



THE CHARITABLE ENDOWMENTS ACT, 1890



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THE CHARITABLE ENDOWMENTS ACT, 1890

¹ACT No. VI OF 1890

[7th March, 1890]

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 :—

1. Title, extent and commencement.—(1) This Act may be called the Charitable Endowments Act, 1890.

²[(2) It extends to the whole of Pakistan] ; and

(3) It shall come into force on the first day of October, 1890.

2. Definition. 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 worship³.

3. Appointment and incorporation of Treasurer of Charitable Endowments.—⁴[(1) The ⁵[Federal Government] may appoint an officer of the Government by the name of his office to be Treasurer of Charitable Endowments for ⁶[Pakistan], and the Government of any Province may appoint an officer of the Government by the name of his office to be Treasurer of Charitable Endowments for the Province.]

¹ For Statement of Objects and Reasons, see Gazette of India, 1889, Pt. V, p. 137 ; for Report of the Select Committee, see *ibid.*, 1890, p. 65; and for Proceedings in Council, see *ibid.*, 1889, Pt. VI, pp. 117 and 190, and *ibid.*, 1890, Pt. VI, p. 37.

It has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P. subject to certain modifications ; and also extended to the Excluded Area of Upper Tanawal (N. W.F.P.) other than Phulera with effect from such date and subject to such modifications as may be notified, see N. W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.

This Act has been repealed in so far as it relates to charitable endowments the objects of which do not extend beyond the N.W.F.P. see the North-West Frontier Province Muslim Waqf Act, 1947 (22 of 1947), s. 37 and Sch.

It has been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G. G. O. 3 of 1950); and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. I, p. 1499.

See also s. 8 of the Charitable Funds (Regulation of Collections) Act, 1953 (31 of 1953).

² The existing sub-section (2) as amended by A. O., 1949, Arts. 3(2) and 4, the Burma Laws Act, 1898 (13 of 1898), s. 18 and Sch. V and Act (26 of 1951), s. 8, has been subs. by Ordinance 21 of 1960, s. 3 and 2nd Sch., (with effect from 14th October, 1955).

³ See also s. 8 of the Charitable Funds (Regulation of Collections) Act, 1953 (31 of 1953).

⁴ Subs. by A. O., 1937, for the original sub-section (1).

⁵ Subs. by F. A. O., 1975, Art. 2 and Table, for “Central Government”.

⁶ Subs. by A. O., 1949, Sch., for “India”.

(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 ¹²[Pakistan] or, as the case may be, the Province], and, as such treasurer, shall have perpetual succession and a corporate seal, and may sue and be sued in his corporate name.

³[3A. **Definition of “appropriate Government”, etc.** In the subsequent provisions of this Act “the appropriate Government” means, as respects a charitable endowment, the objects of which do not extend beyond a single Province and are not objects to which the executive authority of the ⁴[Federal Government] extends, the Government of the Province, and as respects any other charitable endowment the ⁴[Federal Government.]

4. Orders vesting property in Treasurer.—(1) Where any property is held or is to be applied in trust for a charitable purpose, the ⁵[appropriate Government], if it thinks fit, may, on application made as hereinafter mentioned, and subject to the other provisions of this section, order, by ⁶notification 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 ⁵[appropriate 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.

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(4) An order under this section vesting property in a 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.

5. Schemes for administration of property vested in the Treasurer.—(1) On application made as hereinafter mentioned, and with the concurrence of the person or persons making the application, the ⁵[appropriate Government], if it thinks fit, may

¹Subs. by A. O., 1937, for “the territories subject to the L.G.”.

²Subs. by A. O., 1949, Sch; for “India”.

³Ins. by A. O., 1937.

⁴Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government”.

⁵Subs. by A. O., 1937, for “L.G.”.

⁶For notifications issued under this section in conjunction with s. 5, see different local R. & O.

⁷Sub-section (3) rep. by A. O., 1937.

settle a ¹scheme 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 ²[appropriate 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 ²[appropriate Government] in this behalf, and shall remain in 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:

³[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 appropriate 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 ²[appropriate 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.

6. Mode of applying for vesting orders and schemes.—(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

¹ For notification setting a scheme for the Administration of the Pakistan Army Endowment Fund Trust Fund, see Gazette of Pakistan, 1958, Pt. I, pp. 18 and 20.

² Subs. by A. O; 1937, for "L.G."

³ Proviso ins. *ibid*.