

THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 25TH SEPTEMBER 1879.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following preliminary Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 11th September, 1879:—

We, the undersigned Members of the Select Committee to which the Bill to provide for the holding of property by certain Religious Congregations was referred, have the honour to report that we have considered the Bill and the papers noted in the margin.

From Secretary, Calcutta Missionary Conference, dated 18th July, 1879 [Paper No. 1].
" Honorary Treasurer, Union Church, Simla, dated 11th July, 1879 [Paper No. 2].
" Secretary to Government, Panjáb, No. 609C, dated 4th August, 1879 [Paper No. 3].
" Secretary for Birár to Resident, Haidarabad, No. 17, dated 21st August, 1879 [Paper No. 4].
" Officiating Secretary to Chief Commissioner, Central Provinces, No. 2560-191, dated 28th August, 1879, and enclosure [Paper No. 5].
" Chief Commissioner, Ajmer and Merváda, No. 704, dated 30th August, 1879 [Paper No. 6].

2. We have extended the operation of the Bill to property of every description held by religious bodies, as it has been represented to us that it would be of little practical use to certain of those bodies if it were restricted in the manner originally intended.

3. We have added sections based on sections 13 and 14 of the Act XXI of 1860, providing for the dissolution of religious bodies and for the disposal of their property when they are dissolved.

4. We have also added a section (8 of the Bill as now amended) providing for a reference to the High Court in the event of any question arising as to whether any person is a member of a religious body or as to the validity of any appointment made under the Act.

5. The Bill and Statement of Objects and Reasons have been published in the Madras, the Calcutta, the Panjáb, the Central Provinces, the British Burmah and the Rájputána Gazettes. Having regard to the importance of the amendments now made, we think it desirable that the Bill should be republished.

WHITLEY STOKES.
A. J. ARBUTHNOT.
B. W. COLVIN.

The 10th September 1879.

No. II.

A Bill to provide for the holding of property by certain Religious Bodies.

WHEREAS it is expedient to simplify the manner in which certain bodies of persons associated for the purpose of maintaining religious worship may hold property acquired for such purpose; It is hereby enacted as follows:—

1. This Act may be called "The Religious Societies Act, 1879":

It shall come into force at once; and

shall extend to the whole of British India;

but nothing herein contained shall apply to any Hindús, Muhammadans or Buddhists, or to any persons whom the Governor General in Council may, from time to time, by notification in the *Gazette of India*, exclude from the operation of this Act.

2. When any body of persons associated for the purpose of maintaining religious worship has acquired, or hereafter shall acquire, any property,

and such property has been or hereafter shall be vested in trustees in trust for such body,

and it becomes necessary to appoint a new trustee in the place of any such trustee or of any trustee appointed in the manner hereinafter prescribed,

and no manner of appointing such new trustee is prescribed by any instrument by which such property was so vested or by which the trusts on which it is held have been declared, or such new trustee cannot for any reason be appointed in a manner so prescribed,

such new trustee may be appointed in such manner as may be agreed upon by such body, or by a majority of not less than two-thirds of the members of such body actually present at the meeting at which the appointment is made.

3. Every appointment of new trustees under section 2 to be recorded in a memorandum under the hand of the chairman of the meeting.

Such memorandum shall be in the form set forth in the schedule hereto annexed, or as near thereto as circumstances allow, and shall be executed in the presence of such meeting, and attested by two or more credible witnesses.

4. When any new trustees have been appointed, whether in the manner prescribed by any such instrument as aforesaid or in the manner herein-

before provided, the property subject to the trust shall forthwith, notwithstanding anything contained in any such instrument, become vested, without any conveyance or other assurance, in such new trustees and the old continuing trustees jointly, or, if there are no old continuing trustees, in such new trustees wholly, upon the same trusts and with and subject to the same powers and provisions as it was vested in the old trustees.

5. Nothing herein contained shall be deemed Saving of existing to invalidate any appointment of appointment ment of new trustees, or and conveyance. any conveyance of any property which may hereafter be made as heretofore was by law required.

6. Any number not less than three-fifths of the members of any such body as aforesaid may at a meeting convened for the purpose determine that such body shall be dissolved; and thereupon it shall be dissolved forthwith, or at the time then agreed upon; and all necessary steps shall be taken for the disposal and settlement of the property of such body, its claims and liabilities, according to the rules of such body applicable thereto, if any, and, if not, then as such body at such meeting may determine:

provided that, in the event of any dispute arising among the members of such body, the adjustment of its affairs shall be referred to the principal Court of original civil jurisdiction of the district in which the chief building of such body is situate; and the Court shall make such order in the matter as it deems fit.

7. If upon the dissolution of any such body there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of such body or any of them, but shall be given to some other body of persons associated for the purpose of maintaining religious worship to be determined by the votes of not less than three-fifths of the members present at a meeting convened for the purpose, or in default thereof by such Court as last aforesaid.

8. When any question arises as to whether any person is a member of any such body as aforesaid, or as to the validity of any appointment under this Act, any person interested in such question may apply, by petition, to the High Court for its opinion on such question. A copy of such petition shall be served upon, and the hearing thereof may be attended by, such other persons interested in the question as the Court thinks fit.

Any opinion given by the Court on an application under this section shall be deemed to have the force of a declaratory decree.

The costs of every application under this section shall be in the discretion of the Court.

THE SCHEDULE.

(See section 3.)

Memorandum of the appointment of new trustees of the (*describe the Church, chapel or other buildings and property*) situate
 at a meeting duly convened and held for that purpose (*in the vestry of the said*) on the
 day of 18 , A. B. of Chairman.

Names and descriptions of all the trustees on the constitution or last appointment of trustees made
 the day of

(here insert the same).

Names and descriptions of all the trustees in whom the said (*chapel*) and property now become
 legally vested.

First.—Old continuing trustees :—

(here insert the same).

Second.—New trustees now chosen and appointed :—

(here insert the same).

Dated this day of 187 .

Signed by the said A. B. as Chairman of the
 said Meeting, at and in the presence of the said
 Meeting on the day and year aforesaid in the
 presence of—

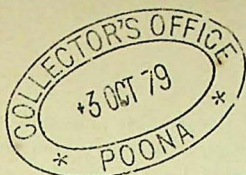
C. D.

E. F.

A.B.

Chairman of the said Meeting.

D. FITZPATRICK,
 Secretary to the Government of India,
 Legislative Department.



[Published with the "Bombay Government Gazette" on the 2nd October 1879.]

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of property by certain Religious Congregations was referred, have the honour to report that we have considered the Bill and the papers noted in the margin.

2. We have extended the operation of the Bill to property of every description held by religious bodies, as it has been represented to us that it would be of little practical use to certain of those bodies if it were restricted in the manner originally intended.

3. We have added sections based on sections 13 and 14 of the Act XXI of 1860, providing for the dissolution of religious bodies and for the disposal of their property when they are dissolved.

4. We have also added a section (8 of the Bill as now amended) providing for a reference to the High Court in the event of any question arising as to whether any person is a member of a religious body or as to the validity of any appointment made under the Act.

5. The Bill and Statement of Objects and Reasons have been published in the Madras, the Calcutta, the Panjáb, the Central Provinces, the British Burmah and the Rájputána Gazettes. Having regard to the importance of the amendments now made, we think it desirable that the Bill should be republished.

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Short title.

1. This Act may be called "The Religious Societies Act, 1879":

Commencement.

It shall come into force at once; and

Local extent.

shall extend to the whole of British India;

but nothing herein contained shall apply to any Hindús, Muhammadans or Buddhists, or to any persons whom the Governor General in Council may, from time to time, by notification in the *Gazette of India*, exclude from the operation of this Act.

2. When any body of persons associated for the purpose of maintaining religious worship has acquired, or hereafter shall acquire, any property,

and such property has been or hereafter shall be vested in trustees in trust for such body,

and it becomes necessary to appoint a new trustee in the place of any such trustee or of any trustee appointed in the manner hereinafter prescribed,

and no manner of appointing such new trustee is prescribed by any instrument by which such property was so vested or by which the trusts on which it is held have been declared, or such new trustee cannot for any reason be appointed in a manner so prescribed,

such new trustee may be appointed in such manner as may be agreed upon by such body, or by a majority of not less than two-thirds of the members of such body actually present at the meeting at which the appointment is made.

3. Every appointment of new trustees under

Appointment under section 2 to be recorded in a memorandum under the hand of the chairman of the meeting.

section two shall be made to appear by some memorandum under the hand of the chairman for the time being of the meeting at which such appointment is made.

Such memorandum shall be in the form set forth in the schedule hereto annexed, or as near thereto as circumstances allow, and shall be executed in the presence of such meeting, and attested by two or more credible witnesses.

4. When any new trustees have been appointed,

Property to vest in new trustees without conveyance.

whether in the manner prescribed by any such instrument as aforesaid or in the manner herein-

before provided, the property subject to the trust shall forthwith, notwithstanding anything contained in any such instrument, become vested, without any conveyance or other assurance, in such new trustees and the old continuing trustees jointly, or, if there are no old continuing trustees, in such new trustees wholly, upon the same trusts and with and subject to the same powers and provisions as it was vested in the old trustees.

5. Nothing herein contained shall be deemed

Saving of existing modes of appointment and conveyance.

to invalidate any appointment of new trustees, or any conveyance of any property which may hereafter be made as heretofore was by law required.

6. Any number not less than three-fifths of

Provision for dissolution of societies and adjustment of their affairs.

the members of any such body as aforesaid may at a meeting convened for the purpose determine that such body shall be dissolved; and thereupon it shall be dissolved forthwith, or at the time then agreed upon; and all necessary steps shall be taken for the disposal

and settlement of the property of such body, its claims and liabilities, according to the rules of such body applicable thereto, if any, and, if not, then as such body at such meeting may determine:

provided that, in the event of any dispute arising among the members of such body, the adjustment of its affairs shall be referred to the principal Court of original civil jurisdiction of the district in which the chief building of such body is situate; and the Court shall make such order in the matter as it deems fit.

7. If upon the dissolution of any such body

there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of such body or any of them, but shall be given to some other body of persons associated for the purpose of maintaining religious worship to be determined by the votes of not less than three-fifths of the members present at a meeting convened for the purpose, or in default thereof by such Court as last aforesaid.

Upon a dissolution no member to receive profit.

8. When any question arises as to whether

any person is a member of any such body as aforesaid, or as to the validity of any appointment under this Act, any person interested in such question may apply, by petition, to the High Court for its opinion on such question. A copy of such petition shall be served upon, and the hearing thereof may be attended by, such other persons interested in the question as the Court thinks fit.

Any opinion given by the Court on an application under this section shall be deemed to have the force of a declaratory decree.

The costs of every application under this section shall be in the discretion of the Court.

THE SCHEDULE.

(See section 3.)

Memorandum of the appointment of new trustees of the (describe the Church, chapel or other buildings and property) situate

at a meeting duly convened and held for that purpose (in the vestry of the said) on the day of 18 , A. B. of Chairman.

Names and descriptions of all the trustees on the constitution or last appointment of trustees made the day of

(here insert the same).

Names and descriptions of all the trustees in whom the said (chapel) and property now become legally vested.

First.—Old continuing trustees :—

(here insert the same).

Second.—New trustees now chosen and appointed :—

(here insert the same).

Dated this day of 187 .

Signed by the said A. B. as Chairman of the said Meeting, at and in the presence of the said Meeting on the day and year aforesaid in the presence of—

C. D.
E. F.

A. B.,

Chairman of the said Meeting.

D. FITZPATRICK,

Secretary to the Government of India, Legislative Department.