



## THE RELIGIOUS SOCIETIES ACT, 1880



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# THE RELIGIOUS SOCIETIES ACT, 1880

## <sup>1</sup>ACT No I OF 1880

[9th January, 1880]

### An Act to confer certain powers on Religious Societies

**Preamble.** 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, and to provide for the dissolution of such bodies and the adjustment of their affairs and for the decision of certain questions relating to such bodies; It is hereby enacted as follows:—

**1. Short title.** This Act may be called the Religious Societies Act, 1880.

**Local extent.** It <sup>2</sup>\* \* \* shall extend to <sup>3</sup>[the whole of Pakistan] but nothing herein contained shall apply to any Hindus, <sup>4</sup>[Muslims] or Buddhists, or to any persons whom the <sup>5</sup>[provincial Government] may from time to time, by notification in the <sup>6</sup>[official Gazette], exclude from the operation of this Act.

**2. Appointment of new trustee in cases not otherwise provided for.** 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 or in addition to any such trustee or any trustee appointed in the manner hereinafter prescribed,

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<sup>1</sup>For Statement of Objects and Reasons, see Gazette of India, 1879, Pt. V, p.770; for Proceedings in Council, see *ibid.*, 1879, Supplement, pp. 598, 745; and 174, *ibid.*, 1880, Supplement, pp. 23 and 170.

This Act has been amended to the extent of Islamabad Capital Territory, see Ordinance No. 27 of 1981, s. 5 and 4th Sch.

<sup>2</sup>The words "shall come into force at once, and" rep. by the Repealing and Amending Act, 1914 (10 of 1914).

<sup>3</sup>Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for "all the Provinces and the Capital of the Federation" which had been subs. by A. O., 1949, Arts. 3(2) and 4, for "the whole of British India".

<sup>4</sup>Subs. by F.A.O., 1975, Art. 2 and Table, for "Muhammadans".

<sup>5</sup>Subs. by A.O., 1937, for the words "L.G." which had been subs. for the words "G.G. in C" by the Devolution Act, 1920 (38 of 1920), s. 2 and Sch. I.

<sup>6</sup>Subs. by A.O., 1937, for the words "local official Gazette" which had been subs. for the words "Gazette of India" by Act 38 of 1920, s. 2 and Sch. I.

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 the 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. Appointment under section 2 to be recorded in a memorandum under the hand of the chairman of the meeting.** Every appointment of new trustees under section 2 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, shall be executed and attested by two or more credible witnesses in the presence of such meeting, and shall be deemed to be a document of which the registration is required by the <sup>1</sup>[Registration Act, 1908 (XVI of 1908)] section 17.

**4. Property to vest in new trustees without conveyance.** When any new trustees have been appointed, whether in the manner prescribed by any such instrument as aforesaid or in the manner hereinbefore 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. Saving of existing modes of appointment and conveyance.** Nothing herein contained shall be deemed to invalidate any appointment of new trustees, or any conveyance of any property, which may hereafter be made as heretofore was by law required.

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<sup>1</sup>Subs. by Ord. XXVII of 1981, s.5 and Sch. IV (only to the extent of Islamabad Capital Territory.)

**6. Provision for dissolution of Societies and adjustment of their affairs.** 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 claim 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. Upon a dissolution no member to receive profit.** 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 or some other religious or charitable purpose to be determined by the votes of not less than three-fifths of the members present at a meeting convened in this behalf, or in default thereof by such Court as last aforesaid.

**8. Saving of certain provisions of instruments.** Nothing in sections 6 and 7 shall be deemed to affect any provision contained in any instrument for the dissolution of such body, or for the payment or distribution of such property.

**9. Questions may be submitted to High Court.**—When any question arises, either in connection with the matters hereinbefore referred to, or otherwise, 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 person 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<sup>1</sup>.

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

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## THE SCHEDULE

(See section 3)

Memorandum of the appointment of the new trustees of the (*describe the church, chapel or other building 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.

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<sup>1</sup>As to effect of a declaratory decree, see s. 43 of the Specific Relief Act 1877 (1 of 1877).



