

**THE CHARITABLE ENDOWMENTS PUBLIC
BUILDINGS AND ESCHEATS REGULATION, 1810**

CONTENTS

1. Preamble
2. Superintendence of lands granted for support of Colleges, etc.
3. Appropriation of endowments
4. Disposal of ruined buildings
5. Lands or public edifices not to be appropriated by individuals for private uses
6. Estimates of necessary repairs to be submitted to Government
7. Superintendence of *nazul* property
8. Appointment of local agents
9. [*Omitted*]
10. Agents to ascertain and report particulars of endowments, etc.
11. Also names, etc., of present trustees or managers
12. And all vacancies or casualties, with full information as to pretensions of claimants
13. To recommend fit persons in cases where nomination rests in Government
14. Deputy Commissioner to appoint such persons, or make other provision for trust
15. Saving of private rights
16. Object of Regulation
- 16A. Function of the Board of Revenue to be discharged by the Administrator of Waqfs in Bangladesh

THE ¹[*] CHARITABLE ENDOWMENTS PUBLIC
BUILDINGS AND ESCHEATS REGULATION, 1810
Bengal Regulation XIX of 1810**

(14th December, 1810.)

A Regulation for the due appropriation of the rents and produce of lands granted for the support of colleges and other purposes; for the maintenance and repair of public buildings; and for the custody and disposal of nazul property or escheats.

1. Whereas considerable endowments have been granted in land by the preceding Governments of this country and by individuals for the support of colleges and for other 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 buildings which have been erected either at the expense of the 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 ²[Bangladesh].

Preamble

2. The general superintendence of all lands granted for the support of colleges and for other beneficial purposes, and of all public buildings, such as bridges, sarais, kattras and other edifices, is hereby vested in the ³[Deputy Commissioner].

Superintendence of lands granted for support of Colleges, etc.

¹ The word "Bengal" was omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

² The word "Bangladesh" was substituted by Article 5 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

³ The word "Deputy Commissioner" was substituted for the words "Board of Revenue" or "Board" by Article 3, Schedule of the Bangladesh Laws (Repealing and Amending) Order, 1973 (President's Order No. 12 of 1973).

Appropriation of
endowments

3. It shall be the duty of the ¹[Deputy Commissioner] 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 ¹[Deputy Commissioner] to provide, with the sanction of ²[the 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.

Disposal of ruined
buildings

4. 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 ¹[Deputy Commissioner] shall recommend that they be sold on the public account, or otherwise disposed of, as may appear most expedient.

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

5. Under the foregoing rules it will of course be incumbent on the ¹[Deputy Commissioner] 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 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.

¹ The word "Deputy Commissioner" was substituted for the words "Board of Revenue" or "Board" by Article 3, Schedule of the Bangladesh Laws (Repealing and Amending) Order, 1973 (President's Order No. 12 of 1973).

² The words "the Government" was replaced, for the words "the Provincial Government" by the Article 8 of Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

6. Whenever the ¹[Deputy Commissioner] may be of opinion that any of the above-mentioned edifices required repair, he shall obtain the necessary estimates of the expense required for the execution of the work, and forward them to ²[the Government] for its approval.

Estimates of
necessary repairs to
be submitted to
³[Government]

7. The general superintendence of all *nazul* property or escheats is likewise hereby vested in the ¹[Deputy Commissioner] who will inform himself fully through the channel hereafter mentioned of all property of that description, and direct whether it should be sold on the public account, or in what other mode it should be disposed of.

Superintendence of
nazul property

8. To enable the ¹[Deputy Commissioner] the better to carry into effect the duties intrusted to him by this Regulation, local agents shall be appointed by the Government in each *zila* subject to the authority, control and orders of the ¹[Deputy Commissioner].

Appointment of
local agents

9. *[This section was omitted by Article 3 and THE SCHEDULE of the Bangladesh Laws (Repealing and Amending) Order, 1973 (President's Order No. 12 of 1973)]*

10. 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 ¹[Deputy Commissioner] 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.

Agents to ascertain
and report
particulars of
endowments, etc.

¹ The word "Deputy Commissioner" was substituted for the words "Board of Revenue" or "Board" by Article 3, Schedule of the Bangladesh Laws (Repealing and Amending) Order, 1973 (President's Order No. 12 of 1973).

² The word "the Government" was replaced, for the words "the Provincial Government" by Article 8 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

³ The word "Government" was replaced, for the words "Provincial Government" by Article 8 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

also names, etc.,
of present
trustees or
managers

11. 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 *mutawali* 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.

and all vacancies
or casualties,
with full
information as to
pretensions of
claimants

12. The local agents will also report to the ¹[Deputy Commissioner] all vacancies and casualties which may occur, with full information of all circumstances, to enable the ¹[Deputy Commissioner] to judge the pretensions 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 has 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 the Government, or directly by the Government itself.

to recommend fit
persons in cases
where
nomination rests
in Government

13. 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 ²[the 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 ¹[Deputy Commissioner], 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.

¹[Deputy
Commissioner] to
appoint such
persons, or make
other provision
for trust

14. On the receipt of the report and information required by the preceding clause, the ¹[Deputy Commissioner] will either appoint the person or persons nominated for his approval, or will make such other provision for the trust, 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.

¹ The word "Deputy Commissioner" was substituted for the words "Board of Revenue" or "Board" by Article 3, Schedule of the Bangladesh Laws (Repealing and Amending) Order, 1973 (President's Order No. 12 of 1973).

² The words "the Government" was replaced, for the words "the Provincial Government" by Article 8 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

15. Nothing contained in this Regulation shall be construed to preclude any individual who may conceive that he has just grounds of complaint on account of any orders which may be passed by any of the above-mentioned authorities, with respect to the appropriation of any lands or buildings of the nature of those above-described, from suing 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.

Saving of private rights

16. 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 purpose agreeably to the intent of the grantor, and not to resume any part of the produce of them for the benefit of the Government.

Object of Regulation

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, can no longer contribute to the accommodation of the community.

¹[**16A.** Notwithstanding anything contained in this Regulation, the powers and functions of the ²[Deputy Commissioner] under this Regulation shall be exercised in respect of any waqf property in ³[Bangladesh] by the Administrator of Waqfs appointed under the Waqfs Ordinance, 1962.]

Function of the Board of Revenue to be discharged by the Administrator of Waqfs in ⁴[Bangladesh]

¹ This section was *added* by section. 87 of the East Pakistan Waqfs Ordinance, 1962 (E.P. Ord. I of 1962).

² The word "Deputy Commissioner" was substituted for the words "Board of Revenue" or "Board" Article 3, Schedule of by the Bangladesh Laws (Repealing and Amending) Order, 1973 (President's Order No. 12 of 1973).

³ The word "Bangladesh" was replaced for the words "East Pakistan" by Article 5 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

⁴ The word "Bangladesh" was replaced, for the words "East Pakistan" by Article 5 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).