

The Bengal Charitable Endowments, Public Buildings and Escheats Regulation, 1810

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Act 19 of 1810

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The Bengal Charitable Endowments, Public Buildings and Escheats Regulation, 1810 Bengal Regulation 19 of 1810 [Dated 14th December, 1810] A Regulation for the due appropriation of the rents and produce of lands granted for the support of [* * *] [The words 'Mosques, Hindu temples', replied by Act 1 of 1903.] colleges and other purposes; for the maintenance and repair of [***] [The words 'bridges, sarais, Kattras and other,' replied by Act 1 of 1903.] public buildings and for the custody and disposal of nazul property or escheats.

1. Preamble.

- Whereas considerable endowments have been granted in land by the preceding Governments of this country and by individuals of the support of [*] **[The words 'Mosques, Hindu temples', replied by Act 1 of 1903.] colleges and for others** [*] [The words 'pious and,' replied by Act 1 of 1903.] beneficial purposes; and whereas there are grounds to suppose that the produce of such lands is in many instances appropriated, contrary to the intentions of the donors, to the personal use of the individuals in immediate charge and possession of such endowments; and whereas it is an important duty of every Government to provide that all such endowments be applied according to the real intent and will of the grantor; and, whereas it is moreover essential to provide for the maintenance and repair of [***] [The words 'bridges, sarais, Kattras and other,' replied, by Act 1 of 1903.] buildings which have been erected either at the expense of Government or of individuals for the use and convenience of the public, and also to establish proper rules, for the custody and disposal of nazul property or escheats, the following rules have been enacted, to be in force, from the period of their promulgation, throughout the [territories] [Substituted by para 3 and Schedule VI of the A.L.O. for 'Provinces'.] immediately dependent on the [Presidency of Fort William.] [This includes the present State of Bihar.]

2. Superintendence of lands granted for support of colleges, etc.

- The general superintendence of all lands granted for the support of [*] **[The words 'Mosques, Hindu temples', replied by Act 1 of 1903.] colleges and for other** [*] [The words 'pious and' replied by Act 1 of 1903.] beneficial purposes, and of all public buildings, such as bridges, sarais, kattras and other edifices, is hereby vested in the [Board of Revenue] [As to the exercise of functions of the Board of Revenue by other authorities, see the references given in the foot-note to B. & O. Board of Revenue Act, 1913 (Act 1 of 1913).] [***] [The words 'and Board of Commissioners in the several districts subject to the control of those Boards respectively' replied by the Amending Act 1 of 1903.].

3. Appropriation of endowments.

- It shall be the duty of the [Board of Revenue] [As to the exercise of functions of the Board of Revenue by other authorities, see the references given in the foot-note to B. & O. Board of Revenue Act, 1913 (Act 1 of 1913).] [***] [The words 'and Board of Commissioners' replied by the Amending Act 1 of 1903.] to take care that all endowments made for the maintenance of establishments of the above description be duly appropriated to the purpose for which they were destined by the Government or individual by whom such endowments were granted.[In like manner it shall be the duty of [[the Board of Revenue] [This paragraph was repealed, as to public edifices of the description of bridges, sarais and kattras, by Bengal Registration 17 of 1816, Section 16.]] to provide, with the sanction of the [State] [Substituted by paragraph 4(1) of the A.L.O. for 'Provincial'.] Government for the due repair and maintenance of all public edifices which have been erected, either at the expense of the former or present Government or of individuals, and which either at present are or can conveniently be rendered conducive to the convenience of the community.]

4. Disposal of ruined buildings.

- In those cases, however, in which any of the buildings in question have fallen to decay, and cannot, from that or other causes, be conveniently repaired, or are not calculated if repaired to afford any material accommodation to the public, the [Board] [Substituted by Act 1 of 1903 for 'Boards'.] shall recommend that they be sold on the public account or otherwise disposed of, as may appear most expedient.

5. Lands or public edifices not to be appropriated by individuals for private uses.

- Under the foregoing rules it will of course be incumbent on the Board of Revenue [***] [The words 'and Board of Commissioners' replied by Act 1 of 1903] to prevent any lands which have been granted for the support of establishments of the above description from being converted to the private use of individuals, or being converted to the private use of individuals, or appropriated in any other mode contrary to the intent and will of the donor; and likewise to prevent all public edifices from being usurped by individuals and falling into the possession and exclusive use of

private persons.

6. Estimates of necessary repairs to be submitted to Government.

- Whenever the Board of Revenue [***] [The words 'and Boards of Commissioners' replied by the Amending Act, 1903 (1 of 1903).] may be of opinion that any of the above mentioned edifices require repaid, they shall obtain the necessary estimates of the expense required for the execution of the word, and [forward them] [Substituted by para 3 and Schedule XIV of the A.O. for 'to Govt.']. to the [State] [Substituted by para 4(1) of the A.L.O. for 'Provincial' replied by the Amending Act, 1903 (1 of 1903).] Government for its approval.

7. Superintendence of nazul property.

- The general superintendence of all nazul property or escheats, is likewise hereby vested in the Board of Revenue [***] [The words 'and Boards of Commissioners respectively' by the Amending Act, 1903 (1 of 1903).], who will inform themselves fully through the channel hereafter mentioned of all property of that description, and [direct whether it should] [Substituted by the B. & O. Decentralization Act, 1916 (B. & O. Act 3 of 1916), Section 2, Schedule I, for 'report to Government whether it should in their opinion'.] be sold on the public account, or in what other mode it should be disposed of.

8. Appointment of local agents.

- To enable the Board of Revenue [***] [The words 'and Boards of Commissioners' replied by the Amending Act, 1903 (1 of 1903).] the better to carry into effect the duties entrusted to them by this Regulation, local agents shall be appointed in each zila subject to the authority, control and orders of [the Board] [Substituted by the Amending Act, 1903 (1 of 1903), Schedule II, for 'those Boards respectively'.],

9. Collector to be ex-officio agent with other.

- The Collector of the zila shall be ex-officio one of those agents, with whom the [State] [Substituted by para 4(1) of the A.L.O. for 'Provincial' replied by the Amending Act, 1903 (1 of 1903).] Government will unite such other public officers whether in the civil, military or medical branch of the service, as may from time to time be judged expedient.

10. Agents to ascertain and report particulars of endowments, etc.

- Under the provisions of the present Regulation it will of course be the duty of the agents to obtain full information from the public records, and by Personal inquiries, respecting all endowments, establishments and buildings of the nature of those above described and of all nazul property or escheats, and to report to the Board [***] [The words 'to whose authority those agents are respectively subjects,' replied by the Amending Act, 1903 (1 of 1903).] any instances in which they

may have reason to believe that the lands or buildings are improperly appropriated; being in all cases careful not to infringe any private rights, or to occasion unnecessary trouble or vexation to individuals.

11. Also names, etc. of present trustees or managers.

- The said agents will further ascertain and report the names, together with other particulars, of the present trustees, managers or superintendents of the several institutions, foundations or establishments above described, whether under the designation of matawali or any other, and by whom and under what authority appointed or elected, and whether in conformity to the special provisions of the original endowment and appropriation by the founder, or under any general rule or maxim applicable to such institutions and foundations.

12. And all vacancies or casualties, with full information as to pretensions of claimants.

- The local agents will also report to the [Board of Revenue] [Substituted by the Amending Act, 1903 (1 of 1903), Schedule II, for 'Superior Boards'.] all vacancies and casualties which may occur, with full information of all circumstances, to enable [the Board] [Substituted by the Amending Act, 1903 (1 of 1903), Schedule II, for 'Boards'.] to judge of the pretension of the person or persons claiming the trust; particularly whether the succession have been heretofore by inheritance in the line of descent, or whether the successor have been in former instances elected, and by whom, or whether he have been nominated by the founder or his heir or representative, or by any other individual patron of the foundation, or by any officer or representative of Government, or directly by the Government itself.

13. To recommend fit persons in cases where nomination rests in Government.

- In those cases in which the nomination has usually rested with the present or former Government, or with a public officer, or of right appertains [to the [State] [Substituted by A.O. for 'to Govt.'.] Government,] in consequence of no private person being competent and entitled to make sufficient provision for the succession to the trust and management, it will be the further duty of the local agents to propose, for the approval and confirmation of the [Board of Revenue] [Substituted by the Amending Act, 1903 (1 of 1903), Schedule II, for 'Superior Boards'.] a fit person or persons for the charge of trustee or manager and superintendent, duly attending to the qualifications of the person selected, and to any special provisions of the original endowment and foundation, and to the general rules or the known usages of the country applicable to such cases.

14. Board to appoint such persons, or make other provision for trust.

- On the receipt of the report and information required by the preceding clause, the Board of Revenue [**] [The words 'or Board of Commissioner' replied by para 4(1) of the A.L.O.] will either

appoint the person or persons nominated for their superintendence and management as may be right and fit with reference to the nature and conditions of the endowment, having previously called for any requisite further information from the local agents.

15. Saving of private rights.

- Nothing contained in this Regulation shall be construed to preclude any individual who accounts of any orders which may be passed by any of appropriation of any lands or buildings or the nature of those above described, from suing [****] [The words 'in the mode and form prescribed by the Regulations, where Government or public officers are parties; or under the general provisions of the Regulations, if the suit be brought against a competitor or other private person' replied by Amending Act, 1903 (1 of 1903).] for the recovery thereof in the regular course of law, or for compensation in damages for any loss or injury supposed to have been unduly sustained by him.

16. Object of Regulation.

- It is to be clearly understood that the object of the present Regulation is solely to provide for the due appropriation of lands granted for public purposes agreeably to the intent of the grantor, and not to resume any part of the produce of them for the benefit of Government. In like manner it is fully intended that all buildings erected by the former or present Government or by individuals for the convenience of the public should be exclusively appropriated to that purpose, with the exception of such as have fallen to decay and cannot from that or any other cause be conveniently repaired, or which, under existing circumstances, cannot longer contribute to the accommodation of the community.

17. [Functions of Board of Revenue to be discharged by Majlis in respect of waqfs property in Bihar. [Added by the Bihar Waqfs Act, 1947 (Bihar Act 8 of 1948).]

- Notwithstanding anything contained in this Regulation the functions of the Board of Revenue under this Regulation shall be discharged [in respect of any Waqf property within the meaning of the Bihar Waqfs Act, 1947 (Bihar Act VIII of 1948)] and in respect of trust property within the meaning of the Bihar Hindu Religious Trusts Act, 1950 (Bihar Act I of 1951) by the Majlis and the Board respectively, established under the said Acts.]