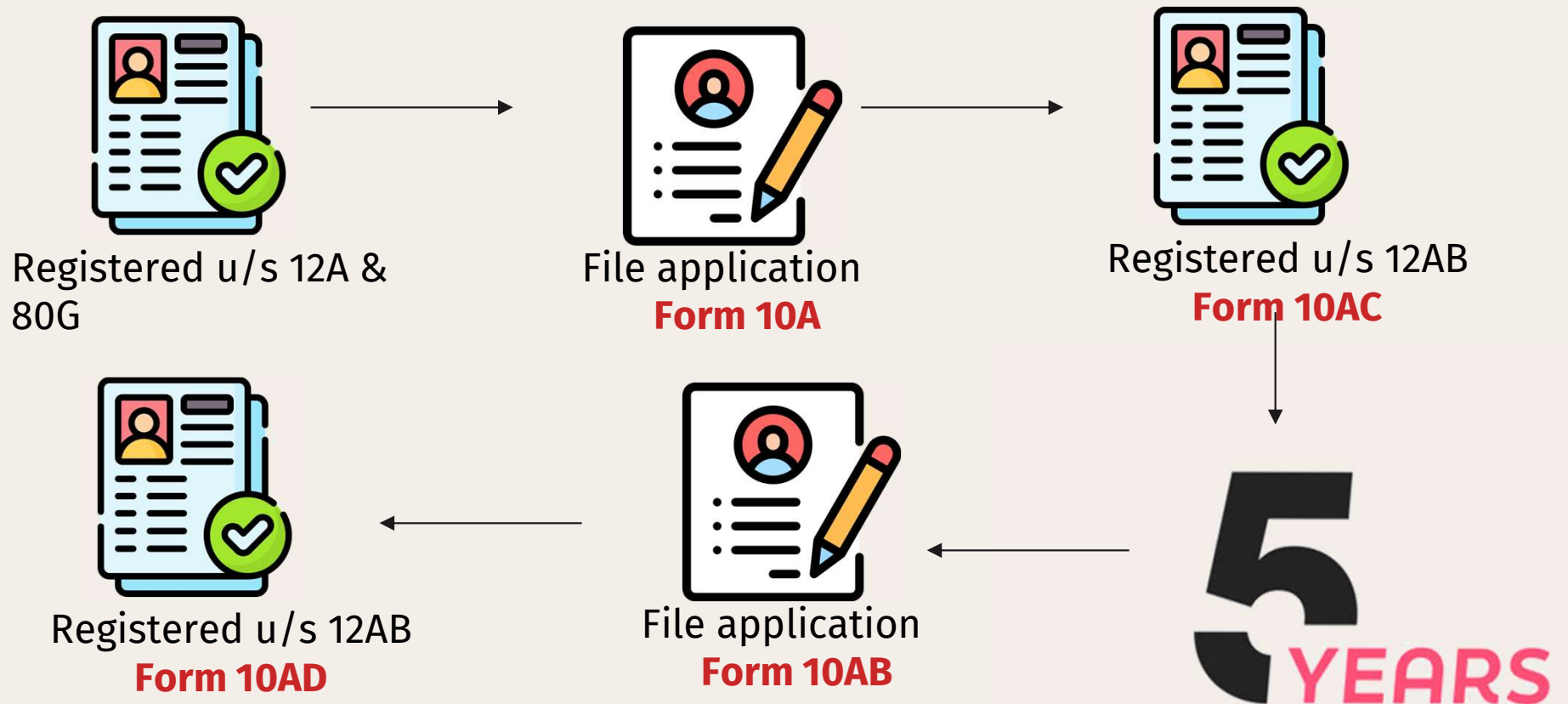
Application Forms



## Application of 12A/80G



# AMENDMENT IN FINANCE ACT 2020



**What was the time limit to be file 10A for existing 12A trust?**

**30<sup>th</sup> September 2023**

**So why are we discussing this now?**

**Circular dated 7/2024 has extended date to 30.06.2024**

**Why was representations received by CBDT?**

**Reason 1 : Genuinely missing the time limit**

**Reason 2 : Clause in application was selected wrongly resulting in rejection of application**

# PRESENT PROCEDURE FOR REGISTRATION

**REGISTRATION FORM**  
**FORM 10A**

**Green** | 0 1 2 3 4 5 6 7 8 9

Chairman/Managing Director \_\_\_\_\_  
Branch \_\_\_\_\_

Dear Sir/Madam,  
We are provide the good job for the many many job seekers, I accept from the good offer and google how dictionary these good from the awesome service name and provide new the good away from the life time support.

Account holder's Name: \_\_\_\_\_

Membership Type:  Regular  Exclusive  VIP Membership

**PERSONAL INFORMATION**

Father's Name: \_\_\_\_\_  
Mother's Name: \_\_\_\_\_  
Gender:  Male  Female Date of Birth: 0 1 2 3 4 5 6 7 8 9  
Place of Birth: \_\_\_\_\_  
Residence Status:  Resident  Non-Resident Marital Status:  Married  Unmarried  
Religion: \_\_\_\_\_ Nationality: \_\_\_\_\_  
National ID No. \_\_\_\_\_ Passport No. \_\_\_\_\_  
Driving License: \_\_\_\_\_ TIN ID No. \_\_\_\_\_  
Other ID Number (in case National ID/Passport ID not available): \_\_\_\_\_

Present Address:  
House Number: \_\_\_\_\_ City: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Country: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Permanent Address:  
House Number: \_\_\_\_\_ City: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Country: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

We are provide the good job for the many job seekers, I accept from the good offer and google how dictionary and the goods to the new give from the awesome service name and provide new the good creative job offer a accept.Thanks.

Chairman Signature: \_\_\_\_\_ Applicant Signature: \_\_\_\_\_

**REGISTRATION FORM**  
**FORM 10AB**

**Red** | 0 1 2 3 4 5 6 7 8 9

Chairman/Managing Director \_\_\_\_\_  
Branch \_\_\_\_\_

Dear Sir/Madam,  
We are provide the good job for the many many job seekers, I accept from the good offer and google how dictionary these good from the awesome service name and provide new the good away from the life time support.

Account holder's Name: \_\_\_\_\_

Membership Type:  Regular  Exclusive  VIP Membership

**PERSONAL INFORMATION**

Father's Name: \_\_\_\_\_  
Mother's Name: \_\_\_\_\_  
Gender:  Male  Female Date of Birth: 0 1 2 3 4 5 6 7 8 9  
Place of Birth: \_\_\_\_\_  
Residence Status:  Resident  Non-Resident Marital Status:  Married  Unmarried  
Religion: \_\_\_\_\_ Nationality: \_\_\_\_\_  
National ID No. \_\_\_\_\_ Passport No. \_\_\_\_\_  
Driving License: \_\_\_\_\_ TIN ID No. \_\_\_\_\_  
Other ID Number (in case National ID/Passport ID not available): \_\_\_\_\_

Present Address:  
House Number: \_\_\_\_\_ City: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Country: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Permanent Address:  
House Number: \_\_\_\_\_ City: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Country: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

We are provide the good job for the many job seekers, I accept from the good offer and google how dictionary and the goods to the new give from the awesome service name and provide new the good creative job offer a accept.Thanks.

Chairman Signature: \_\_\_\_\_ Applicant Signature: \_\_\_\_\_

# WHICH FORM TO SELECT?

Transitional from previously registered 12A/12AA

5  
years

Trust who has not commenced its activity

3  
years

**REGISTRATION FORM**  
**FORM 10A**

Chairman/Managing Director  
Branch

Dear Sir/Madam,  
We are provide the good job for the many many job needs, I accept from the good offer and google new dictionary these good from the previous service name and provide new the good away from the life time support.

Accounts holder's Name:

Membership Type:  Regular  Exclusive  VIP Membership

**PERSONAL INFORMATION**

Father's Name: \_\_\_\_\_  
Mother's Name: \_\_\_\_\_  
Gender:  Male  Female Date of Birth: \_\_\_\_\_  
Place of Birth: \_\_\_\_\_  
Residence Status:  Resident  Non Resident Marital Status:  Married  Unmarried  
Religion: \_\_\_\_\_ Nationality: \_\_\_\_\_  
National ID No. \_\_\_\_\_ Passport No. \_\_\_\_\_  
Driving Licence: \_\_\_\_\_ TIN ID No. \_\_\_\_\_  
Other ID Number (in case National ID/Passport ID not available): \_\_\_\_\_  
Present Address: \_\_\_\_\_  
House Number: \_\_\_\_\_ City: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Country: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_  
Permanent Address: \_\_\_\_\_  
House Number: \_\_\_\_\_ City: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Country: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

We are provide the good job for the many many job needs, I accept from the good offer and google new dictionary and the good to the new job from the previous service name and provide new the good creative job offer a accept.Thanks.

Chairman Signature: \_\_\_\_\_ Applicant Signature: \_\_\_\_\_

# WHICH FORM TO SELECT?

**REGISTRATION FORM**  
**FORM 10AB**

**Date** \_\_\_\_\_

Chairman/Managing Director \_\_\_\_\_ Branch \_\_\_\_\_

Dear Sir/Madam,

We are provide the good job for the many many job review, I accept from the good offer and google tree dictionary then good from the awesome service name and provide new the good away from the life time support.

Account holders Name: \_\_\_\_\_

Membership Type:  Regular  Excluded  VIP Membership

**PERSONAL INFORMATION**

Father's Name: \_\_\_\_\_  
Mother's Name: \_\_\_\_\_

Gender:  Male  Female Date of Birth: \_\_\_\_\_

Place of Birth: \_\_\_\_\_

Residence Status:  Resident  Non Resident Marital Status:  Married  Unmarried

Religion: \_\_\_\_\_ Nationality: \_\_\_\_\_

National ID No. \_\_\_\_\_ Passport No. \_\_\_\_\_

Driving License: \_\_\_\_\_ TIN ID No. \_\_\_\_\_

Other ID Number (in case National ID/Passport ID not available): \_\_\_\_\_

Present Address: \_\_\_\_\_  
House Number: \_\_\_\_\_ City: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Country: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Permanent Address: \_\_\_\_\_  
House Number: \_\_\_\_\_ City: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Country: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

We are provide the good job for the many job review, I accept from the good offer and google tree dictionary and the goods to the new gas from the awesome service name and provide new of the good creative job offer a accept, Thanks...

Chairman Signature: \_\_\_\_\_ Applicant Signature: \_\_\_\_\_

**Trust who has commenced its activity, but not yet registered under section 12**

**Trust who has commenced its activity after obtaining provisional registration**

*(This has to be done within 6 months from the date of commencement of activity)*

**Trust who obtained provisional registration, but registration is due to expire & activity is yet to begin**

*(at least six months prior to expiry of period of registration)*

What is the meaning of

**COMMENCEMENT**



**Section 2 defines commencement as**



# Dictionary meaning of Commencement

commence

*verb* [ I or T ] • formal

UK  /kə'mens/ US  /kə'mens/

---

**C2**

to begin something:

**So which from below will be considered as commencement?**



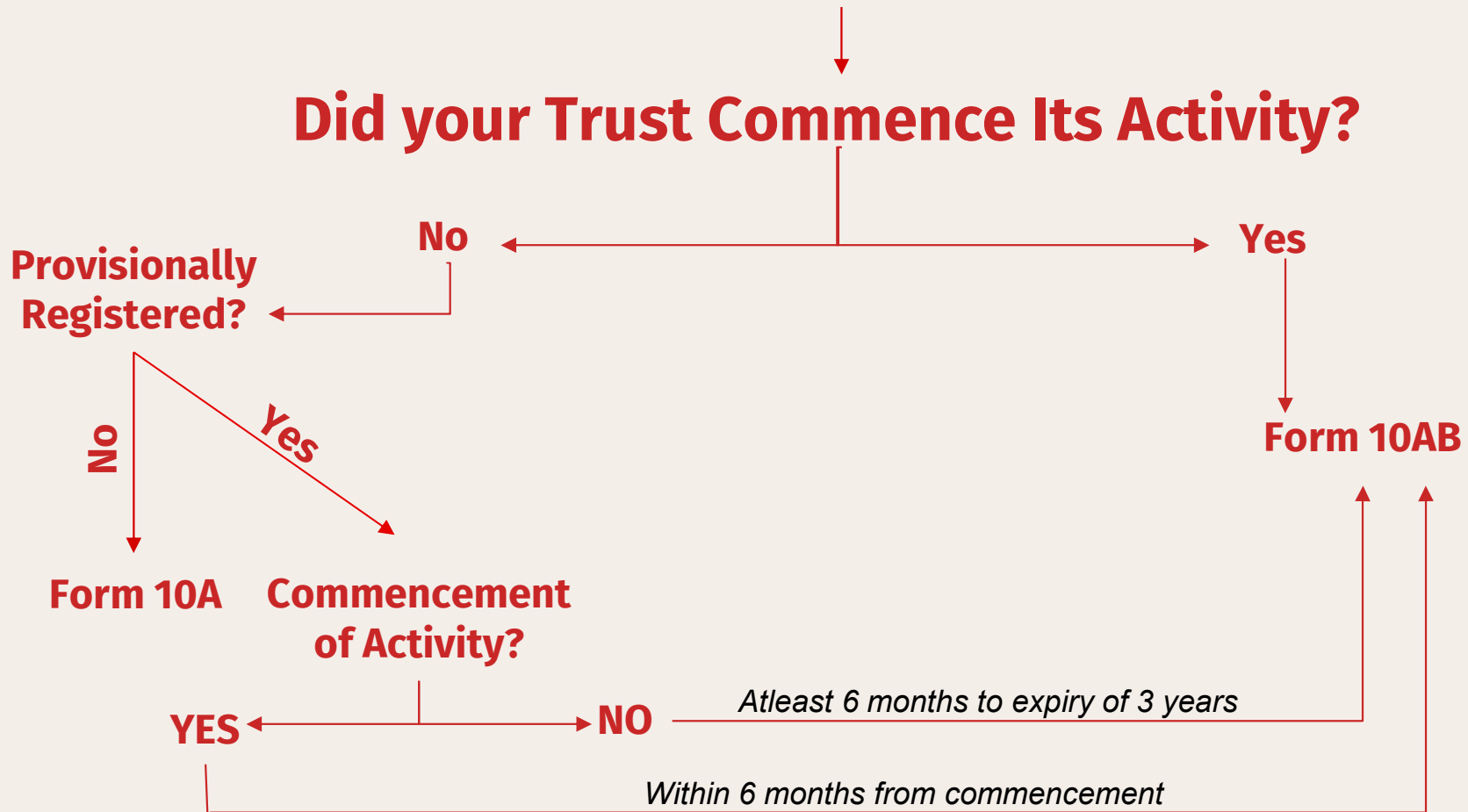


Many **experts** are of view that the **date** when the trust started **applying its income for the objects** of the trust should be considered as the date of commencement of activity of the trust. This view seems proper. But still no clarification has been made through any circular.

## Provisional Registration

**When a trust has not yet commenced its activity, on applying for registration through 10A, the department grants you a registration without any hearing/verification until you commence your actual activity.**

# WHICH FORM TO SELECT?



# Relevance of circular 7/2024

Trusts who did not register itself under transitional provision

Apply in form 10A

Trusts who did not apply for permanent registration after commencement of activity

Apply in form 10AB

Trusts who's registration was rejected merely on the ground that form/section was incorrect

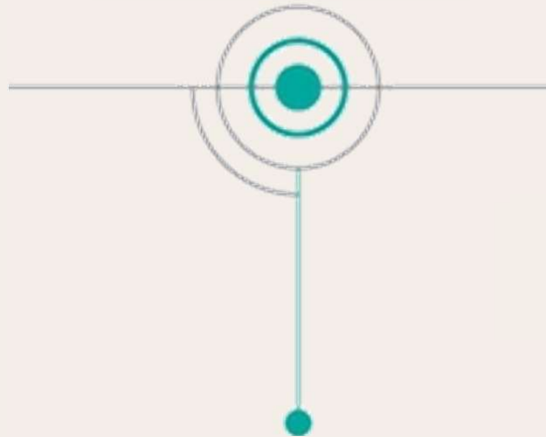
Apply in correct form/section

Trusts who's registration process is going on but form/section they applied is incorrect

Giving letter to CIT(E)

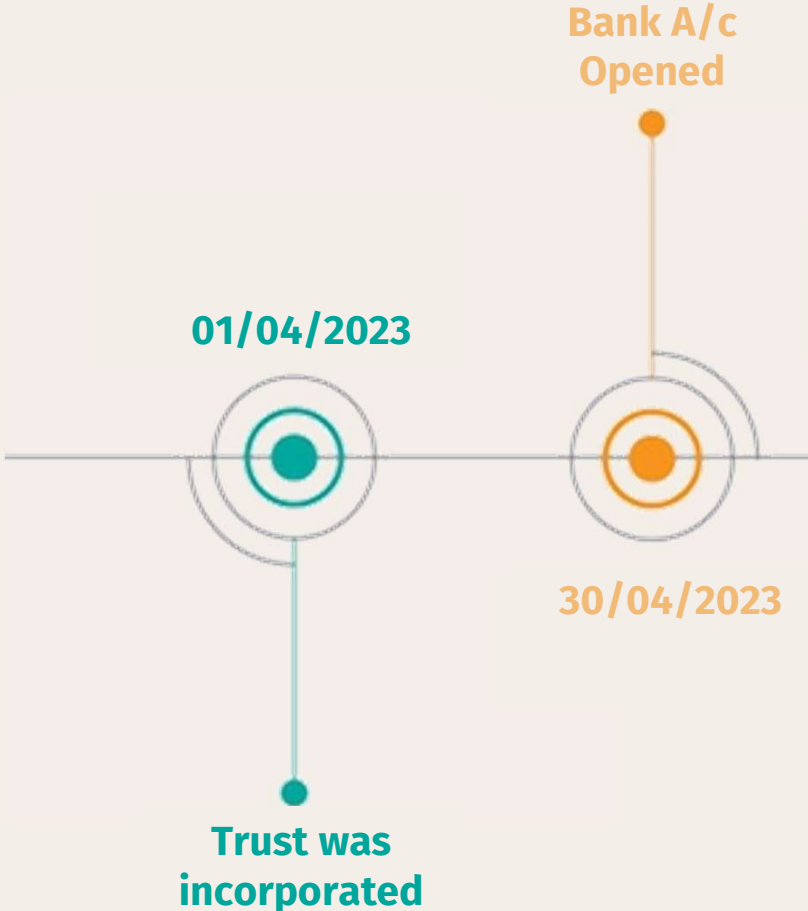
# UNDERSTANDING THE DUE DATES & FORMS

01/04/2023

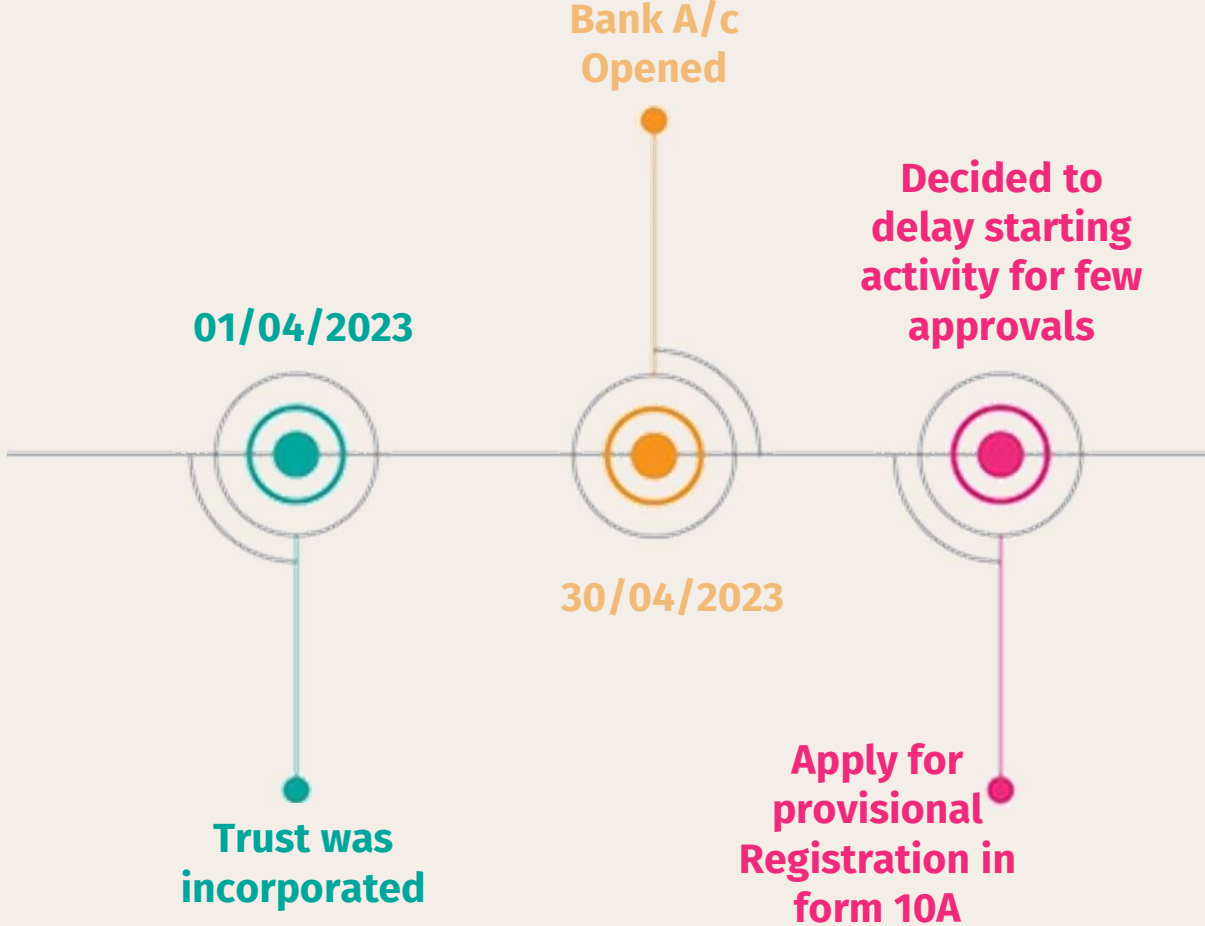


Trust was  
incorporated

# UNDERSTANDING THE DUE DATES & FORMS



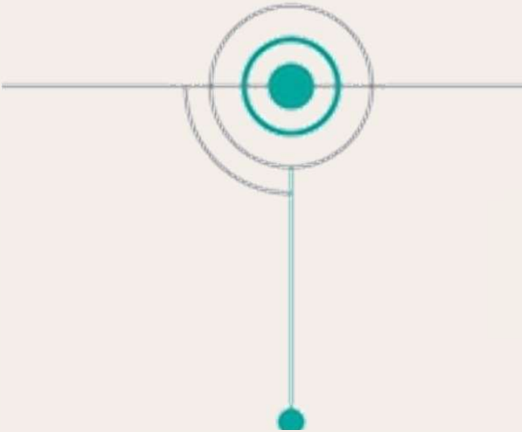
# UNDERSTANDING THE DUE DATES & FORMS



# **UNDERSTANDING THE DUE DATES & FORMS**

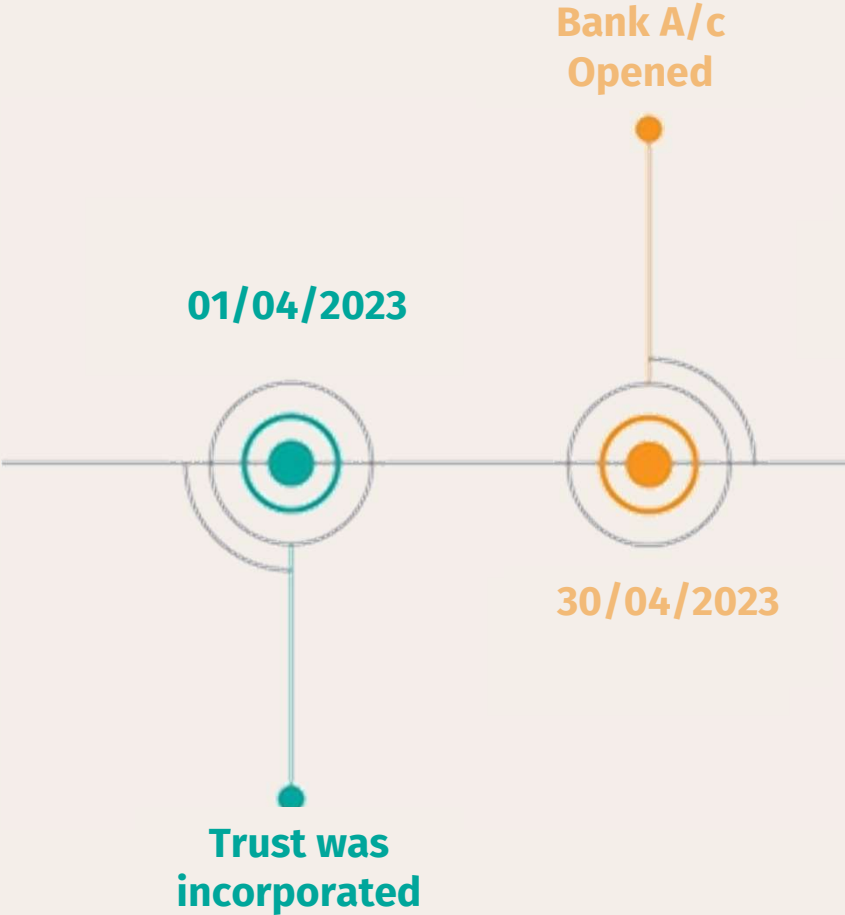
# UNDERSTANDING THE DUE DATES & FORMS

01/04/2023

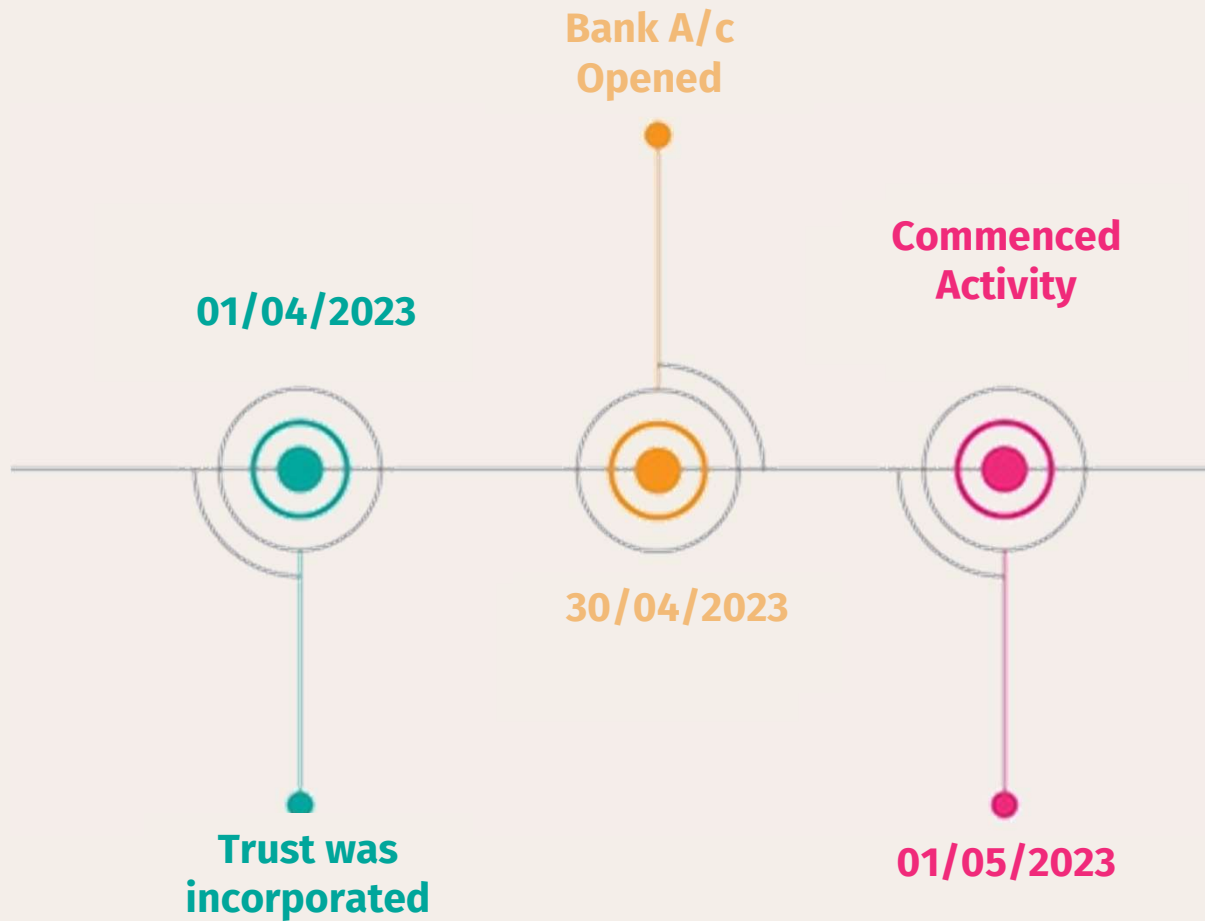


Trust was incorporated

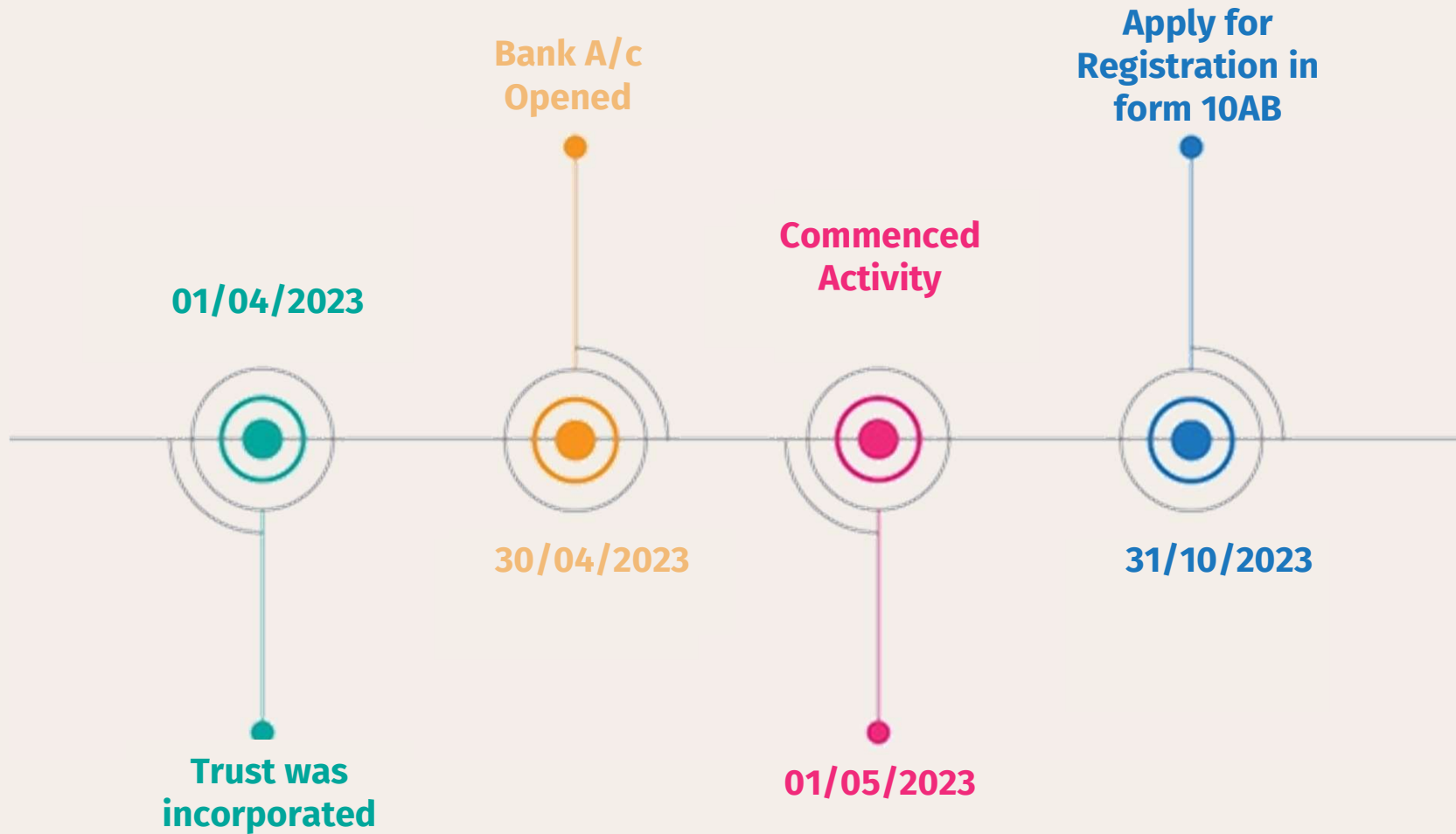
# UNDERSTANDING THE DUE DATES & FORMS



# UNDERSTANDING THE DUE DATES & FORMS



# UNDERSTANDING THE DUE DATES & FORMS



# **UNDERSTANDING THE DUE DATES & FORMS**

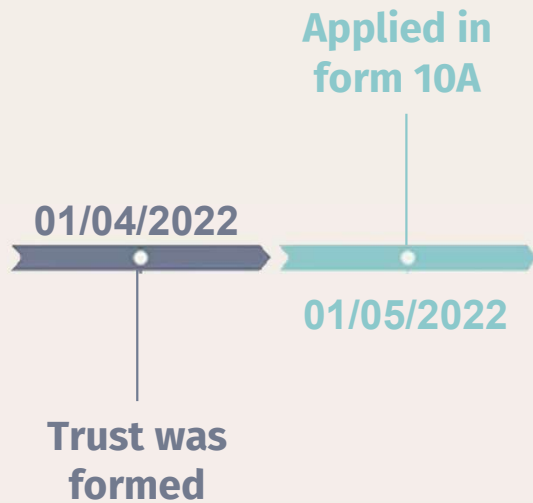
# UNDERSTANDING THE DUE DATES & FORMS

01/04/2022

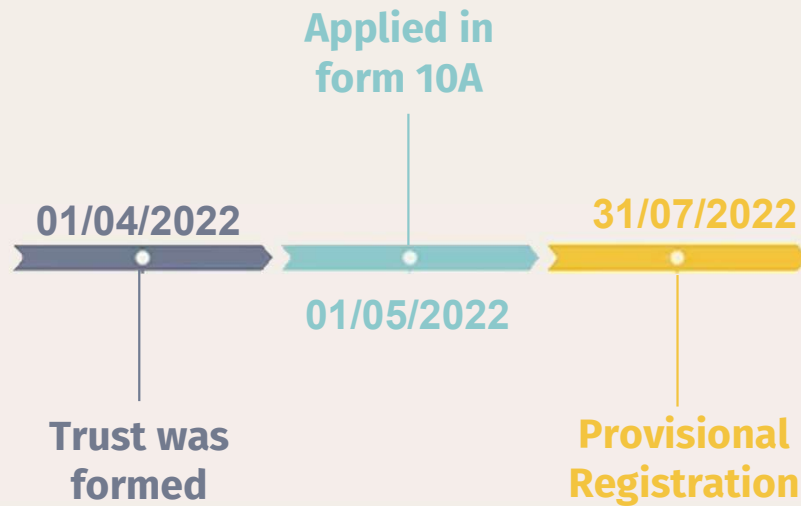


Trust was  
formed

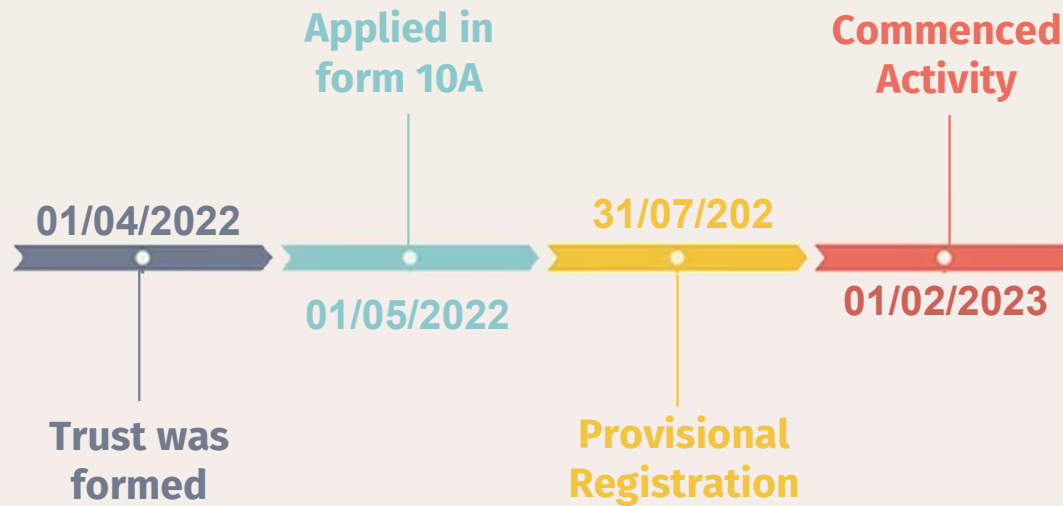
# UNDERSTANDING THE DUE DATES & FORMS



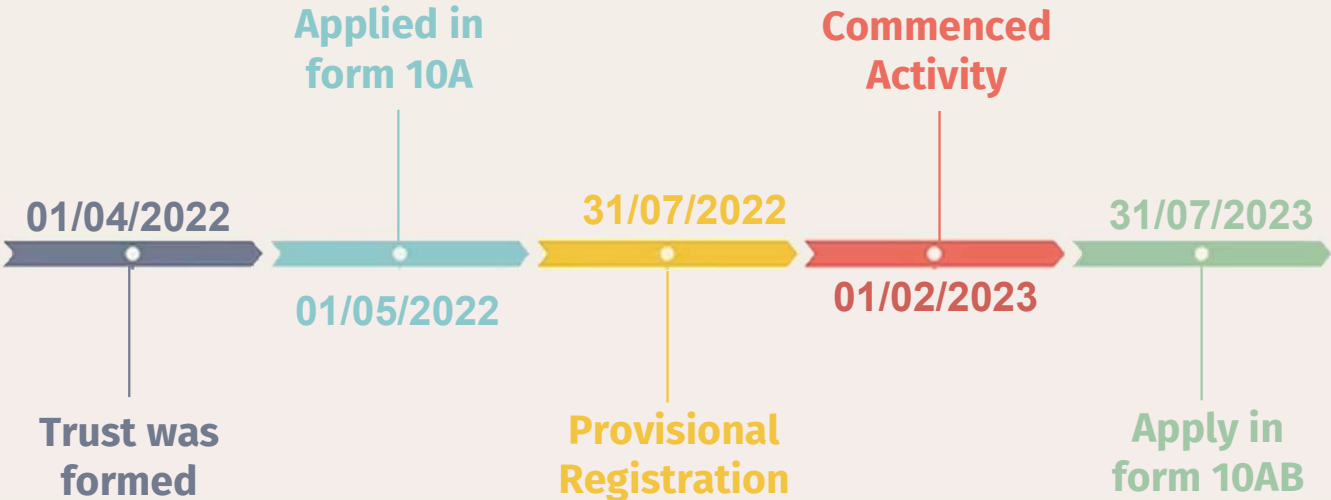
# UNDERSTANDING THE DUE DATES & FORMS



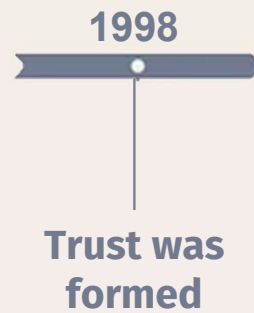
# UNDERSTANDING THE DUE DATES & FORMS



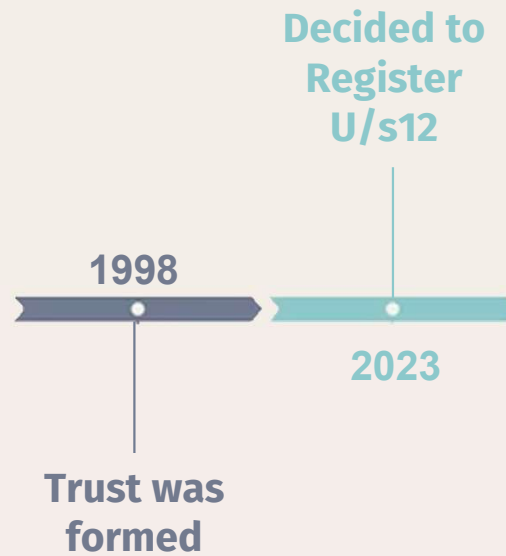
# UNDERSTANDING THE DUE DATES & FORMS



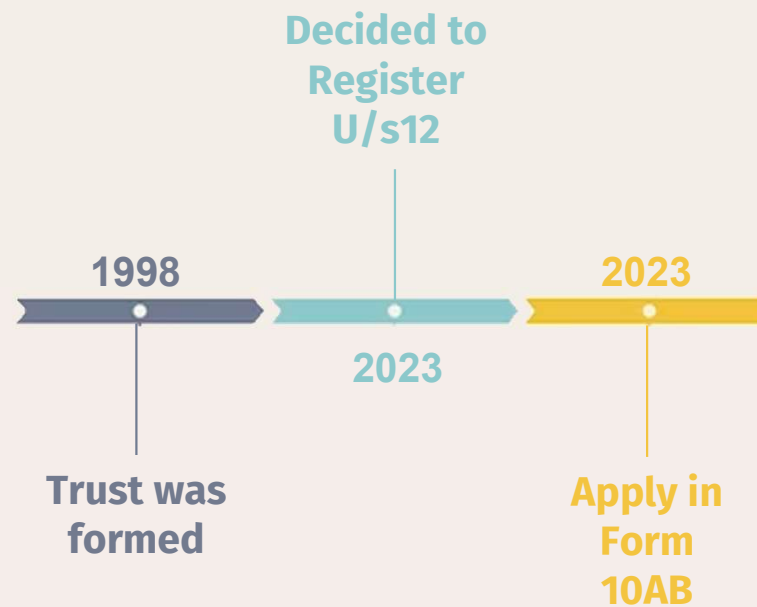
# UNDERSTANDING THE DUE DATES & FORMS



# UNDERSTANDING THE DUE DATES & FORMS



# UNDERSTANDING THE DUE DATES & FORMS



# UNDERSTANDING REGISTRATION CERTIFICATES

## FORM 10AC

Chairman/Managing Director \_\_\_\_\_ Branch \_\_\_\_\_

Dear Sir/Madam,

We are provide the good job for the many many job review, I accept from the good offer and google new dictionary these good from the awesome service name and provide new the good new from the life time support.

Account holders Name: \_\_\_\_\_

Membership Type:  Regular  Exclusive  VIP Membership

### PERSONAL INFORMATION

Father's Name: \_\_\_\_\_  
Mother's Name: \_\_\_\_\_

Gender:  Male  Female Date of Birth: \_\_\_\_\_

Place of Birth: \_\_\_\_\_

Residence Status:  Resident  Non Resident Marital Status:  Married  Unmarried

Religion: \_\_\_\_\_ Nationality: \_\_\_\_\_

National ID No. \_\_\_\_\_ Passport No. \_\_\_\_\_

Driving License: \_\_\_\_\_ TIN ID No. \_\_\_\_\_

Other ID Number (in case National ID/Passport ID not available): \_\_\_\_\_

Present Address: \_\_\_\_\_  
House Number: \_\_\_\_\_ City: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Country: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Permanent Address: \_\_\_\_\_  
House Number: \_\_\_\_\_ City: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Country: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

We are provide the good job for the many job review, I accept from the good offer and google new story and the goods to the new job from the awesome service name and provide new of the good creative job offer a accept.Thanks.

Chairman Signature \_\_\_\_\_ Applicant Signature \_\_\_\_\_

## FORM 10AD

Chairman/Managing Director \_\_\_\_\_ Branch \_\_\_\_\_

Dear Sir/Madam,

We are provide the good job for the many many job review, I accept from the good offer and google new dictionary these good from the awesome service name and provide new the good new from the life time support.

Account holders Name: \_\_\_\_\_

Membership Type:  Regular  Exclusive  VIP Membership

### PERSONAL INFORMATION

Father's Name: \_\_\_\_\_  
Mother's Name: \_\_\_\_\_

Gender:  Male  Female Date of Birth: \_\_\_\_\_

Place of Birth: \_\_\_\_\_

Residence Status:  Resident  Non Resident Marital Status:  Married  Unmarried

Religion: \_\_\_\_\_ Nationality: \_\_\_\_\_

National ID No. \_\_\_\_\_ Passport No. \_\_\_\_\_

Driving License: \_\_\_\_\_ TIN ID No. \_\_\_\_\_

Other ID Number (in case National ID/Passport ID not available): \_\_\_\_\_

Present Address: \_\_\_\_\_  
House Number: \_\_\_\_\_ City: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Country: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Permanent Address: \_\_\_\_\_  
House Number: \_\_\_\_\_ City: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Country: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

We are provide the good job for the many job review, I accept from the good offer and google new story and the goods to the new job from the awesome service name and provide new of the good creative job offer a accept.Thanks.

Chairman Signature \_\_\_\_\_ Applicant Signature \_\_\_\_\_

# UNDERSTANDING REGISTRATION CERTIFICATES

The image shows a screenshot of a registration certificate form titled "FORM 10AC". The form includes a header with the title, a section for "Chairman/Managing Director" with a branch selection, and a "Dear Sir/Madam" salutation. Below this is a paragraph of text: "We are provide the good job for the many many job seekers, I accept from the good offer and...". There is a field for "Account holder's Name" and a "Membership Type" section with radio buttons for "Regular", "Exclusive", and "VIP Membership". A green tab labeled "PERSONAL INFORMATION" is visible. The form contains various fields for personal details: "Father's Name", "Mother's Name", "Gender" (Male/Female), "Date of Birth", "Place of Birth", "Residence Status" (Resident/Non-Resident), "Marital Status" (Married/Unmarried), "Religion", "Nationality", "National ID No.", "Passport No.", "Driving License", and "ID No.". It also has sections for "Present Address" and "Permanent Address", each with fields for "House Number", "City", "Zip Code", "Country", "Phone Number", "Fax", and "Email". At the bottom, there are fields for "Chairman Signature" and "Applicant Signature".

Issued on filing form 10A

## Validity

Transitional Provision – 5 Years

8.	Assessment year or years for which the trust or institution is registered or approval	2023-24 to 2027-28
----	---	--------------------

Provisional Registration – 3 Years

# UNDERSTANDING REGISTRATION CERTIFICATES

**FORM 10AD**

**Name** \_\_\_\_\_  
Chairman/Managing Director  
\_\_\_\_\_ Branch

Dear Sir/Madam,  
We are providing the good job for the many many job seekers, I accept from the good offer and people new thing and the good to the new go from the previous service name and provide new of the good create job offer a accept, Thanks...

Account holders Name: \_\_\_\_\_

Membership Type:  Regular  Exclusive  VIP Membership

**PERSONAL INFORMATION**

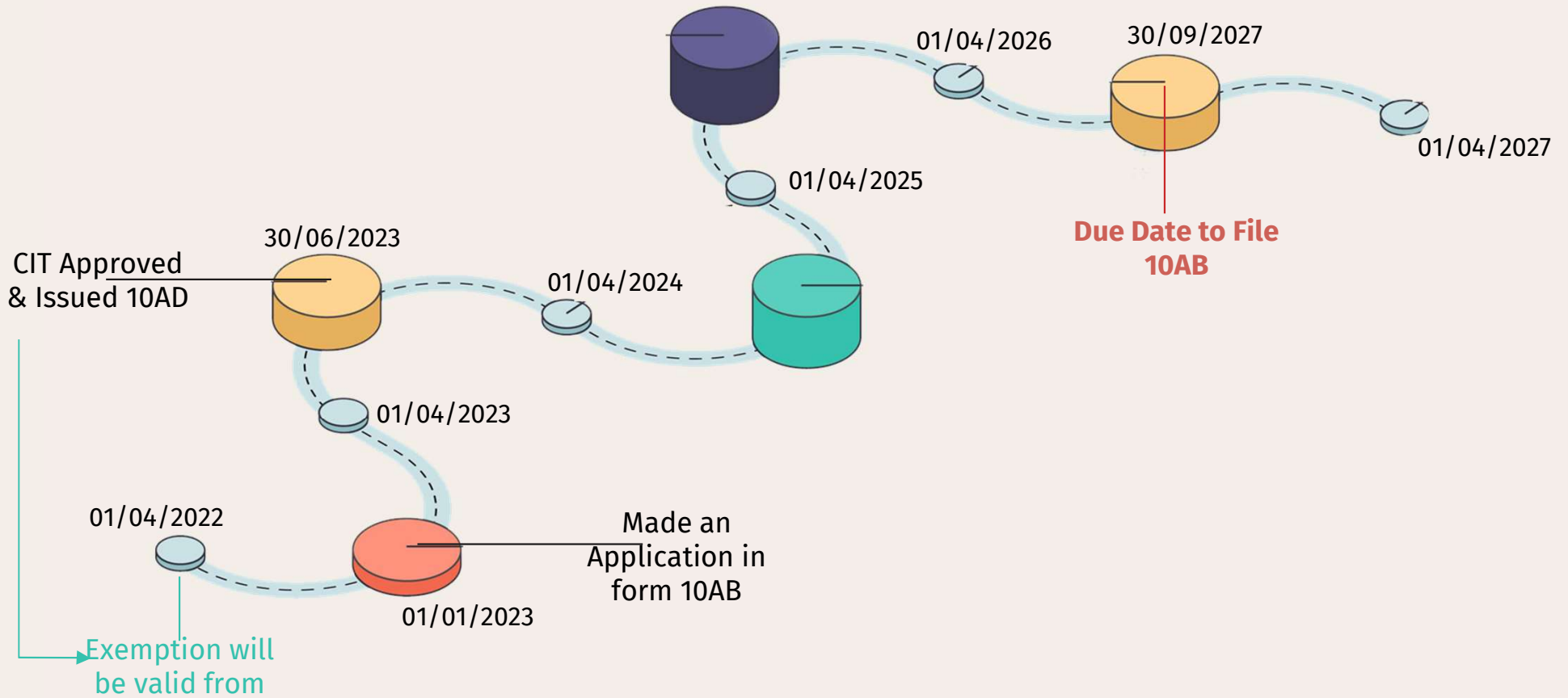
Father's Name: \_\_\_\_\_  
Mother's Name: \_\_\_\_\_  
Gender:  Male  Female Date of Birth: \_\_\_\_\_  
Place of Birth: \_\_\_\_\_  
Residence Status:  Resident  Non Resident Marital Status:  Married  Unmarried  
Religion: \_\_\_\_\_ Nationality: \_\_\_\_\_  
National ID No. \_\_\_\_\_ Passport No. \_\_\_\_\_  
Driving License: \_\_\_\_\_ TIN ID No. \_\_\_\_\_  
Other ID Number (in case National ID/Passport ID not available): \_\_\_\_\_  
Present Address: \_\_\_\_\_  
House Number: \_\_\_\_\_ City: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Country: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_  
Permanent Address: \_\_\_\_\_  
House Number: \_\_\_\_\_ City: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Country: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

We are providing the good job for the many job seekers, I accept from the good offer and people new thing and the good to the new go from the previous service name and provide new of the good create job offer a accept, Thanks...

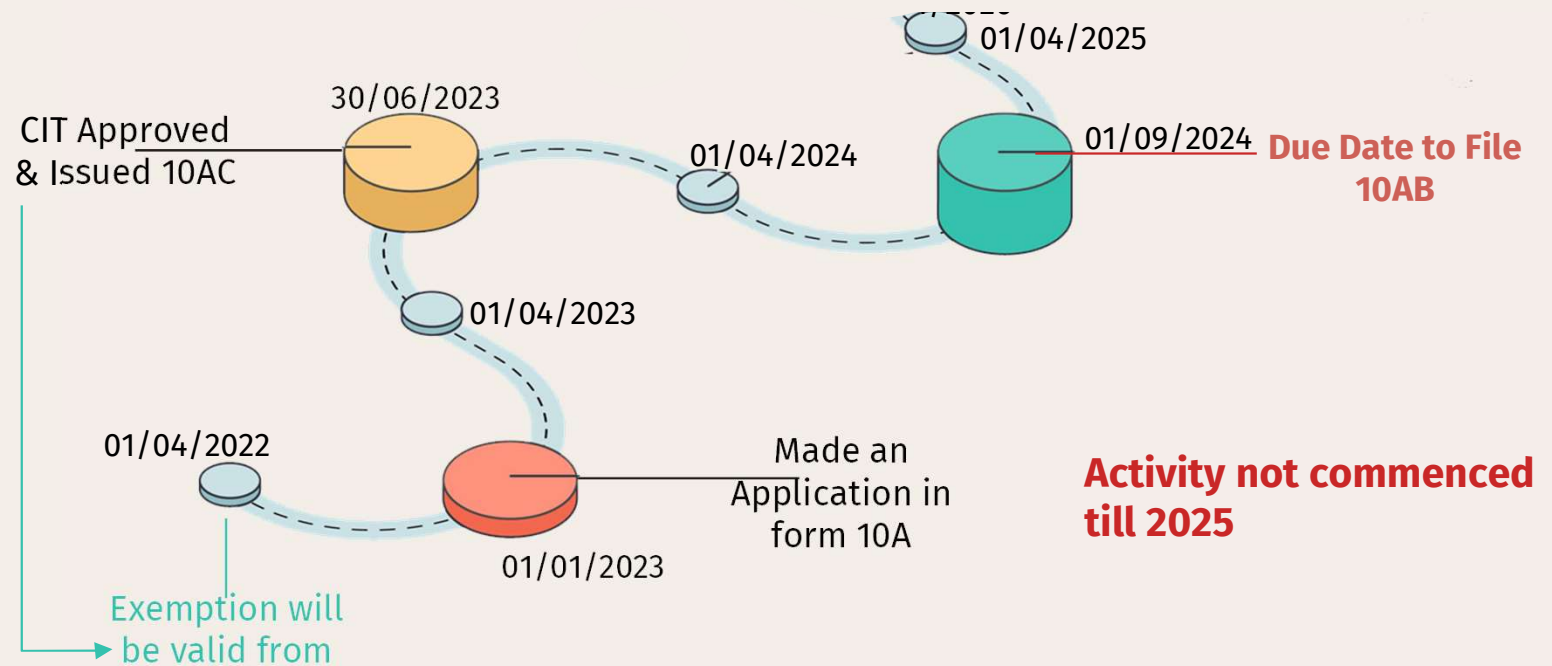
Chairman Signature: \_\_\_\_\_ Appointee Signature: \_\_\_\_\_

Issued on filing form 10AB  
Valid for 5 years

# UNDERSTANDING DUE DATE TO FILE 10AB



# UNDERSTANDING DUE DATE TO FILE 10AB



## 80G REGISTRATION

Every procedures including forms are same **except.....**

**TRUST A**

2008

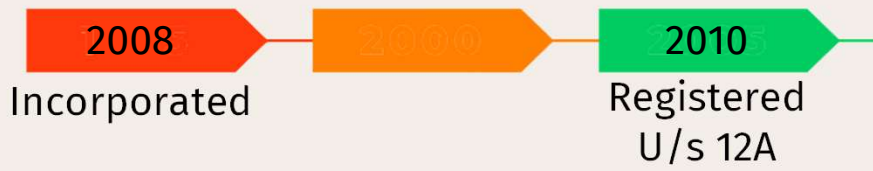
Incorporated

**TRUST B**

2008

Incorporated

## TRUST A



## TRUST B



## TRUST A



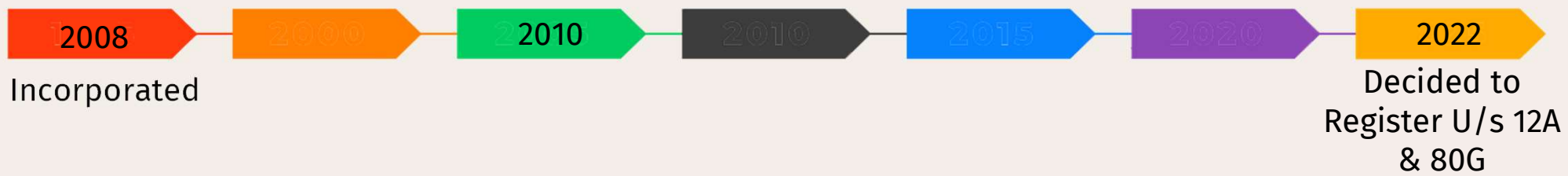
## TRUST B



## TRUST A



## TRUST B



# Question

Which form will be filed for 12A registration in 2022 ?

Trust A

**Trust B**

**Form 10AB**

*Commenced activity but not registered*

Which form will be filed for 80G registration in 2022 ?

## Relevant Provision For Registration

**Provided** that the institution or fund referred to in [clause \(vi\)](#) shall make an application in the prescribed form and manner to the Principal Commissioner or Commissioner, for grant of approval,—

(i) where the institution or fund is approved under clause (vi) [as it stood immediately before its amendment by the Taxation and Other Laws (Relaxation and Amendment of Certain Provisions) Act, 2020], within three months from the 1st day of April, 2021;

(ii) where the institution or fund is approved and the period of such approval is due to expire, at least six months prior to expiry of the said period;

(iii) where the institution or fund has been provisionally approved, at least six months prior to expiry of the period of the provisional approval or within six months of commencement of its activities, whichever is earlier;

<sup>72</sup>[*(iv) in any other case, where activities of the institution or fund have—*

*(A) not commenced, at least one month prior to the commencement of the previous year relevant to the assessment year from which the said approval is sought;*

*(B) commenced and where no income or part thereof of the said institution or fund has been excluded from the total income on account of applicability of sub-clause (iv) or sub-clause (v) or sub-clause (vi) or sub-clause (via) of clause (23C) of section 10 or section 11 or section 12 for any previous year ending on or before the date of such application, at any time after the commencement of such activities:]*

clause (vi)

*This section applies to donations to any institution or fund referred to in sub-clause (iv) of clause (a) of sub-section (2), only if it is established in India for a charitable purpose and if it fulfils the following conditions:*

*(vi) in relation to donations made after the 31st day of March, 1992, the institution or fund is for the time being approved by the Principal Commissioner or Commissioner*

## Relevant Provision For Registration

**Provided** that the institution or fund referred to in [clause \(vi\)](#) shall make an application in the prescribed form and manner to the Principal Commissioner or Commissioner, for grant of approval,—

(i) where the institution or fund is approved under clause (vi) [as it stood immediately before its amendment by the Taxation and Other Laws (Relaxation and Amendment of Certain Provisions) Act, 2020], within three months from the 1st day of April, 2021;

(ii) where the institution or fund is approved and the period of such approval is due to expire, at least six months prior to expiry of the said period;

(iii) where the institution or fund has been provisionally approved, at least six months prior to expiry of the period of the provisional approval or within six months of commencement of its activities, whichever is earlier;

<sup>72</sup>[*(iv) in any other case, where activities of the institution or fund have—*

(A) **not commenced**, at least one month prior to the commencement of the previous year relevant to the assessment year from which the said approval is sought;

(B) *commenced and where no income or part thereof of the said institution or fund has been excluded from the total income on account of applicability of sub-clause (iv) or sub-clause (v) or sub-clause (vi) or sub-clause (via) of clause (23C) of section 10 or section 11 or section 12 for any previous year ending on or before the date of such application, at any time after the commencement of such activities:]*

clause (vi)

*This section applies to donations to any institution or fund referred to in sub-clause (iv) of clause (a) of sub-section (2), only if it is established in India for a charitable purpose and if it fulfils the following conditions:*

*(vi) in relation to donations made after the 31st day of March, 1992, the institution or fund is for the time being approved by the Principal Commissioner or Commissioner*

## Relevant Provision For Registration

**Provided** that the institution or fund referred to in [clause \(vi\)](#) shall make an application in the prescribed form and manner to the Principal Commissioner or Commissioner, for grant of approval,—

(i) where the institution or fund is approved under clause (vi) [as it stood immediately before its amendment by the Taxation and Other Laws (Relaxation and Amendment of Certain Provisions) Act, 2020], within three months from the 1st day of April, 2021;

(ii) where the institution or fund is approved and the period of such approval is due to expire, at least six months prior to expiry of the said period;

(iii) where the institution or fund has been provisionally approved, at least six months prior to expiry of the period of the provisional approval or within six months of commencement of its activities, whichever is earlier;

<sup>72</sup>[*(iv) in any other case, where activities of the institution or fund have—*

(A) *not commenced*, at least one month prior to the commencement of the previous year relevant to the assessment year from which the said approval is sought;

(B) *commenced and where no income or part thereof of the said institution or fund has been excluded from the total income on account of applicability of sub-clause (iv) or sub-clause (v) or sub-clause (vi) or sub-clause (via) of clause (23C) of section 10 or section 11 or section 12 for any previous year ending on or before the date of such application, at any time after the commencement of such activities:]*

clause (vi)

*This section applies to donations to any institution or fund referred to in sub-clause (iv) of clause (a) of sub-section (2), only if it is established in India for a charitable purpose and if it fulfils the following conditions:*

*(vi) in relation to donations made after the 31st day of March, 1992, the institution or fund is for the time being approved by the Principal Commissioner or Commissioner*

# Question

Which form will be filed for 12A registration in 2022 ?

Trust A

**Trust B**

**Form 10AB**

*Commenced activity but not registered*

Which form will be filed for 80G registration in 2022 ?

# Question

Which form will be filed for 12A registration in 2022 ?

Which form will be filed for 80G registration in 2022 ?

Trust A

**Trust B**

**Form 10AB**

*Commenced activity but not registered*

**Trust A is not eligible to apply for 80G registration**

# MANDATORY CLAUSES IN TRUST DEED



# MANDATORY CLAUSES IN TRUST DEED

1. **Any amendment** to the Trust Deed/Memorandum of Association/Bye-laws will be carried out only with the **prior approval** of the Commissioner of Income Tax having jurisdiction.
2. **In the event of dissolution/winding up** of the Trust/Society/Institution/Organization the assets remaining as on the date of dissolution shall, under **no circumstances, be distributed** among the trustees/members of the Managing Committee/Governing Body but **the same shall be transferred to another Charitable Trust/Society whose objects are similar** those of this Trust/Society and which is **registered u/s 12AB/80G** of Income Tax Act at the time of transfer **or shall be vested with the Government.**
3. **The funds of the Trust/Society/Association/Institution** shall be **invested** strictly in accordance with provisions of **section 11(5)** read with section 13 (1) (d) of the Income Tax Act.
4. Trust/Society/Association/Institution/Organization formed/constituted shall be **irrevocable.**
5. If powers to effect **amendment to the Trust Deed**/Memorandum of Association/Byelaws have been given the Trustees/Office Bearers, it would **not be extended to altering the basic character** of the Trust/Society/Institution/Organization and further, **no such amendments** which may prove to be **repugnant to the provisions of section 2(15), 11, 12, 13 and 80G** of the Income Tax Act, shall be made
6. The **objects/activities** of the Trust/Society/Institution/Organization shall be carried out **only in India.**

# MANDATORY CLAUSES IN TRUST DEED

7. The **accounts of the Trust**/Society/Institution/Organization shall be regularly **maintained** and every year, the accounts shall be **closed by 31<sup>st</sup> March** and the same shall be **audited by a Qualified Chartered Accountant**.
8. The **income and funds** of the Trust/Society/Institution/Organization will **solely be utilized for the objects** and **no portion** of it will be utilized for payment to the **Trustees/Members/Office** bearers by way of profit/dividend/interest etc
9. The **benefit** of the Trust/Society/Institution/Organization is **open to all, irrespective of caste, religion, creed, sex etc.**
10. If the Trust/Society/Institution/Organization do not intend to run any business, it may please be provided by way of amendment to the Trust Deed/Memorandum of Association/ Byelaws that it **will not** function in the nature of **conducting** any **business activity** and not for the purpose of profits.

or

In case the Trust/Society/Institution/Organization **intend to run any business**, then it may be specified that it will satisfy the conditions stipulated in section **11(4)** and proviso to section **80(G)(5)(1)** of the Income Tax Act,1961

# SPECIFIED VIOLATION

**Any change in trust deed shall be made with prior approval of the CIT**

**How to apply for change in trust deed?**

**Copy of deed proposed** to be registered along with **original deed shall** be submitted with a request letter. A **document indicating change** shall be produced in following format:

Sl.No.	Clause in Original Deed	Ammended Clause
1	For Existing clause, provide the clause number and qoute the relevant clause	Quote the clause which is intended to be substituted
2	For Addition, "No Clause"	Quote the clause which is intended to be inserted
3	For Deletion, quote the clause	Mention it is deleted

# SPECIFIED VIOLATION

**No asset shall be transferred without the knowledge of undersigned to anyone, including to any Trust/ Society/ Non Profit Company etc.**

Is it mandatory to include the clause that property of the trusts shall be sold after prior permission of CIT?

No. Actually permission is also not required to sell the property. Intimation of the fact to the commissioner will be more than sufficient to transact.

# SPECIFIED VIOLATION

**This certificate cannot be used as a basis for claiming non-deduction of tax at source in respect of investments etc. relating to the Trust/ Institution.**

Does this mean you cannot apply for Form 13 Under Section 197?

Form 13 can be applied by **providing details of previous ITR's**. ITR will substantiate the fact that the trust has never reported any taxable income nor has paid any tax.

# Form 10B & Form 10BB

## **What happens if the filed form was wrong?**

It will be considered as no audit report is filed

Benefit of 12AB wont be allowed for that particular year

A circular was issued (Circular) extending due dates to 31/12/2023

# Form 10B & Form 10BB

**Form 10BB to be filed by trusts whose total income does not exceed 5 Crores**

**Form 10B to be filed by trusts whose total income Exceed 5 Crores**

**Calculation of Total Income**

**Revenue – Expenditure = Total Income**

# Form 10 & Form 9A

Revised due date is 31<sup>st</sup> August 2024

Applicability of circular 6/2023



**Thank You**

