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THE STATUTES OF THE REPUBLIC OF SINGAPORE

HINDU ENDOWMENTS ACT
(CHAPTER 364)

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1985 Ed. Cap. 364

Act
30 of 1968

Amended by
33 of 1973
2 of 1993

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Hindu Endowments Act

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Constitution.
4. Board to be a corporation.
5. Membership.
6. Secretary.
7. Appointments to be notified in *Gazette*.
8. Determination of appointment.
9. Revocation of appointment.
10. Strangers at meetings.
11. Chairman.
12. Quorum.
13. Use of seal.
14. Duties and powers of Secretary and Finance member.
15. Minutes.
16. Appointment of committees.
17. Power to acquire, develop, etc., property.
18. Minister may order endowment to be administered by Board.
19. Property to vest in Board.
20. Board to appoint committee of management.
21. General powers of Board.
22. Power to require accounts from any trustee and others.
23. Power to require trustees and others to attend and be examined.
24. Penalty for non-compliance.
25. Board to entertain application for advice.
26. Notice of legal proceedings as to any endowment to be given to Board.
27. Power to compromise and adjust actions, etc.
28. Power to sanction improvements.
29. Annual report, accounts and audit.

Section

30. Publication of annual report and accounts.
31. Power of Board to frame new scheme.
32. Filing of scheme and notice thereof.
33. Court may alter or modify or approve scheme.
34. Schemes when approved to be certified by Court.
35. Rules.
36. Temples, etc., not to be used for political purposes.
37. Transfer and vesting of property vested in Muslim and Hindu Endowments Board.

An Act to provide for the administration of Hindu religious and charitable endowments.

[1st May 1969]

Short title. **1.** This Act may be cited as the Hindu Endowments Act.

Inter-pretation. **2.** In this Act, “endowment” means any endowment in land, building or money given or to be given for the support of any Hindu temple or Hindu shrine or school or other Hindu pious, religious, charitable or beneficial purpose.

Constitution. **3.** There shall be constituted a Hindu Endowments Board (referred to in this Act as the Board) which shall exercise the functions conferred on it by this Act.

Board to be a corporation. **4.—(1)** The Board shall be a body corporate having perpetual succession and a common seal, and the seal may from time to time be broken, changed, altered and made anew as to the Board seems fit.

(2) The Board may sue and be sued in its corporate name.

Membership. **5.—(1)** The Board shall consist of —

- (a) a Chairman;
- (b) a Vice-Chairman;
- (c) a Finance member; and
- (d) not less than 8 and not more than 12 other members,

all of whom shall be appointed by the Minister.

(2) Subject to the provisions of this Act and unless the contrary intention appears in the instrument of appointment, the appointment of members under subsection (1) shall be for a period of 3 years from the date thereof.

(3) The members of the Board shall be eligible for re-^{2/93.}appointment except that a Finance member shall not be appointed for more than two consecutive terms as a Finance member but may, at the end of the second consecutive term, be appointed in any capacity in the Board except as a Finance member.

(4) No person shall be appointed a member of the Board under subsection (1) unless he —

- (a) is a Hindu; and
- (b) is a citizen of Singapore.

(5) The members of the Board shall be deemed to be public servants for the purposes of the Penal Code. Cap. 224.

6.—(1) The Secretary of the Board shall be a public Secretary.officer and shall be appointed by the Minister.

(2) The Secretary of the Board shall convene and attend all meetings of the Board but shall not have the right to vote.

7. All appointments made under this Act shall be notified in the *Gazette*. Appoint-
ments to be
notified in
Gazette.

8. Without prejudice to sections 5 (2) and 9, the appoint- Determina-
tion of
appoint-
ment.ment of any member of the Board determines —

- (a) upon his death;
- (b) if he resigns his appointment, by writing addressed to the Minister through the Secretary of the Board;
- (c) if he is absent from Singapore, without written permission from the Chairman, for a period exceeding 3 months; or
- (d) if he is declared a bankrupt.

Revocation
of
appointment.

9. The Minister may revoke the appointment of any member of the Board —

- (a) if the conduct of the member, whether in connection with the duties of the appointment or otherwise, is in the opinion of the Minister such as to bring discredit upon the Board;
- (b) if for any reason the member becomes unable properly to carry out the duties of his appointment;
- (c) if, without due cause to be approved by the Chairman, the member absents himself from 3 successive meetings of the Board; or
- (d) if the Minister considers it desirable in the public interest to revoke the appointment.

Strangers at
meetings.

10.—(1) The Chairman may invite to any meeting of the Board any person who is not a member of the Board if the business before the meeting renders the presence of that person desirable.

(2) Any person so invited shall be entitled to take part in the proceedings of the Board, but shall not have the right to vote.

Chairman.
2/93.

11.—(1) The Chairman and in his absence the Vice-Chairman shall preside at all meetings of the Board.

2/93.

(2) In the absence of the Chairman and the Vice-Chairman, the Board may elect any other member to act as Chairman.

(3) The Chairman is entitled to vote. In the event of an equality of votes, the Chairman shall have a casting vote.

2/93.

(4) The proceedings of the Board shall be secret and no member or employee thereof shall disclose or divulge to any person, other than the Minister or any person authorised by the Minister or any member of the Board, any fact or matter which has been disclosed or arisen at any meeting unless he is authorised by the Board in writing or he is ordered by a court to do so.

12.—(1) No business, except that of adjournment, shall be transacted and no action or resolution of the Board shall be valid unless at least 7 members or one-third of the members, whichever is the greater, are present at the meeting. Quorum. 2/93.

(2) The Board may, subject to subsection (1), act notwithstanding any vacancy in its membership.

13.—(1) The seal of the Board shall be kept in the custody of the Secretary of the Board. Use of seal.

(2) The seal shall be affixed in the presence of the Chairman and the Secretary of the Board who shall sign as witnesses:

Provided that, in the absence of the Chairman or the Secretary of the Board or both, the seal shall be affixed in the presence of a member or members of the Board, as the case may be, who has or have been authorised in that behalf by the Board, and such member or members shall sign as witnesses.

(3) The following documents shall be executed under the corporate seal of the Board:

- (a) documents requiring registration under any written law;
- (b) documents authorising any person to act for any particular purpose on behalf of the Board; and
- (c) such other documents or classes of documents as the Minister may from time to time direct.

14.—(1) Subject to such directions as may be given to him by the Chairman, the Secretary of the Board shall have charge of all correspondence and documents of the Board, including all title deeds, and shall in all other respects carry out such duties as may be imposed upon him by this Act or allotted to him by direction of the Board. Duties and powers of Secretary and Finance member. 2/93.

(2) The Finance member shall have charge of all books of account of the Board and shall be responsible for the proper collection of, accounting for and disposal of all funds of the Board.

Minutes.

15.—(1) The Secretary of the Board shall keep minutes of all meetings of the Board and at every meeting the minutes of the previous meeting, which shall have been previously circulated to members of the Board, shall be confirmed, subject to any amendment which may be required.

(2) Such minutes shall be entered in the minute book of the Board and shall include a full record of every resolution of the Board.

(3) As soon as possible after every meeting of the Board a copy of the minutes shall be sent to the Minister. If on confirmation the minutes are amended, the Minister shall forthwith be informed of the amendments made.

Appointment
of
committees.
2/93.

16.—(1) The Board may from time to time appoint committees, other than a committee of management referred to in section 20, consisting of one or more persons (whether members of the Board or not) for the purpose of advancing its objectives.

(2) The Board may define and vary the terms of reference of such committees and alter and discharge such committees.

(3) Subject to this Act and to the control of the Board, a committee appointed under this section may regulate its own procedure. [15A

Power to
acquire,
develop, etc.,
property.
2/93.

17.—(1) The Board may —

- (a) enter into contracts and may acquire, purchase, take, hold and enjoy any property movable and immovable;
- (b) solely or in partnership, erect any building on or develop any immovable property vested in, belonging to or acquired by the Board; and
- (c) convey, assign, surrender and yield up, charge, mortgage, demise, reassign, lease, sub-lease or licence, transfer or otherwise dispose of, or deal with, any movable or immovable property vested in, belonging to or acquired by the Board upon such terms as the Board thinks fit.

(2) A property vested in the Board may be developed, disposed of or otherwise dealt with by the Board in the manner provided under subsection (1) (b) and (c) notwithstanding section 19 or a trust or condition (express or implied) prohibiting or restricting such development, disposal of or other dealing with the property. [15B]

18.—(1) Whenever it appears to the Minister on the report of the Board that —

- (a) any endowment has been mismanaged;
- (b) there are no trustees appointed for the management of any endowment; or
- (c) it would be otherwise to the advantage of any endowment that it should be administered by the Board,

Minister may order endowment to be administered by Board.

the Minister may order that the endowment shall be administered by the Board.

(2) The persons who manage the endowment shall be given an opportunity to make representations to the Minister within such period as the Minister may specify before an order is made under this section. [16]

19.—(1) From the date of such an order all the property, both movable and immovable, which the trustees of that endowment, if legally appointed, would have been entitled to administer, shall be vested in the Board upon the trusts and for the intents and purposes to which the endowment is applicable.

Property to vest in Board.

(2) On or after the date of that order, the Board shall, by a statement in writing, under the seal of the Board, appended to a copy of the order, specify any land that has become vested in the Board by virtue of the order, and deliver that statement to the Registrar of Deeds.

(3) The Registrar of Deeds shall thereupon make such entry in the books of the registry as is sufficient to afford notice to persons searching the register that the land specified in that statement is claimed to have become vested in the Board by virtue of that order and of this section.

[17]

Board to
appoint
committee of
management.

20.—(1) For the purpose of the management of each such endowment or part thereof, the Board shall, subject to the approval of the Minister, appoint a committee of management to act under the control of the Board.

2/93.

(2) Every such committee shall consist of at least one member of the Board, and of not more than 7 other persons.

2/93.

(3) Every such committee shall meet at least once a month and the quorum at all meetings of the committee shall be 4 members present.

2/93.

(4) The members of every such committee shall be appointed for a period of two years and shall be eligible for reappointment.

(5) No person shall be appointed a member of such a committee unless he —

(a) is a Hindu; and

(b) is a citizen of Singapore.

Cap. 224.

(6) The members of such a committee shall be deemed to be public servants for the purposes of the Penal Code.

(7) It shall be the duty of every such committee to inform the Board of all acts and things done by the committee.

(8) The Board may, subject to the approval of the Minister, remove any member of such a committee and appoint another in his place. [18

General
powers of
Board.
2/93.

21. The Board shall, with respect to any such endowment, have all such powers as it would have had if it had been named as trustee in the instrument creating the endowment, and in any case may —

(a) appoint and remove any employee of any such endowment;

(b) receive and collect the income of the endowment;

(c) expend the income —

(i) in defraying the expenses of the management of the endowment and of the Board; and

(ii) in carrying out the purposes of the endowment;

- (d) raise funds by means of voluntary subscriptions, donations or contributions for the purposes of exercising its powers, performing its duties and discharging its obligations under this Act; and
- (e) promote or undertake publicity in any form. [19

22.—(1) The Board may at any time require written accounts and statements and answers to enquiries relating to any endowment or the property or income thereof to be rendered by any of the following persons: Power to require accounts from any trustee and others.

- (a) trustees or persons who are or have been at any time acting or concerned in the administration of the endowment or income or in the receipt or payment of any moneys thereof;
- (b) agents of any such trustees or persons;
- (c) persons having possession, custody or control of any funds or moneys of the endowment;
- (d) persons in the beneficial receipt of any funds thereof or of any income or stipend therefrom;
- (e) persons in the possession or occupation or management of any property thereof; and
- (f) persons having the possession, custody or control of any documents concerning the endowment or any property thereof.

(2) All such accounts, statements and answers shall be verified by the oath or affirmation of the person rendering them, which the Secretary of the Board is hereby authorised to administer or take. [20

23. The Board may require all or any of such trustees and persons as aforesaid to attend before it respectively at such times and places as are reasonably appointed, for the purpose of being examined in relation to the endowment, and to answer the questions put to them, and to produce upon their examination any documents in their custody or power relating to the endowment or the property thereof, and may examine upon oath or otherwise all such persons and all persons voluntarily attending and may administer oaths. Power to require trustees and others to attend and be examined. [21

Penalty
for non-
compliance.

24. Any person who refuses or wilfully neglects to comply with any requisition or order of the Board made under this Act, or destroys or withholds any document required to be produced or transmitted by him, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$400 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day during which the offence continues after conviction. [22]

Board to
entertain
application
for advice.

25.—(1) The Board shall consider all applications which are made to it by a trustee or other person having any concern in the management or administration of any endowment for its opinion or advice respecting the endowment or the management or administration thereof, or the estates, funds, property or income thereof, or any question or dispute relating to the same respectively, and may upon any such application give such opinion or advice as it thinks expedient.

(2) Such opinion or advice shall be in writing under the seal of the Board, and every trustee and other person who acts upon or in accordance with the opinion or advice given by the Board shall, in respect of so acting, be deemed and taken so far as respects his own responsibility to have acted in accordance with his trust.

(3) No judicial order or direction subsequently made or given by the High Court shall interfere with or impair the indemnity by this Act given to trustees and other persons who have acted upon or in accordance with such opinion or advice of the Board.

(4) Nothing herein shall extend to indemnify any trustee or other person for any act done in accordance with the opinion or advice of the Board if the trustee or other person has been guilty of any fraud or of any wilful concealment or misrepresentation in obtaining the opinion or advice. [23]

Notice of
legal
proceedings
as to any
endowment
to be given
to Board.

26.—(1) Before any legal proceeding for obtaining any relief, order or direction concerning or relating to any endowment or the estate, funds, property or income thereof is commenced or taken by any person, the person shall transmit to the Board notice in writing of the proposed proceeding, and such information as is requisite or proper or is required from time to time by the Board for explaining the nature and objects thereof.

(2) The Board may, if it thinks fit, by an order under its seal, authorise or direct any such proceeding to be commenced or taken with respect to that endowment either for the objects and in the manner specified or mentioned in that notice or for such other objects and in such manner and form and subject to such provisions for securing the endowment against liability to any costs or expenses, and to such other provisions for the protection or benefit of the endowment as the Board thinks proper.

(3) The Board may by such order require and direct that any proceeding so authorised by it with respect to any endowment shall be delayed during such period as seems proper, and every such order may be in such form as the Board thinks fit.

(4) Except as herein otherwise provided, no legal proceeding for obtaining any such relief, order or direction shall be entertained or proceeded with by the High Court or by any court or judge except upon and in conformity with an order of the Board.

(5) Nothing in this Act shall extend to or affect any legal proceeding in which any person claims any property or seeks any relief adversely to any endowment. [24

27.—(1) If in any case it appears to the Board that any claim or demand or cause of action against any person in relation to any endowment to which this Act applies, or against such an endowment or against the trustees or administrators thereof, may with advantage to the endowment, or should, under the special circumstances of the case, be compromised or adjusted without continuing any legal proceedings, the Board may make such order for and in relation to an agreement for such a compromise and adjustment as it thinks fit.

Power to compromise and adjust actions, etc.

(2) Upon due performance of the terms and conditions of the compromise or adjustment, such an agreement shall be a final bar to all proceedings in respect of the cause of action that was compromised or adjusted. [25

28. Whenever it appears to the Board that any endowment administered by it would be benefited by —

Power to sanction improvements.

- (a) letting any part of the lands or buildings thereof, other than any temple or the grounds thereof, on occupation or lease;

- (b) digging for or raising stone, clay, sand, gravel or other minerals;
- (c) cutting timber or other vegetation;
- (d) forming any new road or street;
- (e) making, renewing or improving any drains or sewers;
- (f) erecting new buildings or fences;
- (g) the repair, alteration, extension, rebuilding or removal of any existing building;
- (h) making any improvements or alterations in the state or condition of the lands of the endowment;
or
- (i) the sale or exchange of any lands or buildings, other than any temple or the grounds thereof, belonging to the endowment,

the Board may grant any such lease or do any such act, although such leases or acts are not specifically authorised or permitted by the trusts of the endowment, and may apply any moneys belonging to the endowment for any of the purposes or acts. [26

Annual
report,
accounts
and audit.
33/73.

29.—(1) The Secretary of the Board shall keep or cause to be kept full and true accounts of all properties, funds, securities, investments and assets belonging to or arising out of the endowments administered by the Board and also of all moneys received and paid respectively on account of such endowments and shall, as soon as possible after 31st March of every year but not later than 31st December of that year, prepare and submit to a meeting of the Board a report on the activities of the Board for the preceding financial year, together with a balance-sheet as at 31st March, an income and expenditure account for the year and a list of properties and investments of each endowment showing their cost, if bought, and estimated value as at 31st March.

(2) Such annual balance-sheet, income and expenditure account and list of properties and investments shall, prior to their submission to a meeting of the Board, be audited and certified as correct by an auditor to be appointed by the Board and approved by the Minister.

(3) For the purposes of subsection (1), “financial year” means a period of 12 months ending on 31st March in any year. 33/73.
[27]

30. The Secretary of the Board shall, within 14 days after the meeting of the Board referred to in section 29 (1) — Publication
of annual
report and
accounts.

(a) submit a copy of the annual report and accounts to the Minister; and

(b) cause a copy of the annual report and accounts —

(i) to be published in the *Gazette*; and

(ii) to be exhibited in all temples administered by the Board. [28]

31. Whenever it appears to the Board to be desirable that a scheme should be framed and approved for the application or management or a change in the management of any endowment, or for the closing and winding up of any endowment, the Board may frame such a scheme and submit it for the approval of the High Court in the manner and subject to the provisions hereinafter mentioned. Power of
Board to
frame new
scheme.
[29]

32.—(1) Every such scheme shall be filed in the High Court, together with a petition for the approval of the scheme by the Court, and notice thereof shall be given in such manner as the Board in each case considers proper or expedient for ensuring due publicity. Filing of
scheme and
notice
thereof.

(2) Every such notice shall contain the substance of the proposed scheme and such particulars thereof as are deemed by the Board sufficient to show the nature thereof, and shall refer to some convenient place where a copy of the proposed scheme is deposited and may be inspected.

(3) Every such notice shall require any objections to the scheme to be stated or transmitted to the High Court within one month from the time when the notice is given. [30]

Court may alter or modify or approve scheme.

33.—(1) After the expiration of one month from the time when the notice was given, the petition shall be heard on a day to be fixed by the High Court.

(2) At the hearing of the petition, the High Court shall consider any objections so made, and may, if it thinks fit, alter or modify the scheme according to any such objections, and after all the objections have been made, the Court may proceed to approve the scheme and to certify it in the manner hereinafter mentioned. [31]

Schemes when approved to be certified by Court.

34.—(1) Every scheme approved by the High Court shall be certified by it, and for that purpose shall be embodied in a certificate to be made and signed by the Court.

(2) A copy of that certificate shall be exhibited at some convenient place in which the endowment in question is wholly or partially situated.

(3) From the date of that certificate, the property and the funds of the endowment shall be applied, and the endowment shall be managed, in accordance with the scheme thereby certified. [32]

Rules.

35.—(1) The Minister, acting on the advice of the Board, may make such rules as seem to him necessary or expedient for the purpose of carrying out the provisions of this Act.

(2) Such rules shall be presented to Parliament as soon as possible after publication in the *Gazette*. [33]

Temples, etc., not to be used for political purposes.

36. The Board or any committee of management shall not permit the temples administered by the Board or any part of any land or premises belonging to any endowment to be used for political purposes. [34]

Transfer and vesting of property vested in Muslim and Hindu Endowments Board. 1955 Ed., Cap. 271.

37.—(1) Upon the date of commencement of this Act, all property, movable and immovable, belonging to Hindu endowments, that was, immediately before that date, vested in the Muslim and Hindu Endowments Board incorporated under the Muslim and Hindu Endowments Ordinance shall be transferred to and vest in the Board without further assurance upon the same tenure and subject to the same trusts and conditions as those upon which it was previously held by the Muslim and Hindu Endowments Board; and all rights relating to Hindu endowments vested in that Board

immediately before that date and all liabilities relating to Hindu endowments to which that Board was subject immediately before that date in respect of that property shall be transferred to and vest in the Board.

(2) Any reference in any written law, order of court, deed, contract, instrument or other documents whatsoever to the Muslim and Hindu Endowments Board incorporated under the Muslim and Hindu Endowments Ordinance in its capacity as trustee of Hindu endowments shall be construed as a reference to the Board and all rights, powers, obligations and duties conferred, imposed on, undertaken or incurred by the Muslim and Hindu Endowments Board in that capacity under that written law, order of court, deed, contract, instrument or other documents shall be deemed to be conferred or imposed on or undertaken or incurred by the Board.

1955 Ed.,
Cap. 271.

[35
