

The Charitable Endowments Act, 1890

(ACT NO. VI OF 1890)

1♣An Act to provide for the Vesting and Administration of Property held in trust for charitable purposes.

WHEREAS it is expedient to provide for the vesting and administration of property held in trust for charitable purposes; It is hereby enacted as follows:-

Title, extent and commencement 1. (1) This Act may be called the Charitable Endowments Act, 1890.
(2) It extends to the whole of Bangladesh; and
(3) It shall come into force on the first day of October, 1890.

Definition 2. In this Act, “charitable purpose” includes relief of the poor, education, medical relief and the advancement of any other object of general public utility, but does not include a purpose which relates exclusively to religious teaching or worship.

Appointment and incorporation of Treasurer of Charitable Endowments 3. (1) The Government may appoint an officer of the Government by the name of his office to be Treasurer of Charitable Endowments for Bangladesh, ²[* * *].
(2) Such Treasurer shall, for the purposes of taking, holding and transferring moveable or immoveable property under the authority of this Act, be a corporation sole by the name of the Treasurer of Charitable Endowments for Bangladesh ³[and] shall have perpetual succession and a corporate seal, and may sue and be sued in his corporate name.

[Omitted] 3A. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

**Orders
vesting
property in
Treasurer**

4. (1) Where any property is held or is to be applied in trust for a charitable purpose, the Government, if it thinks fit, may, on application made as hereinafter mentioned, and subject to the other provisions of this section, order, by notification in the official Gazette, that the property be vested in the Treasurer of Charitable Endowments on such terms as to the application of the property or the income thereof as may be agreed on between the Government and the person or persons making the application, and the property shall thereupon so vest accordingly.

(2) When any property has vested under this section in a Treasurer of Charitable Endowments, he is entitled to all documents of title relating thereto.

(3) [Repealed by the Government of India (Adaptation of Indian Laws Order, 1937.)]

(4) An order under this section vesting property in the Treasurer of Charitable Endowments shall not require or be deemed to require him to administer the property, or impose or be deemed to impose upon him the duty of a trustee with respect to the administration thereof.

**Schemes
for
administration
of property
vested in
the
Treasurer**

5. (1) On application made as hereinafter mentioned, and with the concurrence of the person or persons making the application, the Government, if it thinks fit, may settle a scheme for the administration of any property which has been or is to be vested in the Treasurer of Charitable endowments, and may in such scheme appoint, by name or office, a person or persons, not being or including such Treasurer, to administer the property.

(2) On application made as hereinafter mentioned, and with the concurrence of the person or persons making the application, the Government may, if it thinks fit, modify any scheme settled under this section or substitute another scheme in its stead.

(3) A scheme settled, modified or substituted under this section shall, subject to the other provisions of this section, come into operation on a day to be appointed by the Government in this behalf, and shall remain in

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 force so long as the property to which it relates continues to be vested in the Treasurer of Charitable Endowments or until it has been modified or another such scheme has been substituted in its stead.

(4) Such a scheme, when it comes into operation, shall supersede any decree or direction relating to the subject-matter thereof in so far as such decree or direction is in any way repugnant thereto, and its validity shall not be questioned in any Court, nor shall any Court give, in contravention of the provisions of the scheme or in any way contrary or in addition thereto, a decree or direction regarding the administration of the property to which the scheme relates:

Provided that nothing in this sub-section shall be construed as precluding a Court from inquiring whether the Government by which a scheme was made was the Government.

(5) In the settlement of such a scheme effect shall be given to the wishes of the author of the trust so far as they can be ascertained, and, in the opinion of the Government, effect can reasonably be given to them.

(6) Where a scheme has been settled under this section for the administration of property not already vested in the Treasurer of Charitable Endowments, it shall not come into operation until the property has become so vested:

Provided that the powers of the Government under this section for the settlement, modification or substitution of scheme for the administration of any property shall, in respect of any waqf property in 4[* * *], be exercised, subject to the approval of the Government, by the Administrator of Waqfs appointed under the Waqfs 5[* * *] Ordinance, 1962.

Mode of applying for vesting orders and schemes

6. (1) The application referred to in the two last foregoing sections must be made,-

(a) if the property is already held in trust for a charitable purpose, then by the person acting in the administration of the trust, or, where there are more persons than one so acting, then by those persons or a majority of them; and