

## Government of West Bengal

### LEGISLATIVE DEPARTMENT

## West Bengal Act II of 1963

### THE MURSHIDABAD ESTATE (TRUST) ACT, 1963.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette*,  
*Extraordinary*, of the 8th February, 1963.]

[8th February, 1963.]

*An Act to provide for the creation of a trust in respect of the properties enjoyed by the late Nawab Bahadur of Murshidabad for the benefit of his sons and daughters.*

WHEREAS it is no longer necessary in the altered circumstances to make provision for the maintenance of the honour and dignity of the Nawab Bahadur of Murshidabad;

AND WHEREAS the late Nawab Bahadur of Murshidabad expressed a desire that on his death a trust should be created in respect of all the properties enjoyed by him for the benefit of his sons and daughters;

AND WHEREAS it is necessary to give effect to the said desire of the late Nawab Bahadur of Murshidabad and to that end to create a trust in respect of the properties of the Murshidabad Estate;

It is hereby enacted in the Thirteenth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the Murshidabad Estate (Trust) Act, 1963.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Price—Indian, 12 nP.; English, 3d.

Short  
title and  
commence-  
ment.

## (Sections 2, 3.)

## Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

- (1) "appointed day" means the day appointed under sub-section (2) of section 1;
- (2) "daughter" means a legitimate daughter;
- (3) "Imambarah" means an Imambarah comprised in the properties of the Murshidabad Estate;
- (4) "Imambarah Committee" means the committee constituted under section 7;
- (5) "late Nawab Bahadur" means the person who was the Nawab Bahadur of Murshidabad immediately before the 23rd October, 1959;
- (6) "Mosque" means a Mosque comprised in the properties of the Murshidabad Estate;
- (7) "Nawab Bahadur" means the Nawab Bahadur of Murshidabad for the time being;
- (8) "prescribed" means prescribed by rules made under this Act;
- (9) "present Nawab Bahadur" means the son of the late Nawab Bahadur who succeeded to the titles of the Nawab Bahadur of Murshidabad and Amir-ul-Omrah on the death of the late Nawab Bahadur;
- (10) "properties of the Murshidabad Estate" includes the properties movable and immovable specified in the Schedule;
- (11) "son" means a legitimate son;
- (12) "Trustee" means the Official Trustee for West Bengal and includes his successors in office.

## Vesting of properties in the Trustee.

3. As from the appointed day—

- (1) all the properties of the Murshidabad Estate (hereinafter referred to as the trust properties) shall vest in the Trustee to be held by him in trust for the benefit of the sons and daughters of the late Nawab Bahadur;
- (2) the Trustee shall receive a monthly sum of rupees nineteen thousand one hundred and sixty-six and ten annas and eight pies, referred to in the Indenture included in, and confirmed by, the Moorshedabad Act, 1891, payable from the Government Treasury at Berhampore in the district of Murshidabad and shall give receipts therefor; 15 of 1891.
- (3) the Trustee shall receive and recover all rents, issues and profits due in respect of the properties of the estate, and shall upon receiving such rents, issues and profits give receipts therefor.

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(Section 4.)

4. On the vesting of the properties of the Murshidabad Estate in the Trustee under section 3,—

Management of the trust properties.

- (1) the Trustee shall, subject to the provisions of this Act and the rules made thereunder, manage and administer the trust properties and all income therefrom and may, for the purpose of so managing and administering such properties and income, take such measures as he considers necessary or expedient and do all acts and incur all expenditure necessary or incidental thereto;
- (2) any payment made to the Trustee in the discharge of any obligation in relation to any of the trust properties shall be a full and valid discharge to the person making the payment from all liabilities in respect thereof;
- (3) any payment made otherwise than in accordance with clause (2) shall not be deemed to discharge the person paying it from his obligation to make the payment and shall not affect the right of the Trustee to enforce such obligation against that person;
- (4) any suit or proceeding pending before the appointed day in relation to any of the trust properties may be continued by or against the Trustee, as the case may be, and not otherwise;
- (5) all valid contracts subsisting immediately before the appointed day and affecting the trust properties shall be of as full force and effect against or in favour of the Trustee and shall be enforceable as fully and effectively against or by the Trustee as if the Trustee had always been named therein and had been a party thereto;
- (6) any suit or other legal proceeding for the enforcement of any right or remedy in respect of any of the trust properties may be instituted in any court by or against the Trustee, as the case may be, and not otherwise;
- (7) save as otherwise expressly provided in this Act, the Trustee shall be entitled to dispose of, with the previous approval of the State Government, any trust properties, movable or immovable, and to invest the proceeds thereof in such manner as the State Government may direct;



## (Section 5.)

- (8) with effect from such date as the State Government may specify in this behalf, the services of all persons employed in connection with the management of the Murshidabad Estate under the Murshidabad Estate Administration Act, 1933, 23 of 1933, shall stand determined:

Provided that the Trustee may re-employ any such person in connection with the management of the trust properties on such terms as he may determine.

Applica-  
tion of the  
income  
from the  
trust pro-  
perties.

5. (1) From the sums received under clauses (2) and (3) of section 3, the Trustee shall pay—

(a) first,—

(i) all costs incurred by the Trustee in managing and administering the trust properties and the income therefrom, including costs of such repairs and improvements of any of the trust properties other than the Mosques and Imambarahs as appear necessary to the Trustee and are approved by the State Government; and

(ii) all revenues, rents, cesses, rates, taxes, debts and liabilities in respect of the Murshidabad Estate and the trust properties and all amounts required to satisfy any decree, order or judgment of the court in relation thereto;

(b) secondly, to the Imambarah Committee for the purpose of the maintenance of the Mosques and Imambarahs and the performance of the prescribed religious ceremonies such amount as may be specified by the State Government by order made in this behalf from time to time;

(c) thirdly, after making the payments referred to in clauses (a) and (b), which shall be apportioned proportionately and adjusted against the sums received under clauses (2) and (3) respectively of section 3, the balance remaining out of the sum received under clause (2) of section 3, to the Nawab Bahadur, and from the balance remaining out of the sums received under clause (3) of section 3, an allowance of—

(i) a monthly sum of Rs. 3,000 to the Nawab Bahadur,

(ii) a monthly sum of Rs. 2,000 each to all the sons of the late Nawab Bahadur (including the present Nawab Bahadur in his personal capacity), and

II of 1963.]

(Section 6.)

(iii) a monthly sum of Rs.500 each to all the daughters of the late Nawab Bahadur:

Provided that—

(a) if the sums received in any year under clause (3) of section 3, be more or less than what would be required for payment of such allowances, the amounts of such allowances shall be proportionately increased or reduced, as the case may be;

(b) if, on the appointed day, any of the sons and daughters of the late Nawab Bahadur (including the present Nawab Bahadur), who survived the late Nawab Bahadur, be dead, the allowance payable to such son or daughter under sub-clause (ii) or sub-clause (iii), shall be paid to his or her heirs, as the case may be.

(2) The amounts referred to in sub-clauses (i) and (ii) of clause (a) of sub-section (1) shall be a first charge on the corpus as well as the income of the trust properties.

(3) The allowances payable under sub-clauses (ii) and (iii) of clause (c) of sub-section (1) shall be heritable in accordance with the law for the time being applicable to the family of the Nawab Bahadur of Murshidabad.

6. The residential houses and buildings of the late Nawab Bahadur shall be used and occupied by the sons and daughters of the late Nawab Bahadur in the following manner, that is to say,—

Allotment  
of resi-  
dential  
houses.

(1) the Wasif Manzil Palace at Murshidabad and premises No. 85, Park Street, Calcutta, shall be used and occupied by the Nawab Bahadur;

(2) the Moti Mahal at Murshidabad shall be used and occupied by Syed Kazim Ali Meerza, one of the sons of the late Nawab Bahadur;

(3) the Mahal Sarah, known as Amir Mahal, at Murshidabad shall be used and occupied jointly by the other sons, and the daughters, of the late Nawab Bahadur:

Provided that—

(a) if the Government of India ceases to recognise the title of Nawab Bahadur of Murshidabad the houses referred to in clause (1) shall be merged with the rest of the trust properties

[West Ben. Act]

(Sections 7—9.)

for the benefit of some or all of the beneficiaries thereof for the time being, as the State Government may direct;

- (b) the arrangements referred to in clauses (2) and (3) shall be subject to such modification as the State Government may, from time to time, make.

The Imam-  
barah  
Com-  
mittee.

7. (1) For the purpose of the maintenance of the Mosques and Imambarahs and the performance of such religious ceremonies as may be prescribed, the State Government shall, by notification in the *Official Gazette*, constitute a committee consisting of—

- (a) the Nawab Bahadur;  
(b) three male members, being citizens of India, to be nominated by the beneficiaries of the trust properties for the time being from among themselves in such manner as may be prescribed:

Provided that if the beneficiaries of the trust properties fail to nominate any such member or members within such time as may be specified in this behalf by the State Government, the State Government shall nominate such member or members.

(2) The members of the Imambarah Committee shall, from time to time, elect in such manner as may be prescribed, one of their number as the Chairman of the Committee.

(3) The Imambarah Committee or any member thereof, including the Chairman, may enter into and inspect any of the Imambarahs or Mosques and shall be entitled to perform or cause to be performed the prescribed religious ceremonies therein and to make or cause to be made such repairs and improvements thereof as may be considered necessary in accordance with orders made in this behalf by the State Government from time to time.

Indemnity.

8. No suit or other legal proceeding shall lie against the State Government and no suit, prosecution or other legal proceeding shall lie against any person in any civil or criminal court for anything done or intended to be done in pursuance of the provisions of this Act or the rules made thereunder.

Rules.

9. (1) The State Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for any matter which is required to be or may be prescribed under this Act.



II of 1963.]

(Sections 10, 11.)

**10.** The following enactments, in so far as they do not relate to the descent of the title of Nawab Bahadur or to the sum of rupees two lakhs and thirty thousand payable to the Nawab Bahadur from the revenues of the Government in pursuance of the Indenture included in, and confirmed by, the Moorshedabad Act, 1891 or to the payment thereof to the Nawab Bahadur in accordance with the provisions of the said Indenture by equal monthly instalments of rupees nineteen thousand one hundred and sixty-six and ten annas and eight pies, are hereby repealed, namely:—

Repeal.

15 of  
1891.

(1) The Moorshedabad Act, 1891.

XV of  
1891.

23 of  
1933.

(2) The Murshidabad Estate Administration Act, 1933.

Ben.  
Act XV  
of 1946.

(3) The Murshidabad Act, 1946.

West  
Ben.  
Act XX  
of 1959.

(4) The Murshidabad Estate Administration (Amendment) Act, 1959.

**11.** The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law or in any contract express or implied or in any instrument and notwithstanding any usage or custom to the contrary.

Act to  
override  
the pro-  
visions of  
other  
laws, etc.

## THE SCHEDULE.

[Section 2(10).]

### Properties of the Murshidabad Estate.

I. Such of the properties, movable and immovable, referred to in the Indenture included in, and confirmed by, the Moorshedabad Act, 1891, including the Schedules of properties annexed thereto, with the additional immovable properties added under the provisions of—

15 of  
1891.

(a) sub-section (1) of section 3 of that Act, and

1 of 1894.

(b) section 32 of the Land Acquisition Act, 1894,

as formed part of the Murshidabad Estate immediately before the commencement of this Act and are situated in West Bengal or in any place outside West Bengal.

West Ben.  
Act I of  
1954.

II. All moneys awarded or payable under the Land Acquisition Act, 1894 or the West Bengal Estates Acquisition Act, 1953, as compensation for the acquisition of any of the immovable properties referred to in item I mentioned above.

[West Ben. Act II of 1963.]

## (The Schedule.)

III. All moneys received in West Bengal as income from, or compensation for requisition or acquisition of, such of the properties referred to in item I mentioned above as are situated in any place outside West Bengal.