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[Despatch Abstract.]

MUHAMMADAN RELIGIOUS ENDOWMENTS.

Recording Proceedings of the Board of Revenue (Land Revenue) submitting with remarks, replies from the Collectors reporting the views of the Muhammadan community as to the necessity for legislation with a view to the protection of their religious institutions.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

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ENCLOSURE

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BOARD OF REVENUE (LAND REVENUE), 13TH JUNE 1894, No. 255.

PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

READ—the following Government Order, dated 26th May 1894, No. 72, Legislative :—
Read—again the following papers :—

Government Order, dated 4th April 1888, No. 364, Public.

ABSTRACT.—Passing orders on Government of India letter and appointing a fresh committee to consider how the existing law regarding the administration of Hindu religious and charitable institutions may best be amended.

Government Order, dated 2nd March 1893, Mis. No. 173, Public.

Read—the following letter from the Honorable Sir T. MUTTUSAMI. AIYAR, President, Religious Endowments Committee, to the Chief Secretary to Government, dated Madras, 16th January 1893 :—

I have the honour to forward herewith the report of the Hindu Religious Endowments Committee and the draft Bill which the committee was required to prepare.

The committee regrets that there has been a considerable delay in the submission of the draft Bill and the report — a delay due partly to the intricate nature of the subject and partly to the onerous character of the professional duties that members of the committee have had to discharge.

ENCLOSURE.

From the Hindu Religious Endowments Committee, to the Chief Secretary to the Government of Madras, dated Madras, 16th January 1893.

In accordance with the instructions conveyed in G.O., 4th April 1888, No. 364, Public, we have the honour to submit our report on the changes in the existing law that we consider necessary for the better administration of Hindu religious endowments in this Presidency. A draft Bill on the subject accompanies the report.

2. After a careful study of the papers referred to us for consideration and a full discussion at several meetings of the committee of the defects to be remedied and the remedies to be adopted, we prepared a draft Bill. This draft Bill was communicated for expression of opinion to selected representative men and bodies in the several districts of the Presidency. Replies were received from most of the individuals and bodies to whom the draft Bill had been sent, and suggestions and criticisms were received also from others to whom no reference had been made. These replies have been tabulated in a statement annexed to this report. The objections raised and the modifications suggested in these communications have been duly considered by us, and the revised draft Bill now submitted embodies such of the alterations as appeared to us to be worthy of adoption.

3. Our explanatory remarks on the several sections of the draft Bill proposed by us may be advantageously introduced by a brief sketch of the state of things in regard to temple management under Hindu, Muhammadan and British rule. Under Hindu rule, the rajahs exercised through their officers real and direct control over all religious institutions and endowments. The supervision of temple management was and is recognised in every Native State to be one of the essential functions of government. As instances in point, the Native States of Mysore, Travancore and Cochin may be mentioned. The native rajahs were deeply interested in the well-being and advancement of Hindu religious institutions. Many of these institutions had been founded and endowed by their ancestors, and most, if not all, of them continued to receive periodically pecuniary contributions from the State. Even under Muhammadan rule, this duty of the State was not completely ignored. Except during periods when religious intolerance was at its worst, the Muhammadan rulers of India considered it expedient to make some provision against the deterioration or decay of Hindu temples by neglect or peculation, and in some instances even added to their endowments. Under British rule, there was for many years no enactment or regulation bearing on the management of Hindu temples. The Collectors exercised practically absolute control over all classes of temples. Regulation VII of 1817 had the obvious intention and effect of continuing and maintaining the policy that had been in vogue under Hindu and Muhammadan rulers. Not only was there a distinct recognition of the principle that it was a duty incumbent on Government to keep a strict watch over religious trusts and endowments, but practical effect was given to this principle by the exercise of efficient and stringent control over the management of Hindu temples through the instrumentality of the revenue officers of the State. From 1817 to 1842, there was general satisfaction that Hindu temples were being properly managed, and that the danger of temple funds being misappropriated by the managers had been reduced to a minimum. The supervision exercised by Government over the management of Hindu temples during the period referred to was one of the many acts by which Government endeared itself to the hearts of its native subjects. This system of active supervision continued till 1839. Between the years 1839 and 1842, Government severed its connection with the management of Hindu temples. This change of policy led to the withdrawal of that control which had till then worked with such beneficial results. Between the years 1842 and 1863, no supervision of any kind was exercised over the management of Hindu temples, though Regulation VII of 1817 still remained in force. In many cases in which the management had previously been in the hands of hereditary trustees, the temples were made over to them and left to be dealt with by them without supervision. In cases in which the management had not previously been in the hands of hereditary trustees, new trustees were appointed by the Board of Revenue under the orders of Government, and, in a few instances, the sannad of appointment of trustee also contained a provision for regulating the course of succession to the office. The inevitable result of this relinquishment of control was that trustees were under strong temptations to embezzle temple funds, as the check provided by the general law in the absence of an active supervising agency was utterly inadequate to meet the exigencies of the case; that religious institutions, with large revenues were often dealt with by the trustees without a due sense of responsibility; and that mismanagement prevailed without check or restraint and misappropriation of temple funds became a thing of frequent occurrence. The evil grew from bad to worse until it came to a head about the close of the period under review.

4. The necessity for providing a supervising agency being recognised and felt, Regulation VII of 1817 was repealed and Act XX of 1863 was passed. By this Act, local committees were appointed to exercise the powers of supervision vested in the Board of Revenue under Regulation VII of 1817, but their jurisdiction was limited to temples the nomination of the trustees of which vested in Government or was subject to the confirmation of Government or of a public officer. Other temples which under Regulation VII of 1817 had been subject to the supervision of the Board of Revenue continued to remain, even after the passing of Act XX of 1863, in the unsatisfactory state in which they had been between the years 1842 and 1863. It is

generally considered to be a serious defect in Act XX of 1863 that, while it carried out the policy of severing the connection of Government with the management of Hindu temples, it made no provision for the exercise of any supervision over an important and large class of temples described in section 3 of that Act, notwithstanding that the subjection of such temples to the control of local committees was in no way incompatible with the policy of such severance. Another prominent defect was that the Act did not expressly extend the jurisdiction of local committees to temples of which the trustees, though not originally hereditary, became hereditary between the years 1842 and 1863, and that such trustees were treated as though their temples had been under the management of hereditary trustees from the very commencement. Other defects which have impaired the efficiency of the Act are—(i) that although temple committees succeeded to the powers and functions of the Board of Revenue, yet these powers and functions were not defined with sufficient clearness and precision; (ii) that they were not enabled to command funds for maintaining an office establishment and conducting a periodical audit of accounts; (iii) that they had no power to enforce obedience to their orders except by the tardy and cumbrous process of a regular suit, nor was provision made enabling them to obtain funds for conducting or defending suits connected with the temples under their jurisdiction; (iv) that committee members appointed under the Act held office for life and could only be removed for misconduct by a regular suit; and (v) that the provisions contained in the Act for the due and regular performance of the duty entrusted to committees of preparing registers of voters and of conducting elections of committee members were utterly inadequate. Before the Act had been in operation for seven years, it was considered by the native community at large to have utterly failed to check the evils and abuses that had been growing in magnitude since 1842. The late V. Ramiengar, then a member of the Legislative Council, brought the matter to the notice of Government and submitted a draft Bill embodying suggestions as to how some of the defects might be remedied. This draft Bill was circulated and opinions were invited from public bodies, revenue and judicial officers in the service of Government and leading members of the Hindu community. There was a consensus of opinion as to the urgent necessity of amending Act XX of 1863, but the provisions of the draft Bill framed by Ramiengar were generally considered to be inadequate. The Board of Revenue was of opinion that, "though it would be an improvement on the existing law, it was radically incomplete and would certainly fail to attain its object." Government concurred in this view, and appointed in the year 1876 a committee, with Sir William Robinson as President, to draw up a fresh Bill. This committee submitted its report with a draft Bill in 1878. The main features of this Bill were the establishment of a Central Board with paid members and the extension of control over temples of all classes. This Bill was forwarded in due course to the Government of India and to the Secretary of State for India. The Secretary of State, in his despatch, No. 127, dated 27th May 1880, wrote to the effect that he had no objection to the introduction of the Bill into the local Legislative Council, but that, as the subject was one of general importance, it should not be passed into law until he had had an opportunity of obtaining the opinion of the Government of India. The Government of India, however, in their letter to the Government of Madras, No. 475, dated 9th March 1880, said that they were of opinion that "it was not desirable to proceed with this legislation during the next few months," and the Government of Madras, in deference to the wishes of the Government of India, resolved to take no further action in the matter. The subject was next taken up by Mr. Carmichael, Member of Council, who, on the eve of his retirement in December 1883, drew up a Bill different in many essential respects from the Bill of 1878. This Bill aimed at the substitution of District Boards, constituted under the Local Boards Act, in the place of the Central Board in the Town of Madras, and at the exemption from all control of religious endowments under the management of hereditary trustees. In February 1884, a new committee was appointed by the local Government "to consider and report upon the matter, in connection with the draft Bills already before Government." This committee, presided over by Mr. H. E. Sullivan, Member of Council, sent in its report in March 1886, with a new draft Bill, which was in favour of the scheme of a salaried Central Board in Madras, and which endeavoured to secure the benefit of local

agency by the establishment of District Committees. According to the Bill of 1878, the members of the Central Board were to be nominated by the Governor in Council. This was considered to be open to objection on the ground of its bringing Government into close connection with the management of religious institutions. The Bill of 1886 suggested that the members of the Central Board, should be appointed by the High Court in the exercise of its administrative power. In their letter, No. 472, dated 23rd February 1888, the Government of India observed that this Bill was "too wide in its application," and suggested "the introduction of a measure of a more limited scope and more in harmony with the policy of Act XX of 1863." The present committee was constituted under G.O., No. 364, dated 4th April 1888, for considering how the existing law may be best amended on the lines laid down by the Government of India and for embodying the results of its deliberations in a new draft Bill.

5. *Legislation essential.*—The main defects and shortcomings of Act XX of 1863 have been already pointed out. The present draft Bill is the fifth of its kind. Committees appointed by Government in the years 1876 and 1884 emphatically recognised the necessity for altering the existing law. The local Government, in a letter to the Government of India, dated 31st January 1872, wrote that "this Government are sensible of the necessity of legislation in the matter of native religious and charitable endowments." The Board of Revenue, in their Proceedings, No. 1861, dated 18th July 1874, summed up the result of their extended inquiries in the following words: "It is beyond the possibility of doubt that if Hindu religious endowments are to be protected from wholesale misappropriation and, in many cases, ultimate extinction, for the benefit of a class of persons who make the worst possible use of the money, wasting it in profligate expenditure, the existing law must be altered." The Government of India, in a letter to the Government of Madras, dated 29th February 1876, admitted that "Act XX of 1863 has failed to prevent malversation of the endowments dealt with under its provisions, and that fresh legislation in the matter is necessary." The Secretary of State for India, in his despatch, No. 127, dated 27th May 1880, said of the Bill submitted by the committee presided over by Sir William Robinson, that he had no objection to its introduction. The feeling of dissatisfaction with the existing state of things has been increasing year after year to such an extent as to render legislation on the subject a matter of grave urgency. Act XX of 1863 is brief and does not sufficiently define the powers and duties of trustees and of members of committee. It does not contain several provisions necessary for ensuring a satisfactory working of the Act. Although the Bill we propose is in harmony with the policy of Act XX of 1863 in the matter of making Government have no direct or active concern in the management of Hindu temples, yet the changes that we consider necessary are so many, so varied and so substantial in character that we think it highly desirable to recommend that Act XX of 1863 should, so far as it relates to Hindu temples in this Presidency, be repealed, and that a fresh Act complete in itself, should take its place.

6. *Scope of the proposed legislation.*—It must be clear from the foregoing remarks that the necessity for amending the existing law is admitted on all hands. The only important point on which there is any difference of opinion is whether the new legislation should only apply to such institutions as fall under the operation of Act XX of 1863, or whether it should be of a wider scope so as to bring under control also those temples which are managed by hereditary trustees and which are in consequence exempt from the control of committees under Section IV of the Act. Leaving out the parties interested in the direct management of the temples, there is a very large mass of opinion strongly in favour of placing even hereditary trustees under the control of committees, and of making no distinction between hereditary trustees and elected trustees. But the zemindars in the Presidency, who are hereditary trustees of temples in their estates, strongly object to their being placed under the control of committees, and they consider that to be placed under such control would be highly derogatory to their position. They also assert, no doubt with some truth, that though they were nominally under the control of the Board of Revenue when Regulation VII of 1817 was in force, they were practically in no way interfered with.

We have, after a careful consideration of the objections raised, arrived at the conclusion that while it is not desirable to grant absolute exemption from control to temples managed by zemindars or other hereditary trustees, some difference might be made in the extent and nature of the supervision to be exercised over such temples. We have accordingly provided in the Bill that Sections 46, 67, 69, 71, 72 and 93, which authorize the committee to examine the cash balance and all other property in the possession of the trustees, to call for accounts or such other information as the committee may deem it necessary to require, to enforce compliance with an order issued by the committee, to remove the trustee for misconduct and to regulate the scale of expenditure, shall not apply to hereditary trustees. The only control which the committee can exercise under the proposed Bill over temples managed by hereditary trustees is to insist upon the trustees keeping regular accounts and to get them audited once a year. If the accounts are not properly kept, or the audit of the accounts discloses any irregularities, the committees are authorised to redress the wrong only by a suit in a Civil Court. We feel convinced that the limited control we have suggested, while it can in no way interfere with the internal management of temples by hereditary trustees, or diminish the prestige enjoyed by them, is a sufficient check against malversation or improper expenditure. We have arrived at this conclusion not because we think there have been no instances of malversation or laxity of management in the case of temples under the management of hereditary trustees, nor because we think that they are in principle entitled to any concession, but because we know that temples of this kind often receive periodically voluntary contributions of money from the rajah or zemindar under whose management they happen to be, and that it is not desirable in the interests of the temples themselves to weaken or destroy such motives by alienating their sympathies. This reason may not be applicable in the same degree to the temples under the management of hereditary trustees other than zemindars, but we have not thought it proper to make any distinction between hereditary trustees of one and the same description simply on the ground of wealth or status, and we have, therefore, placed all hereditary trustees in one and the same category.

It must, however, be here observed that the hereditary trustees to whom the limited control is to apply are only those whose office had been hereditary before the year 1842 when Government began to sever their connection with the management of Hindu temples, or those who have been made hereditary by their founders since 1842. The limited control described in the preceding paragraph is not intended to apply to those temples which were under the direct management of Government or to trustees whose appointment was subject to the confirmation of Government prior to 1842, though hereditary trustees have been appointed by Government for some of them since that date. In the cases in which Government have, subsequent to the abandonment of their control, appointed hereditary trustees, the succession will, as provided for in Section 100 A, remain hereditary, but in all other respects such temples and trustees will be under the full control of the committees. Many temples, as the famous temple of Tirupati for instance, which were under the direct management of Government prior to 1842, escaped coming under the jurisdiction of the committees appointed under Act XX of 1863 owing to the defective wording of the Act, and we feel it to be our duty to point out the error and to urge upon the legislature the necessity for its being rectified. We need scarcely add that this defect has given rise to great dissatisfaction, and is the main ground on which the demand for the amendment of the existing Act is based.

7. *The exclusion of Matams.*—One way in which we have endeavoured to limit the scope and application of the proposed Act is by placing matams outside the field of its operations. It may be stated here that matams were to a greater or less extent brought under control by the Bills of 1878 and 1886. The considerations that weighed with us in proposing the exclusion of matams from the operation of the Act are—

(1) That matams are institutions primarily and specially designed for imparting spiritual instruction, not places of public worship in their essential character.

(2) That Regulation VII of 1817 was not applied to them, nor was Act XX of 1863.

Disciples who receive spiritual instruction are the persons directly interested in the welfare of these matams. Such disciples constitute bodies of different sects, and to them belongs the right, as far as such right exists, of securing a proper administration of the funds of the matam. The extent to which a matadhipati can be held to hold in trust the funds of the matam and his amenability to render an account of his stewardship of such funds are points involved in doubt and difficulty. Though the committee is far from being convinced that the manner in which matam funds are administered is such as to render check and supervision unnecessary, it is still strongly of opinion that the wisest policy is to leave each sect to take care of its own matams. It seems undesirable to subject matams to the control and scrutiny of committees of a general character, with no special sectarian leanings and no motive to pay the heads of matams that deference which their position of high priests makes them feel they are entitled to. If the spiritual head of a matam should be found guilty of malversation, it would be thought a grave abuse of power for any secular committee such as those to be appointed under the proposed Bill, to remove them from office, as their continuance or removal depends upon the wishes of the votaries of the matam, who are almost always disposed to overlook all shortcomings and lapses on the part of their guru or high priest. Though some from whom we have received replies to our circular are emphatic in their denunciation of the general character of the financial administration of matadhipatis and pressing in their demand for putting matams on a par with temples, yet the preponderance of opinion is strongly in favour of the exclusion of matams as such. It is hardly necessary to add that, if the head of a matam is also the trustee or manager of a temple, he is, as such trustee or manager, made subject to the proposed Bill so far as the administration of such temple and its endowments is concerned.

8. *The exclusion of Private Temples.*—Private temples are not placed within the scope of the proposed Act. According to the definition given in the draft Bill, a temple is a place of religious worship "dedicated to or used as of right by the Hindu community or any section thereof." It cannot be held that private temples have been dedicated publicly and formally to the Hindu community or even any section thereof. They are places of worship for the use of particular families, and this, their essential character, is in no way altered even though persons not belonging to these particular families may be permitted to worship in them. Neither Regulation VII of 1817 nor Act XX of 1863 takes cognisance of private temples. We have no reason to doubt that, with a careful local inquiry, it can be ascertained whether a temple is dedicated to the public or not. That there are such private temples is a matter that admits of no doubt, and we have thought it improper to recommend that private temples should be brought under control for the reason that practical difficulties may crop up in distinguishing private from public temples.

9. *The exclusion of temples with an aggregate income of less than Rs. 250.*—The scope of the Act has been further limited by the exclusion of temples, the gross income of which from all sources including kattalais is on an average below Rs. 250 per annum. They are for the most part village temples. A great majority of them have little or nothing in the shape of a permanent endowment. They are maintained chiefly from voluntary contributions either in kind or in money from the people of the village who are the chief, if not the only, worshippers at these temples and who are directly interested in seeing that the gifts made are properly utilised. The leading men of the village form practically a committee for the management of such temples. Temples of this class are so numerous and the chances of mismanagement in them so slender that it is best to exclude them. The control of an outside body like the committees constituted under the Act would either be inoperative or unnecessary. All the safeguard necessary in their case is sufficiently provided for by making Sections 94 to 99 apply to them.

10. *The District of Malabar.*—As regards Malabar, though Regulation VII of 1817 did apply to the public temples in this district, yet it appears that Government did not, during the whole of the period between 1817 and 1842, interfere in any way

with the management of these temples; and, in perfect harmony with this policy of non-interference, no committees were established in this district under Act XX of 1863. Many of the temples in this district are claimed by the rajahs or uralans to be private temples, and, if such claims are valid, these temples, according to our definition of the word temple, lie outside the scope of the Act. All the other temples, i.e., all such as are not claimed to be private temples, fall within the category of public temples managed by hereditary trustees. In the case of these temples, there is a clear necessity for providing safeguards against abuse of trust, and there is no valid ground for drawing a distinction between them and other temples of the same class in other districts of the Presidency. As temples managed by hereditary trustees, they will be subject only to the limited control of committees.

11. *The inclusion of Kattalais.*—Kattalais founded by private individuals for service in public temples are made to fall within the definition of "temple" by the words "it shall also include endowments founded for the support of such place of worship or for the performance of any service or charity connected therewith." Such kattalais are in reality endowments of the temple though they may be dedicated for special services. These kattalais are not generally under the management of temple trustees; and though in this point of view, it may appear expedient to put them outside the sphere of operation of the proposed Act, yet their permanent connection with the temple, their dedication to a specific purpose and their liability to be absorbed into private property or to be diverted to purposes widely different from religious service in a temple, have inclined us to extend the definition of temples so as to include kattalais. It may be remarked that kattalais fell within the scope of Act XX of 1863, though they were not made subject to the jurisdiction of committees.

12. *The abandonment of the plan of a Central Committee.*—The Bills of 1878 and 1886 agreed in the essential respect of recommending a paid Central Board. The main arguments urged in favour of a paid Central Board were (i) that a Central Board in Madras would be able to exercise authority and control far more effectively than small local boards, and that such a Board would command something like the prestige that belonged to the Board of Revenue; (ii) that paid members of the Central Board would be actuated by a far livelier sense of duty and responsibility than unpaid members of local boards whose interest in the supervision of temples was largely determined by personal likings and dislikes; and (iii) that the expenditure of a portion of the temple funds for the purpose of securing efficient and honest control and administration and thereby saving those funds from misappropriation and reckless waste was considered to be open to no objection. On the other hand it was held that centralisation of authority would be prejudicial to the growth of a capacity of local self-Government; that the large salaries paid to the members of the Central Board would be a heavy tax on temple funds; and that the appointment of a Central Board would introduce an elaborate and complex machinery and lead, in course of time, to a harassing amount of interference with local agencies. Although we are strongly of opinion that a Central Board would most effectively remedy the evils that exist, yet in accordance with the instructions of the Government of India, we have avoided proposing a Central Board.

13. *Existing Committees.*—Nearly all the committees established under Act XX of 1863 are still in existence, though there are many instances in which vacancies in the committee have not been filled up. It seems to us very undesirable that all such committees should be at once dissolved and fresh committees established in their stead. It is, therefore, provided in Sections 25 and 26 that committees established under Act XX of 1863 shall be treated as committees constituted under the proposed Act. By Section 28 of the draft Bill, in cases in which existing committees are appointed for local areas, they will under the Act acquire jurisdiction over hereditary trustees. It will, however, be necessary to establish new committees in respect of some of the hereditary trustees whom it is proposed to place under the jurisdiction of committees to the limited extent already explained, if the temples under the management of such trustees are not included within the local areas over which existing committees exercise jurisdiction. The District Judge is empowered under Section 4 to change the jurisdiction of committees by withdrawing temples whose gross income is not

less than Rs. 5,000 per annum for the purpose of placing them under the supervision of special committees, and by transferring a temple from the superintendence of one committee to that of another.

14. *Denominational Committees.*—We have carefully considered whether it would be feasible to constitute committees in such a way as to make them represent an uniform class of temples in a district, and we have also paid due attention to the representations received from some quarters that such committees are desirable. In several districts of the Presidency, denominational committees do not exist and have never existed. Temples of all denominations have been under the control of general committees, and there is nothing in evidence to show that this circumstance has caused dissatisfaction or has been made the ground of complaint. Having regard to the fact that, owing to the existence of many different sects, a corresponding number of denominational committees will be required, and attaching its due weight to the consideration that these committees are only supervising bodies, we have come to the conclusion that it is neither practicable nor necessary to substitute the system of denominational committees in the place of the existing system.

15. *Committee Members to be half elected and the other half nominated.*—Under the existing law, members of committee were originally appointed by Government but vacancies by death, removal or resignation had to be filled up by election. In many cases vacancies have not been so filled up, and the system of election has not worked so satisfactorily as might be desired. This state of things is due in the main to the fact that the duty of preparing voters-lists and conducting elections devolved under Act XX of 1863 on the committees, and that committees have not, as required by law, published revised lists of voters from time to time. The draft Bill provides against the recurrence of these evils. In the replies received to our circular, there is a consensus of opinion in favour of combining the system of nomination with that of election. This suggestion seems to be worthy of adoption as it will be useful in preventing the undue preponderance of members of a particular sect or denomination and in securing a due representation of minorities. It is, therefore, provided in Section 5 of the draft Bill that the members of committee shall be one half elected and the other half nominated.

16. *Period of Tenure of Office by Members of Committee.*—Another important change embodied in the draft Bill relates to the period for which members of committee are to hold office. Under Act XX of 1863, committee members hold office for life. The general opinion is that the apathy and neglect shown by some of the committee members are attributable to this circumstance. On no question is there a stronger agreement of opinion than on the evils of making members of committee hold office for life. There can be no doubt as to the desirability of providing for the displacement of an inefficient or dishonest member of committee by a process simpler and less costly and harassing than the tardy process of a law suit. With this end in view, it is proposed to make members of committee hold office for a term of five years only. The out-going member may get into the committee again by election or nomination, but unless he has secured the confidence of the voters he is not likely to be re-elected or nominated. It is necessary that voters should thus be given an opportunity of displacing a committee member who has lost their confidence or who has shown no interest in the work, and of putting into his place a more trustworthy and zealous person. Such periodical election will act as a powerful incentive to zealous and efficient conduct on the part of committee members. It has been suggested to us that the members of existing committees should vacate office on the coming into operation of the proposed Act. This suggestion has not commended itself to us. We propose, however, that members of existing committees shall continue in office only for five years after the Act comes into force, being the period for which under the proposed Act a member of committee is to hold office. Whilst on this subject, we must note that the power of nomination is vested in the District Judge. It is obvious that so responsible and important a function as this cannot be fittingly discharged by any officer of a position inferior to the District Judge in whom, we may add, is vested under the existing law the power of nominating members to vacancies not filled up by election.

17. *Temple Committee Members List and Temple Committee Voters List.*—The rules framed under the existing law impose on committees the duty of preparing and publishing a list of voters from time to time. As a matter of fact, committees have not been able or have failed to maintain correct and complete lists of qualified voters, and revision of the register from time to time has scarcely ever been successfully done. It is hardly a matter for surprise that committees, provided with no facilities and unassisted by local officials holding influential and responsible positions, should have failed to keep proper registers. We have carefully considered this matter, and have come to the unanimous conclusion that this duty can be efficiently discharged only by providing that such lists shall be prepared and published under the authority of the District Judge. Under the existing rules, objections to the exclusion of persons qualified to vote from the register of voters are to be considered and disposed of by committees. The decision given by such a body as the committee without facilities for conducting an inquiry into the validity of the objections raised has often furnished occasion for unfavorable comment. It is, therefore, provided in Section 10 of the draft Bill that any person qualified to be elected committee member or to vote at the election of committee members may make a complaint to the District Judge against the omission of his name in the Committee Members list or Committee Voters list. Any person interested in the temple may, under Section 11 of the draft Bill, object to the inclusion in such lists of the name of any particular person, and the District Judge is empowered to remove the name of such person if he is satisfied in regard to the validity of the objection raised. Orders passed by the District Judge under Sections 10 and 11 are final.

18. *Conduct of Elections of Committee Members.*—The manner in which elections have been conducted by existing committees has given rise to much dissatisfaction. It is not a thing of uncommon occurrence that different members of committee should favour the election of different individuals, and, while there is this conflict of interests and inclinations, the election will of necessity afford very different degrees of satisfaction, and cannot command that confidence which a public election conducted in obedience to law ought to command and will command, if conducted under the superintendence of a responsible authority having no connection with the committee. Section 15 of the draft Bill provides that such elections shall be held under the superintendence of the District Judge or of any other officer or person deputed by him in that behalf. It may be observed in this connection that, when under the existing law an election is held for filling up a vacancy but nobody is elected, the District Judge has to fill up the vacancy by nomination, and, in view to ascertaining the wishes of persons interested, District Judges have in some instances found it desirable to conduct an informal election, and have made their nomination in accordance with the results of such election.

19. *Payment of expenses.*—Provision is made in Sections 45, 48, 49 and 50 for the expenses attending the annual audit of accounts, the preparation of registers, the maintenance of office establishment by committees and the conduct of elections being met by contributions from the temples concerned through the committees under whose supervision they are placed.

20. *New Committees.*—According to the scheme suggested in the draft Bill, elections will be held once in five years, and the appointment by the District Judge of the members to be nominated will also be made once in five years, the committees being authorized to fill up vacancies occurring in the interval. In the year in which the Act comes into force, 1894 as suggested in Section 1 of the draft Bill, elections will have to be held to fill up vacancies in the existing committees and to constitute such new committees as may be required. We are of opinion that only a few new committees are likely to be required.

21. *Rules.*—Under the law now in force, the qualifications of voters are defined by rules under the Act, prescribed by Government. It is in our opinion desirable that a matter of such importance as the qualifications of voters should be defined by the Act itself as is the case in the Municipal and similar Acts. According to Act XX of 1863, the persons who have the right to elect are described in the general terms "those who are interested in the maintenance of the religious institution." We think it

desirable that the electoral privilege should not be indiscriminately extended to the whole class of persons interested, but should be confined to such persons of that class as possess certain qualifications defined in the Act. The draft Bill is thus made to contain provisions regarding the qualifications and disqualifications of persons entitled to vote at elections, and of persons entitled to be elected members of committee. Mention has already been made of the provisions in the draft Bill governing the procedure to be followed in the consideration and final disposal of objections raised against the lists published under the authority of the District Court. In regard to several elections held under the existing law, there have been complaints of voters and candidates for election having been guilty of illegal and corrupt practices. With a view to check such practices, Section 100 provides a penalty, and clause (g) of Section 6 and clause (g) of Section 8 deprive persons convicted of an offence under Section 100 of the right to be elected or to vote. All the main things connected with elections being thus provided for in the Act itself, the rules to be framed under the Act will relate only to minor details bearing on the conduct of elections.

22. *Powers and duties of Committees.*—The powers and duties of committees have been made as specific, clear and definite as practicable. According to the draft Bill, committees have power to call for accounts, to cause them to be audited, to examine the cash balance and other property belonging to temples, to make local inquiries concerning the affairs of any temple under its supervision, to hold a formal inquiry into charges of misfeasance and neglect of duty against a trustee, and to dismiss a trustee convicted of misconduct. In the case of hereditary trustees of temples, the powers are restricted to calling for accounts once a year and to causing the accounts to be audited; and in case of misfeasance, malfeasance or breach of trust on the part of the hereditary trustees, the committee has no power to conduct an investigation or to order dismissal, but may, under Sections 79 and 80, sue before a court of competent jurisdiction.

Though under the existing law committees have power to dismiss for good and sufficient reasons dishonest or recalcitrant trustees, there is no provision enabling them to enforce the order of dismissal except by a regular suit. The result has been that the order of dismissal has often remained inoperative. Experience has shown that this procedure has impaired the efficiency of committees, and has exposed temple funds to the danger of being misappropriated by the dismissed trustee during the course of a protracted litigation respecting the validity or otherwise of his dismissal. It is provided in the draft Bill that the committee should give the trustee, suspected of or charged with misconduct, an opportunity to be heard in his defence; that it should record in writing its reasons for dismissing him; and that, in the event of the trustee not obeying the order of dismissal, the committee may apply to the District Court for a summary order to eject the trustee. The Judge is empowered to pass such order, unless in his opinion there are no sufficient *prima facie* grounds for dismissing the trustee. Provision is also made for the Judge passing a summary order as to the delivery of the property vested in the trustee as such in case he refuses to do so. These summary orders are of course not intended to be final. It is open to the trustee to contest their validity by a regular suit. We are strongly convinced that this summary power must be vested in the Judge to secure prompt obedience to the committee's orders, without at the same time depriving the trustee of his right to challenge the propriety of such orders, and to secure re-instatement in office as trustee if he is able to prove that he has been unjustly removed from office.

The existing law contains no provision for putting the committee in possession of the funds required for maintaining a clerical and auditing staff and for meeting the costs of suits and other legal proceedings in which it may be involved. According to Sections 45 and 49 of the draft Bill, the cost of the clerical and auditing staff is to be borne by the temples, subject to the committee's jurisdiction; but, as a check against unnecessary or extravagant expenditure on such establishments, it is enacted in Section 39 that the establishment to be kept and the salaries to be given should be previously sanctioned by the District Judge.

The draft Bill gives effect to the suggestion made by the Government of India in regard to advancing funds to committees for prosecuting a trustee or conducting a

defence. On application made by the committee, the District Judge is empowered by Section 80 to make advances to committees from the funds of the temples concerned in the litigation. In cases in which it is found eventually that the suit or defence conducted by the committee is unreasonable, frivolous or vexatious, the court passing judgment on the case may order the refund of the whole or any part of the amount advanced in addition to any order that the court may pass as to costs in the usual course.

In addition to keeping regular accounts of receipts and disbursements as required by the existing law, the committee has, under Section 42 of the draft Bill, to prepare and publish in the District Gazette at the end of every year a report of the administration of all temples subject to its supervision, including the temples under the management of hereditary trustees.

23. *Trustees.*—So far as hereditary trustees are concerned, the committees have nothing to do with the succession or appointment to the office of trustee. In regard to this class of temples, the provision contained in Section 5 of Act XX of 1863, authorising the District Judge to appoint a temporary manager to act until the dispute as to the right of succession is settled, is re-enacted in Section 63 of the draft Bill.

As to the other class of temples which alone are, under the existing law, subject to the jurisdiction of committees, the power of nominating trustees is exercised by such committees, and trustees hold office for life except they resign or are removed for misconduct. It does not seem desirable either to entrust to committees so responsible a function as that of nominating trustees, or to make a trustee once nominated remain a trustee for life. Experience has shown that the exercise of such power by committees has not unfrequently led to factious disputes among the committee members themselves, and to the appointment as trustees, not of persons of recognised social position and independence of character, but of persons likely to be in a state of undue subserviency to the committee or to a section thereof. Act XX of 1863 precludes a member of committee from being at the same time a trustee in view of the incompatibility of the functions connected with the two offices. This object can be best secured only by preventing the possibility of mere hangers-on or dependents of members of committee being appointed trustees. In our opinion, the appointment of a trustee is not of less importance than that of a committee member, and persons interested in the proper management of a temple are the persons most likely to exercise the power of election with due regard to the best interests of that temple. The reasons already given for limiting the duration of office of a committee member to five years apply with equal cogency to trustees, and it has, therefore, been considered expedient to make the office of trustee tenable for five years instead of for life. On this question, as on the question of the period of tenure of a committee membership, there is a strong preponderance of opinion in favour of a change such as is embodied in the draft Bill.

As to the authority to whom the conduct of the election of trustees is to be entrusted, the committee constituted under the Act ought to be and will be able to carry on such elections, and it is not, therefore, proposed to assign this task also to the District Judge. The difficulties experienced by committees in preparing and maintaining correct and complete lists of voters are obviated by providing that the lists prepared and published under the authority of the District Judge in connection with the election of committee members shall be adopted and utilised in conducting the election of trustees, subject to the limitations contained in Section 52 of the draft Bill.

We are of opinion that as a trustee, unlike a member of committee, has to regulate and control the internal management of a temple and the worship therein, it is necessary that the trustee should, as far as practicable, belong to the same religious denomination as that of the temple of which he is a trustee, and that he should also be a person entitled to enter the inner precincts of such temple. The need for such a provision has been strongly pressed on us in several replies to our circular.

The question to what religious denomination a candidate belongs is often one of extreme difficulty and delicacy. Considerable special knowledge will be necessary for dealing properly with a question of this kind, and we have, therefore, provided in Section 55 of the draft Bill that the decision on this point of the committee shall be conclusive and final.

The Sections of the draft Bill connected with the powers and duties of temple trustees are intended to define only such special powers and duties as are essential for carrying out the purposes of the Act. It is scarcely necessary to add that, in matters not provided for in the draft Bill, their powers and duties will, as heretofore, be regulated by the general law. Considerable doubt exists at present as to the power of trustees in the matter of the investment of surplus temple funds and of the alienation of temple property. In order to remove this uncertainty, we have adopted in Section 82 of the draft Bill the provisions of the Indian Trusts Act in regard to investments.

In regard to the alienation of temple property by trustees or to the leasing of it for a period exceeding five years, it is provided in Section 85 that the previous sanction of the District Judge shall be necessary for making such transactions valid. Under the general law, temple property is not alienable except for the manifest benefit of the institution. The provision making the previous sanction of the District Judge essential for rendering an exchange, sale, mortgage or lease for a term exceeding five years valid is intended, on the one hand, to check and prevent improper transactions of this nature; and, on the other hand, to protect trustees and purchasers, mortgagees and lessees from expensive and harassing litigation.

One other matter of importance deserves to be mentioned in this connection. There is a strong feeling, as evinced by the replies to our circular, that it is desirable to make a provision for enabling trustees and members of committee to appropriate any surplus of income permanently in excess of the requirements of the temple to educational or other charitable purposes not inconsistent with the objects of the institution. In several richly endowed temples, there is a considerable surplus even after due allowance is made for keeping the temple in repair and for making such improvements as may appear necessary or desirable; and in such cases it may appear that the appropriation of a part, if not the whole, of such surplus to educational or other charitable purposes is not at variance with the traditional usages of the country. While the feeling is strong in favour of such diversion under legal sanction, there is an equally strong feeling against the surplus being applied to charitable purposes which cannot be fairly regarded as compatible with the objects of the institution. We may add that the provision is only permissive. In the case of temples managed by hereditary trustees, the proposal to appropriate surplus funds in this manner should emanate from the trustees themselves, and not from committees. In the case of other temples, application may be made either by the trustees or by committees. In every case, the previous sanction of the District Judge is necessary, as such appropriation of surplus funds is, in effect, an extension of the original scheme of administration of the endowment, and must, therefore, be safeguarded by judicial sanction.

Section 93 of the draft Bill authorises the committee and the trustee jointly to revise the standard scale of expenditure, or, what is technically called, "dittam," and to fix the proportions in which the income of the temple is to be applied to its several objects. This provision is intended to check any capricious departure from the scheme and to adjust the expenditure to the income in view of material financial changes. In cases in which the committee and the trustee disagree, the matter is to be referred to the District Judge, whose decision is final.

24. *Work assigned to the District Judge.*—Under Act XX of 1863, the suits instituted against members of committee and trustees are triable by the District Court only, no matter what the value of the suit may be. We, however, see no sufficient reason why such suits should not be tried by a Sub-Judge or a District Munsif with reference to their pecuniary value. The questions involved in suits of this description are of a kind which not unfrequently arise in suits triable by Sub-Judges and Munsifs, and it appears to be a waste of judicial power to make all such suits, irrespective of their value, triable exclusively by the highest court in the district. So far, however, as Act XX of 1863 vests in the District Judge the discretion to grant sanction for the institution of such suits, as such discretionary power has to be exercised with care and judgment, we think it desirable that it should continue to vest in the District Judge only.

The change proposed in the preceding paragraph will afford relief to the District Judge, as this class of suits is numerous and takes up much time. The additional work assigned to the District Judge by the draft Bill is, in most cases, judicial, and, the jurisdiction being summary and special, can be safely entrusted only to him. We may add that Section 87 empowers Government to invest a Sub-Judge or a District Munsif with all or any of the powers conferred by the draft Bill on the District Judge, save the power of granting or withholding sanction for the institution of suits referred to above.

It has been already pointed out that the work of maintaining lists of persons eligible to be elected members of committee and of voters, of conducting the election of committee members and of nominating the prescribed proportion of committee members, has been assigned in the draft Bill to the District Judge. We may observe that even under the existing Act the District Judge has to nominate committee members when the election for filling up a vacancy fails. The work that we propose to assign to the District Judge will fall to be done only once in five years and may under Section 87 be delegated by Government to Sub-Judges and District Munsifs. So far as the conduct of elections relating to the committee is concerned, the District Judge has power to depute an inferior officer to do that work under his supervision. The plan of making the committees themselves conduct the election of committee members is in no small measure responsible for the irregularities and corrupt practices so frequently made the subject of complaint in connection with elections. It is absolutely necessary that some authority, outside the committee and independent of it, should be responsible not only for preparing and publishing correct lists, but for conducting elections and hearing and disposing of complaints and objections connected with elections. We see no mode of escape from the necessity for imposing this work on the District Judge, if the system of securing representative men on committees by the method of election is to work efficiently and satisfactorily in practice. No other alternative seems to be of efficacy sufficient to remedy the existing evils.

25. We deem it our duty to state that there exists a widespread feeling among the Hindu community that the duty of providing effectual remedies against the crying abuses existing in the administration and management of temples is one which has devolved on the British Government from former Governments, and that religious and charitable endowments, founded and augmented by many generations of wealthy and pious Hindu rajahs and noblemen and dedicated to objects held dear and sacred by every section of Hindus, will gradually deteriorate and eventually be absorbed into private property, unless the further progress of the evil is arrested by altering the existing law, and thereby providing adequate safeguards against neglect and misappropriation.

In conclusion, we beg to repeat once more that it is our firm and earnest conviction that fresh legislation for the protection of temple endowments is absolutely needed, and that the absence of legislation of a sufficiently protective character has been a standing grievance among the Hindu community for half a century. We may add that many of the temples of this presidency stand on a different footing from those in other presidencies which are neither so numerous nor so wealthy, and for which there has apparently been no such demand for adequate remedial legislation as in this presidency. With these remarks we commend the draft Bill to the favorable consideration of Government.

T. MUTTUSAMI AIYAR.
P. RANGANADAM for
P. CHENTSAL RAO.
S. SUBRAMANIAM.
V. BHASHYAM IYENGAR.
P. RANGANADAM.
C. SANKARAN NAIR.

TABULAR STATEMENT.

No.	District.	Name.	Reply.
1	Tinnevely.	The President of the Siva Committee, Tinnevely.	Suggests alterations in sections 5, 6, 26, 53, 58, 68, 71, 79 and 81.
2		The President of the Vishnu Temple Committee.	Suggests additions and alterations in sections 3 (paragraph 2), 6, 21, 29, 42, 53, 64, 69, 70, 79, 80, 81 and 94. Section 4 may be omitted.
3		The Honorary Secretary of the Jubilee Annual Celebration Committee.	Enumerates the irregularities and defects in the working of the system now in vogue and thinks that the Bill is necessary, but suggests certain additions to and alterations in the Bill.
4		Memorial of the inhabitants of Srivilliputur and its adjoining villages.	States the arbitrary expenses, misappropriation of the temple funds and other irregularities committed by the trustees and managers of Nachiarkoil devasthanam and prays for the remedy of the above irregularities.
5		The members of the Devasthanam Committees of Madura Minakshi pagoda, Kalla Alagar koil and Kudal Alagar koil.	Suggests alterations in sections 3, 6, 9, 29, 35, 38, 39, 53, 68, 72, &c., 79 and 90, and also suggests certain additional sections.
6		Rajah M. Bhaskara Setupathy, Zemindar of Ramnad.	States that— (1) The new arrangements will but augment existing evils. (2) The present Act provides sufficient safeguards against irregularities. (3) The great zemindars should be exempted from the supervision of the committee. (4) The sections 6, 36, 52, 53 and 91 require the suggested modification.
7	Madura.	Sreemuth Muthuvizia Ragoo-natha Raja Oodayana Tever, Zemindar, Sivaganga.	States that— (1) The Bill is entirely uncalled for and is an infringement of the principle of religious neutrality enunciated in the great Proclamation of Her Majesty the Queen-Empress. (2) Section 14 of Act XX of 1863, corresponding to section 91 of the present Bill, is a sufficient safe-guard against abuse of powers by the zemindars and hereditary trustees. (3) The temple committee appointed over a zemindar trustee is sure to work mischief. (4) The kattalays ought to be excluded from the jurisdiction of the committees. (5) The policy of the present Bill, unlike the policy of Act XX of 1863, is to level down hereditary trustees to the position of appointed trustees. (6) The zemindars should be exempted from the supervision of the Committee.
8		R. Srikalahastie S. Ramakrishna Iyer, B.A., M. Narayanaswami, B.A., and others.	Propose additions and alterations in sections 2, 6, 7, 8, 9, 22, 26, 29, 31, 32, 38 and 90, 53 and 79.

No.	District.	Name.	Reply.
9	Madura—cont.	Sreemuth Daivasikamani Pandarasunnadhi alias Aroomooga Daisigar Avargal, the head of the Tiruvannamalai mutt, and the hereditary Hukhdar and Durmakartha of the devasthanams of (1) Pranmalai, (2) Kundragudi, (3) Tirupatūr, (4) Thirukkalagudi and (5) Thanatchi Amman koil, residing in Pranmalai and Kundragudi, Tirupatūr taluk, Sivaganga zemindari, Madura district.	(1) The Bill is an uncalled for and quite an illegal interference with, and usurpation of the rights and privileges maintained and enjoyed by the hereditary trustees from time immemorial. (2) The present law provides sufficient safeguards, both civil and criminal, against breach of trust and misappropriation of temple funds. (3) The Bill aims at frustrating the very object and intentions of the original founders of these institutions and goes very much beyond the scope of Act XX of 1863. (4) The Bill is against the principle of religious neutrality enunciated in the Proclamation of Her Majesty in 1858. (5) Proposes some additions.
10	Trichinopoly.	L. Krishnaiyengar, Pensioned Sheristadar of the Trichinopoly District Court.	(1) The Bill is a great improvement upon the present Act XX of 1863 and contains very good provisions for the better management and security of the funds and properties of the Hindu religious and charitable institutions. (2) Proposes alterations in sections 3, 6, 9, 14, 15 and 18, 26, 29, 31, 53, 58, 59, 65, 66, 67, 71, 75, 81 and 82, 94 and 97.
11		S. Krishnama Chari, 1st-grade Pleader, Trichinopoly.	(1) Act XX of 1863 works very unsatisfactorily and the present Bill will afford the public some satisfaction. (2) Proposes alterations in sections 16, 58, 31 and 54.
12		The Secretary, Hindu Sabha, Tiruvanaikaval.	Suggests alterations in sections 6, 9, 29, 43, 53, 56, 61, 62, 73, 81 and 90.
13		The President, Tanjore People's Association.	(1) The Bill is a necessary improvement upon the present Act. (2) Proposes certain additions and alterations in sections 3, 6, 10, 11, 26, 36, 38, 39, 41, 79 and 80.
14	Tanjore.	Ambalavana Desicar, Pandarasunnathi and Matathipathy or High Priest of Thiruvaduthurai Athinam in the Máyavaram taluk, Tanjore district.	(1) The Bill ignores the rights and privileges of athinakarthars and managers recognised and maintained in section 4 of Act XX of 1863. (2) The Bill is likely to work a great deal of hardship. (3) Proposes certain new sections and suggests certain alterations to some of the sections in the Bill.
15		The Managing Member, Devasthanam Committee, Kumbakonam.	(1) The definition of "temple" in section 2 of the Bill is a desirable improvement upon the present Act. (2) Proposes certain additions and alterations in sections 3, 10, 11, 26, 31, 38, 39, 41, 58, 79, 80 and 81.
16		Gnana Sammantha Pundaram Sunnathe Avargal of Durmapuram Adhinam.	(1) The present Bill is not in accordance with the policy of Act XX of 1863. (2) It is a disgrace for the priests to be brought under the category of the other trustees. (3) Section 79 of the Bill is objectionable.
17		Thiruvambalam Chettyar, Managing Member, Devasthanam Committee, Negapatam Circle.	Suggests amendments to sections 5, 6, 7, 8, 9, 10, 35, 53 and 56.

No.	District.	Name.	Reply.
18	Tanjore— cont.	The Secretary of the Mahajana Sabha, Melatūr.	Suggests alterations to be made in sections 2, 5, 6, 24, 36, 41 and 79.
19		Vythilinga Pundarasannuthy Authinakartha of Vailakurichi muttum in Tinnevely district, residing at Tiruválūr in the district of Tanjore.	(1) The Bill is against the policy of Act XX of 1863. (2) It is derogatory to the position of Mut-tathipathies to submit them to temple committee. (3) Muttum temples are now managed satisfactorily. (4) Muttum temples may be excluded from the jurisdiction of the temple committee.
20	South Arcot.	M. Arumuga Pillai, Trustee, Thiruvaheenthrapuram, Cuddalore.	(1) The definition of "temple" in the Bill is too wide in its application. (2) Suggests certain alterations in sections 4, 6, 53, 58 and 65.
21		M. Rajarathnam, Cuddalore.	(1) Suggests certain alterations with regard to the qualifications of the members. (2) Mutts should be included in the list of institutions to be governed by the Act.
22			
23	Chingleput.	A Dharmakarta of Sri Devaraja Swami temple, Conjeeveram.	(1) The working of Act XX of 1863 shows that the proposed legislation is necessary. (2) Hereditary trustees should be excluded from the jurisdiction of the committee. (3) The suggestion of certain alterations in sections 65, 76, 89, 79, 80 and 78. (4) The name of the Bill should be "Hindu Temple Property" Bill.
24		Dharmakartha of Sri Devaraja Swami temple, Conjeeveram.	The same as above, with the following suggestion :— The framers of the Bill may make any rules they think fit and best to improve the efficiency and good conduct of hereditary trustees in regard to proper care and due appropriation of temple property and funds.
25		Government Pleader, Chingleput.	(1) The Bill provides for all defects in the present law on the subject. (2) Suggests alterations in sections 6, 9, 26 and 62.
26		Somoosoonthrum Chetty ..	(1) The Bill provides remedies for the long-standing evils complained of frequently and with much earnestness. (2) Suggests modifications to sections 6, 26, 58, 63, 69, 71, 79 and 80. (3) Special provision should be made for the repairs of any trinkets or jewels, and for the disposal of really useless ornaments.
27	Madras.	V. Krishnama Chari ..	(1) The new Bill is an improvement on the existing law. (2) As the hereditary trustees are required by the present Bill to sacrifice too much, they should be exempted from the jurisdiction of the temple committees. (3) Proposes modifications in sections 2, 5, 6, 7, 21, 23, 26, 27, 31, 41, 47, 65, 70, 71, 79 and 90.

No.	District.	Name.	Reply.
28	Madras.	The Secretary to the Madras Hindu Devasthanam Committee.	Suggests some additional provisions to the following effect :— The formation of a central controlling body like the Board of Revenue—the Office of the trustees, their annual budget and the language in which their proceedings are to be conducted.
29		The Secretaries of the Mahajana Sabha Office, Madras.	Some alterations in sections 57, 79 and 80. (1) The Committee of the Sabha notes with great satisfaction that all classes of temples are brought within the scope of the Bill and that matams are excluded from it. (2) The Sabha disapproves of the procedure laid down in sections 74 (a), 74 (b), 74 (c), and prefers the simpler rule laid down in the alternative section 74. (3) The Bill will, if passed into law, produce a great improvement in the administration of Hindu temples.
30	North Arcot.	Darmakartha of Tirumalai, Tirupathi, and other temples.	(1) The Bill is an improvement on the existing, both as regards its scope and its details. (2) Suggests modifications of sections 4, 6, 7, 9, 12, 19, 26, 27, 28, 29, 32, 36, 41, 46, 53, 58, 72, 79, 80, 81, 82 and 94.
31	Coimbatore.	Memorial of the inhabitants of Coimbatore.	(1) Expresses feelings of joy and gratitude for having instituted the commission to frame the Bill. (2) Sections 25, 26, 58, and exceptions made in sections 61, 62 and 63 in connection with section 72, are unsatisfactory.
32		Dewan of Vencataghiri ..	(1) It is desirable to have some control over Zemindary temples also. (2) The controlling authority should command sufficient respect from the persons to be controlled. (3) Suggests District Judges or Sub-Judges to be of such controlling authority. (4) Suggests to expunge sections 79 and 80 of the Bill.
33	Cuddapah.	Members of the Hindu Temple Committee of Cuddapah taluk.	The Bill contains no provision whatever for compelling the Revenue officials to render a true and verified statement of lands granted by Government and others to the various religious endowments and their servants.
34		The Secretary, Hindu Literary Society, Vayalpad.	(1) Some check or control over the temple funds of mutts is necessary. (2) Certain proposals are made with regard to sections 2, 3, 7, 8, 16, 17, 24, 25 to 28, 32, 34, 35, 39, 40, 46, 53 (1), 58, 71, 72 to 74, 79 and 90.
35	Bellary.	A. Sabapathy Mudaliar ..	(1) The distinction between temples endowed by private charity and temples endowed by other means should not be done away with. (2) Temples endowed by private individuals and managed by their descendants may be left out of the operation of the proposed enactment. (3) Proposes certain amendments to sections 26 and 74. (4) Act XX of 1863 is almost a dead letter and the proposed legislation is necessary.

No.	District.	Name.	Reply.
36	Gódvári.	C. Nagojee Row Pantulu Garu, B.A., Inspector of Schools, Northern Circle.	Offers a few remarks about the machinery proposed in the Bill for the selection of members of temple committees and about the expenses of a suit between the members of a committee and temple trustee.
37		A First-Grade Pleader, Cocanada.	Objects to the elective system introduced in the Bill.
38		Do. do. ..	The Bill is suited to the present circumstances of the country.
39	Vizagapatam.	Rajah G. N. Gajapathi Row ..	The elective system embodied in the Bill should be given a fair trial. (1) An exception should be made in the case of temples under the exclusive management and control of its founders or their successors. (2) Additions and alterations proposed with regard to sections 6, 9 and 53.
40	Mangalore.	Subba Row, High Court Vakil.	Makes a few remarks about sections 2, 3, 6 and 56, 7 and 56, 18 and 15, 19 and 26, 31 and 37, 46, 52, 72, &c., 78 and 91.
41	Kurnool.	The Temple Committee of Koilkuntla taluk, Kurnool district.	(1) Clear provisions are wanted in the Bill on certain important points. (2) Suggests alterations in sections 2, 6, 10, 23, 29, 32, 33, 35, 39, 57-A, 63, 68, 72, 74, 76, 79, 81, 82, 90, 91 and 96.
42	Malabar.	Kerala Varma Rajah, the senior Rajah of Chirakkál kovilagam, in Chirakkál taluk, North Malabar.	Objects to legislation on the following grounds:— (1) It is Governmental interference in temple matters. (2) The Bill is against the order of Governor-General in Council and beyond the scope of Act XX of 1863. (3) It is against the orders of the British Parliament and against the promise of Her Majesty the Empress of India contained in the Proclamation of 1858. (4) It is against the cardinal principle of British rule, viz., non-interference in caste and religious matters. (5) The temples in Malabar are founded on the understanding that the income of properties after defraying the expenses of the temple should be appropriated by their owners and proprietors — our temples are founded on the above understanding. (6) The treaties between our ancestors and the Honorable East India Company sanction our independent management of our temple affairs. (7) Act XX of 1863 does not apply to Malabar. (8) Our temples and other temples in Malabar may be excluded from the operation of the Act.
43		A. Sankaraiah, President founder, Hindu Sabha.	(1) The Bill is based on the principle of usurpation. (2) The Bill is not in accordance with the general laws applicable to mosques and churches. (3) The Superintendence of Achariars over temple affairs is suggested.

No.	District.	Name.	Reply.
44	Malabar.	Puthisherry Pudia Vittil Raman Nambiar, uralen and proprietor of Sangaran Kulangara Edam temple, in Nittoor amshom of Kottayam taluk, North Malabar.	Objects to the Bill as it includes the private temples of Malabar, and requests to exclude his temple from the operation of the Act on the ground of its being a private temple.
45		The second Rajah of Calicut.	Objects to the extension of the Act to Malabar— (1) Regulation VII of 1817 and Act XX of 1863 do not apply to Malabar. (2) The temples of Malabar are constituted on principles peculiar to Malabar. (3) It is public robbery. (4) No necessity for the interference in Malabar. The Bill is the outcome of complaints from other districts. (5) Malabar temples are governed by local usage and custom. Malabar should be exempted from the proposed enactment.
46		Alakkat Illath Nambiathan Nambudri, uralen and proprietor of Thillangari temple and its subordinate temple Kuruvalloor of Thillangari desom, in Mozhakunnoo amshom, Kottayam taluk.	Objects to the Bill— (1) It is against the orders and regulations of the Honorable East India Company and the promise contained in the Proclamation of the Queen Empress in 1858. (2) The temples in Malabar are private ones. (3) Regulation VII of 1817 and Act XX of 1863 are not applicable to Malabar. Malabar should be excluded from the operation of the Act.
47	Malabar.	Karakott Edathil Ryrappan Nambiar of Ellarinhi desom, Kanhilari amshom, in Chirakkál taluk, North Malabar.	Objects to the Bill— (1) It is an interference in religious matters. (2) It is a source of grievance to the people of Malabar. (3) It is against the promise contained in the Proclamation of 1858. (4) It is against the Despatch of the Home Government in 1833. (5) Regulation VII of 1817 and Act XX of 1863 are not applicable to Malabar. (6) It will deprive many families of their tarwad property. (7) In many cases the family estates are registered in the name of the diety in order to prevent family dissensions and to check improper alienations of property by the members of the family. Malabar should be excluded from the operation of the proposed enactment.
48		Sikari Varma, Valia Raja of Pálghat.	Objects to the Bill— (1) It is beyond the scope of Act XX of 1863 and in contravention of the orders of the Governor-General in Council. (2) It is against the promise contained in the Proclamation of 1858. (3) It is a source of grievance to the owners of temples in Malabar.

No.	District.	Name.	Reply.
49		The Nambudiries of Perinchelloor gramam in Chirakkal taluk.	(4) The temples in Malabar, unlike the temples in other districts, are private. (5) In Malabar only certain sects are allowed to enter certain temples, so the superintendence of these temples cannot be handed over to any but the members of this sect. Malabar should be excluded from the operation of this Act. Objects to the Bill— (1) It is a source of grievance to Nambudiries and Antharjannams (Nambudiri ladies). (2) It is opposed to the rules of management as laid down by Hindu Law. (3) It is opposed to the reasons which led to the non-applicability of Regulation VII of 1817 and Act XX of 1863 to Malabar. Malabar should be excluded from the operation of the Act.
50	Malabar.	(1) Murikkancherai Kizhakai Mulli Kot Kamaran; (2) Chengunitaith Puthen Veetil Chandu, uralers of Puthia Kavu devasom in Azhikot amsom desom, Chirakkal taluk.	
51		Krishnan Nambudiri, uralen of Govindapuram devasom in Chirakkal taluk.	
52		The Uralen of Akbath devasom, Chirakkal taluk.	(1) The Bill is against the orders and proclamation of the Government of India and against the current of High Court and Privy Council decisions.
53		Chalat Vengola Krishnan Nambudire, uralen of Chalat devasom, Puzhathi amsom, Chirakkal taluk and 4 others.	(2) It is opposed to the reasons which excluded Malabar from the operation of Regulation VII of 1817 and Act XX of 1863.
54		Theeyarath Kunjamman Nambiar and 3 others, uralers of Vokyarathu devasom, Chirakkal taluk.	(3) It impoverishes many Malabar families which are the founders and managers of these temples.
55		Etayeth Illoth Raman Nambudiri and another, uralers of Narath devasom in Narath desom, Kannatiparamba amsom, Chirakkal taluk.	(4) It is against the promise contained in the Queen's Proclamation of 1858.
56		Kotakattari Kunji Puthia Veetil Chindan and 6 others, uralers of Kannati Paramba devasom in Kannati Paramba amsom desom, Chirakkal taluk.	(5) Many temples in Malabar are private. Malabar should be excluded from the operation of the proposed enactment.
57		Subramania Bharatikal, alias Pakarvur Swamiar, head of the Naduvil Mutt, Malabar.	Objects to the Bill— (1) The religious institutions of Malabar are in character very dissimilar to those of the other districts. (2) The Rajahs of Malabar never exercised any melkoima rights over the temples belonging to my mutt.

THE MADRAS HINDU TEMPLES BILL.

WHEREAS Act XX of 1863 passed by the Governor-General of India in Council is to cease to be in force in respect of Hindu temples and other religious establishments in the Presidency of Madras on and after the 1st day of January 189 , and whereas it is expedient to provide for the due administration of the trusts relating to Hindu temples in the said Presidency, it is hereby enacted as follows :—

CHAPTER I.

Preliminary.

1. This Act may be called the Madras Hindu Temples Act, 189 . It shall come into force on the 1st day of January 189 , with the exception of Sections 3, 9, 10, 11 and 12 and so much as relate to the publication of notices in Sections 15 and 54 which shall come into force on the 1st day of July 189 ; and it shall extend to the whole of the Presidency of Madras.

2. In this Act, unless there be something repugnant in the subject or context—

“*Temple*” means a place consecrated as a place of religious worship by whatever designation known, and dedicated to, or used as of right by, the Hindu community or any section thereof as such place of worship. It shall also include endowments founded for the support of such place of worship, or for the performance of any service or charity connected therewith.

But it shall not include any institution founded or recognised as the seat of an ascetic or priest, notwithstanding that the Hindu community or any section thereof participates or joins in the religious worship carried on in connection therewith by such ascetic or priest or by his disciples, if any, and notwithstanding that endowments have been founded for the benefit of such institution or worship.

“*Trustee*” means a person administering the affairs of a temple by whatever designation such person is known.

“*District*” means the local limits of the jurisdiction of a principal Civil Court of original jurisdiction, and includes the local limits of the ordinary original jurisdiction of the High Court of Madras.

“*District Judge*” means the Judge presiding over a principal Civil Court of original jurisdiction; and within the local limits of the ordinary original jurisdiction of the High Court of Madras, the Judge presiding over the City Court established under Act No.

“*District Court*” means a Court presided over by a District Judge.

CHAPTER II.

Establishment of Committees and their Constitution.

3. The District Judge shall establish one or more committees for the purpose of exercising superintendence over the temples situate within the district, and shall assign to each committee the temples over which it is to exercise such superintendence, either by name, or as situate within a local area, or as situate within a local area and belonging to a particular class.

4. It shall be competent to the District Judge to increase or reduce the number of committees in the district, or to transfer any temple from the superintendence of one committee to that of another committee, the grounds for such increase or reduction or transfer being recorded in writing.

It shall also be competent to the District Judge to withdraw from the superintendence of any committee any temple whose gross income is not less than Rs. 5,000 per annum, and to establish a separate committee for such temple.

Provided such changes shall take effect only when members of committee have to be elected and nominated under this Act.

5. Each committee shall consist of as many members as the Judge may determine prior to each election, of whom, as hereinafter provided, one-half shall be elected and the other half nominated; provided that the total number of members shall be an even number, not less than 6 nor more than 12.

6. In order to be qualified to be elected, nominated or appointed member of committee a person must—

- (a) be of the male sex;
- (b) be a Hindu by religion;
- (c) have completed twenty-five years of age;
- (d) be resident in the district;
- (e) have an annual income of not less than Rs. 500, or be a member of an undivided family having such income; or own land or be a member of an undivided family owning land paying annually revenue or rent of not less than Rs. 100; or pay or be member of an undivided family paying municipal or other local taxes amounting to not less than Rs. 25 per annum.

And further he must not be a person—

(f) who has been sentenced by any Court to imprisonment, whipping or transportation, which sentence has not been annulled on appeal or revision, unless the Judge passing the sentence or the District Judge has, by an order which such Judge or District Judge is hereby empowered to make if he shall see fit, directed that such sentence shall not operate as a disqualification;

- (g) who has been convicted of an offence under section 100;
- (h) who is an uncertificated bankrupt or undischarged insolvent;
- (i) who is a tenant, lessee or mortgagee of any property of a temple subject to the superintendence of the committee.

When an undivided Hindu family has fulfilled the condition prescribed in clause

(e) of this section, only one member thereof shall, as representing such family, be eligible to be elected member of committee.

7. Any person elected, nominated or appointed member of committee under this Act shall cease to be a member if, subsequent to the last publication of the Temple Committee Members List as provided in sections 9 and 13, he has been sentenced by any Court to imprisonment, whipping or transportation or has been convicted of an offence under section 100, or if he becomes bankrupt or insolvent, or if he becomes tenant, lessee or mortgagee of any property of a temple subject to the superintendence of the committee, or if he accepts the office of trustee of such temple, or if he renounces the Hindu religion and embraces some other religion; nor shall any person continue to be member of committee who has failed to attend three consecutive ordinary meetings or six consecutive meetings, be they ordinary, special or adjourned.

Provided that, a person, who has ceased as aforesaid to be a member by reason of his having been sentenced or convicted, shall be restored to office for such portion of the period for which he was elected or nominated or appointed as may remain unexpired at the date of such restoration, if and when—

- (a) such sentence or conviction has been annulled on appeal or revision;
- (b) the disqualification caused by such sentence has been removed by an order as provided in section 6;

(c) he becomes a certificated bankrupt or undischarged insolvent; and provided, further, that in the case of a person who as aforesaid has ceased to be a member by reason of his failure to attend the prescribed number of meetings, the remaining members of the committee may in their discretion restore such person to office at the next ordinary meeting held after such person has ceased to be a member.

8. In order to be qualified to vote at the election of members of committee, a person must—

- (a) be of the male sex;
- (b) be a Hindu by religion;
- (c) have completed twenty-five years of age;
- (d) be resident in the district;

(e) have an annual income of not less than Rs. 300, or be a member of an undivided family having such income; or own land or be a member of an undivided Hindu family owning land, paying revenue or rent of not less than Rs. 30 annually; or pay or be a member of an undivided family paying municipal or local taxes amounting to not less than Rs. 10 per annum; or be a University graduate;

And further he must not be a person—

(f) who has been sentenced by any Court to imprisonment, whipping or transportation, which sentence has not been annulled on appeal or revision, unless the Judge passing the sentence or the District Judge has, by an order which such Judge or District Judge is hereby empowered to make if he shall see fit, directed that such sentence shall not operate as a disqualification;

(g) who has been convicted of an offence under section 100;

(h) who is an uncertificated bankrupt or undischarged insolvent.

9. In every district, a list, styled Temple Committee Members List, of persons qualified to be elected members of committees established under this Act, and a list, styled Temple Committee Voters List, of persons qualified to elect such members, with the name of the place of residence of each person and the name of the revenue division of the Tahsildar in which such place is situate, or the name of the Sub-Registrar's division if the place of residence be not comprised within the revenue division of a Tahsildar, shall, not later than three months after the 1st July 1893, be prepared and published in the District Gazette under the authority of the District Judge.

10. Any person qualified to be elected or to vote, whose name is omitted in any such list, may, within one month from the date of the publication of the list, apply to the District Judge to insert his name therein. On such application being made, the District Judge shall, after making such enquiry as he may deem necessary, pass such order as to the insertion or otherwise of the name of the applicant as he thinks fit, and such order shall be final.

11. The District Judge may, on application made within one month from the date of publication of the list provided for in Section 9 by any person interested as described in Section 94, in any temple in the district, after giving notice to the person the inclusion of whose name in any such list is objected to, conduct an inquiry into the matter; and if after making such inquiry as he may deem necessary, the District Judge is satisfied that the person is not entitled to be elected or to vote, as the case may be, he shall pass an order removing the name of such person from the list; and such order shall be final.

12. The said lists shall be amended in accordance with the orders, if any, passed under the last two preceding Sections, and the amendments so made shall be published in the District Gazette before the commencement of the next succeeding year. The lists so amended shall, in respect of all elections held with reference thereto, be conclusive proof that the persons whose names are entered therein are entitled to be elected or to vote, as the case may be, and that no other person is so entitled.

13. The District Judge shall, in the third quarter of every fifth year reckoned from 1893 exclusive, cause the said lists, amended as aforesaid, to be revised and published as provided in Section 9 before the commencement of the fourth quarter of every such fifth year, and the provisions of Sections 10, 11 and 12 shall *mutatis mutandis* apply to every such revised list.

14. The first election of members of committee under this Act shall take place in the month of January 1894, and the succeeding elections shall take place in the month of January of every fifth year reckoned from 1894 exclusive.

15. Every such election shall be by ballot, and shall be held, under the superintendence of the District Judge or any other officer or person deputed by him in that behalf, and at such time and place as the said Judge may fix by notice published in the District Gazette at least one month prior to the date of election, and subject to such rules as the Governor in Council may from time to time prescribe in that behalf not inconsistent with any of the provisions of this Act.

16. The District Judge may fix such remuneration as he may deem reasonable to the officer or person deputed by him to conduct elections as aforesaid.

17. After such election, the District Judge shall cause a list to be prepared in which the candidates are arranged according to the number of votes obtained by them; and shall declare to have been elected as many of the candidates, beginning with the candidate who has obtained the highest number of votes and proceeding in consecutive order, as have to be elected members of committee under the provisions of Section 5. In cases of equality of votes between two or more candidates, all of whom cannot be declared elected, the Judge shall declare which of them are to be deemed elected.

18. If at any election the prescribed number be not duly elected, then, the Judge shall appoint as many members as may be required to make up the prescribed number, and the persons so appointed shall be deemed to have been elected at such election.

19. After the results of the election are declared, the District Judge shall, as soon as practicable, nominate as many persons as are required to be nominated under Section 5.

20. Every member of committee elected or nominated under this Act shall, unless he is disqualified under Section 7 or is removed for misconduct as hereinafter provided, be entitled to hold office until the next succeeding elections and nominations are declared and made.

21. Any outgoing member of committee shall, if otherwise qualified, be eligible for re-election or nomination.

22. Any member of committee may tender his resignation to the Chairman of the committee, and, on such resignation being accepted or after the expiry of two months from the date of tender of such resignation, he shall be deemed to have vacated his office.

23. When a vacancy occurs in the office of member of committee before the expiration of the period for which he was elected or nominated the remaining members shall, as soon as practicable, fill up the vacancy; and the person appointed to fill up the vacancy, shall, unless he is disqualified under Section 7 or is removed for misconduct, be entitled to hold office until the next succeeding elections and nominations are declared and made, or until the person in whose stead he was appointed is restored to office as provided in Section 7; and the person so appointed shall be deemed to be elected or nominated according as he was appointed in the place of an elected or nominated member.

24. If the vacancy be not so filled up within a month of its occurrence, the District Judge on the application of any person interested as described in Section 94 shall appoint a person to hold office as aforesaid, and the person so appointed shall be deemed to be elected or nominated according as he was appointed in the place of an elected or nominated member.

25. From and after the date on which this Act comes into force, every committee established under Act XX of 1863 which is in existence on the said date shall, subject to the provisions of the next following Section, be deemed to have been duly constituted under this Act, and one-half the members thereof be deemed elected and the other half nominated under this Act.

26. The District Judge shall determine under Section 5 how many members, including such as may have to be elected under the provisions of the next following Section, each such committee shall consist of, provided the number so fixed be not less than the number of members which such committees would consist of if this Act had not been passed; and the additional members, if any, required to make up the number thus fixed shall be elected and nominated as nearly as may be practicable in equal proportions.

When any such committee shall consist of more members than twelve, all the members thereof shall continue to be members of the committee. Provided that no vacancy which occurs on such a committee before and until the number of members thereof is reduced to twelve shall be filled up.

27. Every vacancy in the office of a member of such committee which has not been filled up prior to the coming into operation of this Act shall be filled up by election at the first election of members of committee held under this Act.

Every subsequent vacancy happening in the office of member of such committee, until the next succeeding elections and nominations are declared and made shall be treated alternately as a vacancy in the office of an elected member and a nominated member.

28. From and after the date on which this Act comes into force, every committee, established under Act XX of 1863 for any local area and which by Section 25 is constituted a committee established under this Act, shall have superintendence and control over all temples within such local area.

29. From and after the date on which this Act comes into force, every committee, established under Act XX of 1863 in respect of temples of a particular class within any local area and which by Section 25 is constituted a committee established under this Act, shall have superintendence and control over all temples of the same class within such area.

30. Every committee shall, as soon as practicable after its members have all been elected and nominated, hold its first meeting at such place and time as the majority may determine. Notice in writing of such meeting shall be given to the members thereof at least three clear days before the date of such meeting. At such meeting, the committee shall elect its Chairman.

31. Every committee shall have an office, and shall meet ordinarily for transaction of business once a month, and also as often as a meeting shall be convened by the Chairman. It shall be the duty of the Chairman to convene a meeting when required in writing to do so by not less than three members.

32. Every committee established under this Act shall use a seal bearing the following inscription in the vernacular language of the district: "The seal of the Committee of . . ."

33. No business shall be transacted at a meeting unless at least three members of the committee are present.

34. At every meeting of the committee the Chairman shall preside. In the absence of the Chairman, the members of committee present shall select one of their number to preside at such meeting.

35. In case of difference of opinion, the question before the committee shall be decided by a majority of votes of the members present, and in the case of equality of votes, the Chairman or the presiding member shall have a casting vote.

36. Resolutions of committee shall be carried out by the Chairman.

37. Minutes of Resolutions passed at each meeting shall be recorded in a book to be kept for the purpose, and shall be signed by the Chairman or the presiding member.

38. Nothing done by a committee under this Act shall be invalid by reason of the number of members of such committee being less than the number fixed under Section 5, or by reason of the disqualification of any member of such committee.

39. The committee may, with the previous sanction of the District Judge, fix the number and salaries of servants of the committee and the scale of other charges necessary for carrying out the purposes of this Act.

40. The committee shall appoint proper persons to be its servants, and may suspend, fine or dismiss any of them.

41. Subject to the provisions of this Act, it shall be the duty of every committee to take such measures as may be necessary to ensure that all endowments of temples under its superintendence are duly appropriated to the purposes for which they were founded, that they are not converted to the private use of individuals or otherwise misappropriated, and that the established usages of such temples are observed and maintained.

42. It shall be the duty of every committee to keep regular accounts of all its receipts and disbursements, and to prepare and publish in the District Gazette a general report of the administration of the affairs of the temples subject to its superintendence, for the year preceding that in which the report is published.

43. It shall be lawful for every committee after the close of each year to cause the accounts of receipts and disbursements of any temple under its superintendence to be audited, and in case of every temple whose gross income is not less than Rs. 5,000 per annum, the committee shall cause such audit to be made.

44. The report of the auditor in every case shall be published in the District Gazette.

45. The auditor shall be paid out of the funds of the temple, whose accounts have been audited, such reasonable remuneration as the committee may, by an order in writing, fix.

46. It shall be lawful for the committee to examine, or cause to be examined, the balance of cash remaining to the credit of any temple and all other property belonging thereto, and to ascertain whether such balance and property agree with the entries in the accounts and books of the temple.

47. The District Judge shall fix, by an order in writing, the amounts required for the expenses in connection with the election of members of committee under this Act, and call upon the committee concerned to contribute the same in such proportion as he may fix, having regard chiefly to the incomes of the temples under each committee. The District Judge may direct every committee to furnish such information as he may require for this purpose.

48. Every committee shall, by an order in writing, distribute the amount it may be called upon to contribute under Section 47 among the temples subject to its superintendence in such proportion as it may determine, having regard chiefly to the income of each of such temples; and shall remit to the District Judge the contributions so made.

49. Every committee shall, by an order in writing, distribute the cost of its establishment and other charges fixed under Section 39 among the different temples under its superintendence in such proportion as it may determine, having regard chiefly to the income of each of such temples.

50. Every committee shall fix, by an order in writing, the amount payable out of the funds of any temple under its superintendence for expenses to be incurred in connection with the election of a trustee for such temple under this Act.

51. Orders passed under Sections 45, 47, 48, 49 and 50 by a committee or by the District Judge, fixing the amounts chargeable to a committee or to a temple, shall be final.

CHAPTER III.

Trustees, their Duties and Liabilities.

52. Any person whose name is entered in the Temple Committee Members List published under Sections 9, 12 and 13 shall be qualified to be elected or appointed trustee of a temple, provided that—

(a) his name is entered in such list as residing within the division of a Tahsildar or Sub-Registrar in which such temple is situate;

(b) he is according to the usage in such temple entitled to enter the inner precincts thereof;

(c) he belongs to that religious denomination for which such temple is chiefly maintained.

And any person whose name is entered in the Temple Committee Voters List published under Sections 9, 12 and 13 and whose place of residence is therein mentioned as situate within the division of a Tahsildar or of a Sub-Registrar, shall be qualified to vote for the election of a trustee of any temple situate within such division.

53. The office of every trustee other than a trustee of a temple referred to in Section 101 shall be filled by election to be held once in five years as provided in Section 14.

54. Every election of a trustee under this chapter shall be by ballot, and shall be held under the superintendence of the committee or any member thereof deputed by the committee in that behalf, at such time and place as the committee may fix by notice published at least one month before the date of election in the District Gazette, and subject to such rules as the Governor in Council may prescribe in that behalf not inconsistent with any of the provisions of this Act.

55. The committee shall, by notification in the District Gazette, declare to have been duly elected the person who, being qualified to be elected trustee under Section 52, has secured the highest number of votes. Such declaration shall in respect of the election to which it relates be conclusive evidence that such person is not disqualified under Section 52, clause (b) or (c). In cases of equality of votes between two or more such persons, the committee shall decide which of them is to be declared elected. Every person elected a trustee under this Act shall be entitled to hold office until a trustee is elected at the next following election, unless in the meantime he becomes disqualified or is removed as provided in the Act.

56. If any election held under this chapter fails, the committee shall, notwithstanding that the time prescribed by Section 14 for an election has elapsed, hold successive elections until a trustee is duly elected, subject to the other provisions applicable to such election.

57. For every temple subject to the superintendence of a committee established under this Act other than a temple referred to in Section 101, there shall ordinarily be only one trustee, but with the previous sanction of the District Judge, it shall be competent to the committee to declare in the notice prescribed by Section 54 that the number of trustees to be elected for any such temple shall be three; provided that the number of trustees of every such temple shall, until the election of trustees to be held in 1899 takes place, continue to be the same as it would if this Act had not been passed.

58. Every person who at the date this Act comes into force is trustee of a temple other than a temple referred to in Section 101 shall be deemed to have been elected a trustee under the Act immediately after it comes into operation.

59. The office of every trustee other than the trustee of a temple referred to in Section 101 which at the date on which this Act comes into force is vacant shall be filled by election to be held as soon after that date as practicable.

60. Any person who has been elected or appointed a trustee shall cease to be a trustee if, subsequent to the last publication of the Temple Committee Members List as provided in Sections 9 and 13, he has been sentenced by any court to imprisonment, whipping or transportation, or has been convicted of an offence under Section 100, or he becomes a bankrupt or an insolvent, or he becomes a tenant, lessee or mortgagee of any property belonging to the temple of which he is trustee, or he accepts the office of member of the committee having superintendence over such temple, or he renounces the Hindu religion and embraces some other religion.

Provided that a person who has ceased as aforesaid to be a trustee by reason of his having been sentenced or convicted or by reason of his having become a bankrupt or an insolvent, shall be restored to office for such portion of the period for which he was elected or appointed as may remain unexpired at the date of such restoration, if and when—

(a) such sentence or conviction has been annulled on appeal or revision;

(b) the disqualification caused by such sentence has been removed by an order of the Judge who passed the sentence, or the District Judge, as prescribed in Section 6;

(c) he becomes a certificated bankrupt or discharged insolvent;

and in case of such restoration, any person who may have been appointed in his stead shall vacate office immediately after such restoration.

61. Any trustee elected or appointed may tender his resignation to the committee, and on such resignation being accepted or after the expiry of two months from the date on which such resignation was tendered, he shall be deemed to have vacated his office.

62. Whenever from any cause a vacancy shall occur in the office of any trustee other than a trustee referred to in Section 101, the committee having superintendence over the temple the trusteeship of which has become vacant shall forthwith appoint a person qualified to be elected trustee under the Act to fill up such vacancy, and the person so appointed shall be entitled to hold office until a trustee is elected at the next succeeding election, unless in the meantime he becomes disqualified or is removed as provided in this Act.

63. Whenever from any cause a vacancy shall occur in the office of trustee of any temple referred to in Section 100-A and the duties of such office are not discharged by any person either by reason of dispute respecting the right of succession to such office or of any other cause, it shall be lawful for any person interested as described in Section 94 in such temple to apply to the District Court to appoint a manager for such temple, and thereupon such Court may appoint a manager to act until some other person shall by suit or otherwise have established his right to such office. The manager so appointed by the District Court shall have and shall exercise all the powers which the trustee, in whose place he is appointed by the Court, had or could have exercised in relation to such temple, and shall be subject to all the duties and liabilities imposed on such trustee in relation to such temple.

64. It shall be the duty of the trustee of every temple to prepare a register showing—

(a) particulars of all endowments of such temple, all grants, sasanams, sanads, title-deeds and other material documents relating thereto;

(b) particulars of the scheme of administration and of the Dittam or the prescribed scale of expenditure;

(c) the names of all persons in receipt of any salary, emolument or perquisite from the institution, and the nature, tenure and conditions (if any) of service in each case;

(d) the jewels, gold, silver, all vessels and utensils, and all other moveables belonging to the institution with their estimated value;

Such register shall be authenticated by the trustee, and a copy thereof forwarded to the committee exercising superintendence over the temple; and it shall be revised in the first quarter of every year, and a statement showing the alterations and additions, if any, shall be prepared and authenticated by the trustee, and a copy thereof shall be forwarded by him to the committee.

65. It shall be the duty of the trustee of every temple to keep regular accounts of receipts and disbursements.

66. It shall be the duty of the trustee of every temple before the expiry of the first month in each year to submit to the committee having control and superintendence over such temple in such form as the committee may prescribe an account of receipts and disbursements.

67. It shall be the duty of the trustee of every temple to furnish in writing such information or accounts relative to the management or affairs of the temple as may be called for by the committee exercising superintendence over the temple.

68. The trustee of every temple shall be bound to pay out of the funds of the temple under his charge the amount fixed by the committee as chargeable to that temple under Sections 45, 48, 49 and 50; and in default thereof, the order of the committee, on application being made by the committee to the District Judge, shall be enforced by him as if it were a decree passed against the trustee for payment of such amount out of the funds of that temple.

69. Every trustee of a temple shall be bound to obey all lawful orders issued by the committee exercising supervision over the temple. If any such order is disobeyed, it shall be competent to the committee within three months from the date of such disobedience to apply to the District Court by petition, which shall be verified

in the manner prescribed by the Code of Civil Procedure for verification of plaints, for enforcing compliance with such order. On receipt of such application, the District Court shall give notice to the trustee, and on hearing him in case he appears personally or by pleader, it may direct compliance with the order as passed by the committee or as modified by such court.

All orders passed by the District Judge under this section shall be appealable and enforceable as a decree.

70. In cases in which the committee is satisfied that the efficient administration of the affairs of a temple cannot be secured otherwise than by remunerating the trustee thereof, it shall be competent to such committee, with the previous sanction of the District Judge, to fix the amount of such remuneration to be paid out of the funds of such temple, provided that in no case shall such remuneration exceed the sum of Rs. 100 per month.

CHAPTER IV.

Of the Powers of Supervision of Committees over Trustees.

71. It shall be competent to the committee, or any member thereof deputed by the committee in that behalf, to make a local inquiry concerning any matter relative to the affairs of any temple subject to its superintendence; and it shall be the duty of the trustee of such temple to produce such accounts, vouchers or other documents in his possession or power as may be called for, and to afford all reasonable assistance in the conduct of such inquiry.

72. When there is reason to believe that any trustee has been guilty of misfeasance, breach of trust or neglect of duty, it shall be lawful for the committee exercising superintendence over such temple, or any member thereof authorized by the committee, in that behalf, to hold an inquiry into the charges brought against the trustee.

If after such inquiry it shall appear to the committee that such trustee is guilty of the charges brought against him, or that there is other good and sufficient cause for his dismissal, it shall be lawful for such committee to dismiss him by an order in writing, stating the reasons for his dismissal and requiring him to vacate his office. Provided that no such order shall be passed without giving the trustee an opportunity to be heard in his defence.

73. Whenever a trustee has been dismissed by an order of the committee passed under section 72, the trustee shall deliver up all properties held by him as such trustee to the person elected or appointed in his stead.

74. If he fails to do so within the time fixed by the committee, it shall be competent to the person elected or appointed in his stead to apply to the District Judge, by petition to be verified in the manner prescribed by the Code of Civil Procedure for the verification of plaints, for an order directing the delivery by the trustee dismissed as aforesaid of all the properties held by him as such trustee.

Such petition shall be accompanied by an authenticated copy of the order dismissing the trustee.

75. The District Judge, on the perusal of the petition and of the copy of the order accompanying the same, shall pass a summary order directing the trustee dismissed as aforesaid to deliver to the applicant possession of all the properties held by him as trustee, unless the District Judge be of opinion that there were no sufficient *prima facie* grounds for the dismissal of the trustee.

Such order shall be served on the trustee in the same manner as a summons issued to a defendant in a suit.

76. If after the service of such summary order the trustee does not deliver possession of all or any of the properties held by him as such trustee, it shall be competent to the person elected or appointed in his stead to apply to the District Judge by petition for the issue of a warrant for the delivery of such properties. The petition shall set forth the particulars and description of the properties of which delivery is sought, and shall be verified in the manner specified in the Civil Procedure Code for the verification of plaints.

77. On receipt of such application, notice thereof shall be given to the dismissed trustee, and after hearing him, in case he appears personally or by pleader, and making such summary inquiry as the District Judge may deem fit, such Judge shall issue a warrant for the delivery by such trustee of such of the properties mentioned in the application as may be found to have come into his hands as trustee and to be held by him.

The warrant issued under this Section shall be executed as a warrant issued for the delivery of property in execution of a decree passed in a civil suit.

78. Nothing herein contained shall bar a suit for enforcing the order of a committee dismissing a trustee, or a suit to recover possession from the trustee of any properties held by him as such trustee, or a suit by such trustee to impeach the validity or propriety of an order dismissing him, or a suit for the recovery of the properties of which he may have been dispossessed under a warrant issued as aforesaid.

79. The committee having supervision over a temple referred to in Section 101 may sue before a Court of competent jurisdiction the trustee of such temple for any misfeasance, malfeasance or breach of trust committed by such trustee in respect of the trusts vested in or confided to him, and the Court may direct the specific performance of, or abstention from, any act by such trustee, and may decree damages and costs against such trustee and may also direct the removal of such trustee.

80. On application made by a committee, the District Court may pass an order directing the trustee of a temple subject to its supervision to pay the committee in the first instance out of the funds of such temple all costs and expenses likely to be incurred by the committee in the prosecution or defence of any suit or legal proceeding that may be instituted under Sections 77, 78 and 79.

81. Such application shall state the nature of the suit or legal proceeding to which it relates as well as the estimated amount, and such order may be executed as a decree for money payable out of the funds of the temple.

Provided that if the Court in which such suit or legal proceeding is instituted considers the institution or defence of such suit or legal proceeding to be frivolous, it shall be competent to such Court by its decree or order to direct the refund of the whole or any part of such amount.

CHAPTER V.

Investment and appropriation of Trust Funds and alienation of Trust Property.

82. Whenever there are surplus funds in the hands of a trustee, he may invest the same, subject to the directions contained in the instrument of trust, in one or other of the securities specified in clauses (a), (b), (c), (d), (e) and (f) of Section 20 of the Indian Trusts Act, 1882, or in the purchase of land or other immoveable property.

83. Whenever the income of a temple is permanently in excess of its requirements including such repairs and improvements of the temple as may be necessary or desirable, the trustee of a temple referred to in Section 101, and in the case of every other temple, either the committee having superintendence over it, or its trustee, may apply by petition to the District Judge for sanction to devote such surplus, or any portion thereof, to educational or other charitable purposes not inconsistent with the objects of the temple.

84. On receipt of such application, it shall be competent to the District Judge, if he is satisfied that the application is reasonable, to determine what portion of such surplus shall be kept as a reserve fund, and to direct the remainder to be devoted to any educational or other charitable purposes suggested by the applicant and approved by the District Judge.

Any order passed under this Section may from time to time be revised by the District Judge on an application made in that behalf.

85. Whenever the trustee of any temple may consider the exchange, sale, mortgage or a lease for a term exceeding five years of any land or other immoveable property of the temple is necessary or beneficial to the institution, it shall be competent to him to apply by petition to the District Judge to sanction such transaction.

The petition shall set forth the circumstances which render such transaction necessary or beneficial to the institution; the description and extent of property proposed to be alienated; the terms, conditions and other material particulars of the proposed transaction; and it shall be verified in the manner prescribed by the Civil Procedure Code for the verification of complaints.

The District Judge shall give notice of such petition to the committee having superintendence over the temple, and after hearing the committee or its pleader, and after making such inquiry as he may deem fit, he may sanction the proposed transaction or pass such other order relative thereto as to him may seem proper.

Such order shall be conclusive proof that the transaction concluded in accordance with such order was necessary or beneficial to the temple concerned.

86. No exchange, sale, mortgage or lease for a term exceeding five years of any land or other immoveable property belonging to a temple made by its trustee shall be valid unless made with the sanction of the District Judge as aforesaid.

Provided that nothing herein contained shall affect the power of a trustee to make such alienation, if he be expressly authorised by the instrument of trust, if any, to effect such alienation.

General and Miscellaneous.

87. The Local Government may by notification in the Official Gazette invest any Court inferior in grade to a District Court with all or any of the functions of a District Judge under this Act other than that mentioned in Section 6, clause (f), Section 9, clause (f), and Section 97, and may cancel or vary such notification.

Any Court of inferior grade so invested shall within the local limits of its jurisdiction have concurrent jurisdiction with the District Court in the exercise of such functions.

88. No action for damages shall lie against all or any of the members of a committee established under this Act or against any person acting under the authority of such committee for any act *bona fide* done or ordered to be done under this Act.

89. No election of member of committee established under this Act or of a trustee of a temple shall be held invalid by reason of any irregularity in the publication of the lists prescribed in Sections 9, 12 and 13 or by reason of such lists not having been published within the time prescribed in the said Sections, or by reason of such election not having been held within the time prescribed by Section 14.

90. Every suit, appeal or application which is instituted or made by one or more members of a committee established under this Act shall be deemed to be instituted or made by such committee, provided that such suit, appeal or application is instituted or made in pursuance to a resolution passed at a meeting of such committee.

91. All expenses necessary for carrying out the provisions of this Act shall be payable out of the funds of the temple in the interests of which such expenses have to be incurred.

92. All costs and expenses incurred or made payable in respect of any suit or other proceeding shall be chargeable to the temple on whose behalf such suit or proceeding may have been instituted or defended, unless the decree or order should otherwise specifically direct.

93. A committee established under this Act and the trustee of a temple subject to its superintendence shall, if and whenever they concur, be competent to regulate from time to time the standard scale of expenditure in any temple under the superintendence of such committee, and the proportions in which the incomes thereof are to be applied to the several objects of the temple.

In case of a difference of opinion between the committee and the trustee, it shall be competent to either to submit the matter in difference by petition to the District Judge, whose order thereon shall be final.

Provided that nothing contained in this section shall be taken to authorise the application of the income of any specific endowment to any purpose other than that for which it was founded, except as hereinbefore provided in Sections 83 and 84.

94. Any person or persons interested in any temple, or in the performance of the worship or the service thereof or the trusts relating thereto, may, without joining as plaintiff any of the other persons interested therein, sue before a Court of competent jurisdiction the trustee of such temple or the member of any committee established under this Act for any misfeasance, breach of trust or neglect of duty committed by such trustee or member of such committee, in respect of the trusts vested in or confided to them; and the Court may direct the specific performance of any act by such trustee or member of committee, and may decree damages and costs against such trustee or member of committee, and may also direct the removal of such trustee or member of committee.

Such decree shall, in so far as it may direct the specific performance of an act or the payment of damages for the benefit of the temple, be executed only at the instance of the trustee of the temple, provided that in cases in which the decree is against the trustee without removing him from office it shall be executed by the committee for the benefit of the temple.

95. The interest required in order to entitle a person to sue under the last preceding section need not be a pecuniary or a direct or immediate interest, or such an interest as would entitle the person suing to take any part in the management or superintendence of the trusts. Any person having a right of attendance or having been in the habit of attending at the performance of the worship or service of any Hindu temple, or of partaking in the benefit of any distribution of alms, shall be deemed to be a person interested within the meaning of the last preceding section.

96. In any suit or proceeding instituted under this Act, it shall be lawful for the Court before which such suit or proceeding is pending to order any matter in difference in such suit to be referred for decision to one or more arbitrators. Whenever any such order shall be made, the provisions of Chapter 37 of the Code of Civil Procedure shall in all respects apply to such order and arbitration, in the same manner as if such order had been made on the application of the parties under Section 506 of the said Code.

Nothing in this section shall prevent the parties from applying to the Court, or the Court from making the order of reference, under the said Section of the Code of Civil Procedure.

97. No suit shall be entertained under Section 94 without a preliminary application being first made to the District Court for leave to institute such suit. The Court on perusal of the application shall determine whether there are *prima facie* sufficient grounds for the institution of a suit, and if in the judgment of the Court there are such grounds, leave shall be given for its institution.

If the Court trying the suit shall be of opinion that the suit has been for the benefit of the temple and that no party to the suit is in fault, the Court may order costs, or such portion thereof as it may consider just, to be paid out of the funds of such temple.

An appeal shall lie to the High Court against an order refusing leave to sue under this section.

98. Before giving leave for institution of a suit, or after leave has been given and before any proceeding is taken, the Court may order the trustee or any member of a committee to file in Court the accounts of the trust or such portion thereof as to the Court may seem necessary.

99. No suit or proceeding before any Civil Court under this Act shall in any way affect, or interfere with, any proceeding in a Criminal Court for criminal breach of trust.

100. Whoever, being qualified to vote or claiming to be qualified to vote at any election under this Act, accepts or obtains or agrees to accept or attempts to obtain,

for himself or for any other person, any gratification whatever as a motive or reward for giving, or forbearing to give, his vote in any such election, shall be liable to a fine not exceeding one hundred rupees for every such offence.

And whoever, by any gift or reward, or by any promise or agreement or security for any gift or reward, corrupts or procures, or offers to corrupt or procure, any person to give, or forbear to give, his vote at any such election, shall be liable upon conviction to a fine not exceeding five hundred rupees for every such offence.

100-A. Notwithstanding anything hereinbefore contained, the provisions of Sections 53, 57, 58, 59 and 62 shall not apply to any temple the succession to the office of trustee whereof is either hereditary or otherwise specially provided for.

101. Notwithstanding anything hereinbefore contained, the provisions of Sections 46, 67, 69, 71, 72 and 93 shall not apply to any temple which in 1842 was under the sole management of any trustee whose nomination did not vest in nor was exercised by Government, nor was subject to the confirmation of Government or of a public officer; or to a temple founded since 1842, the right of succession to the office of trustee whereof is hereditary or otherwise specially provided for by the founder; or to the trustees of such temple.

102. Nothing hereinbefore contained, except Sections 94, 95, 96, 97, 98 and 99, shall apply to any temple whose average gross income, including income from endowments founded for its support or for the performance of any service or charity connected therewith for a period of five consecutive years before the coming into operation of this Act has been less than Rs. 250 per annum.

103. Except as otherwise provided for by this Act, nothing herein contained shall affect any established usage of a temple, or the powers and duties of the trustees thereof, or the emoluments and perquisites to which such trustee or any servant of the temple may by custom or otherwise be entitled.

Order—dated 2nd March 1893, Mis. No. 173, Public.

The thanks of Government will be conveyed to the President and Members of the Committee for their excellent report and for the complete manner in which they have dealt with this important subject.

2. The Bill will be referred to the Advocate-General, the High Court and the Board of Revenue for favour of early remarks.

(True Extract.)

(Signed) C. A. GALTON,
Ag. Chief Secretary.

To the President, Religious Endowments Committee.
" Government Solicitor.
" Hon'ble the Judges of the High Court (with C.L.).
" Board of Revenue.
" Legislative Department.
" Several Members of the Committee.

G.O., dated 8th August 1893, No. 612, Public.

ABSTRACT.—Informing Muhammad Asadullah and others of Trichinopoly that, with slight alterations, the Hindu Religious Endowments Bill can be made applicable to Muhammadan endowments and that these will be made when the Bill comes again before Government.

READ—also the following papers:—

From H. W. FOSTER, Esq., Registrar of the High Court of Judicature, Appellate Side, Madras, to the Chief Secretary to Government, dated 5th April 1893, No. 947.

With reference to G.O., dated the 2nd ultimo, No. 173, Public, referring, for remarks, the Madras Hindu Temples Bill, I am directed to forward a transcript of the minutes recorded by the Honorable Justices Shephard and Davies and to state that

the Honorable the Chief Justice and Mr. Justice Handley have no leisure to offer any observations on the Bill worthy of the importance of the subject. The Honorable Justice Sir T. Muthusami Aiyar has not offered any remarks as he was a member of the committee.

2. Any minute that may be recorded by the Honorable Mr. Justice Best will be duly submitted.

ENCLOSURE.

Minutes.

Mr. Justice Shephard—Section 2.—Private temples being excluded from the operation of the Bill and public temples being divided into two or more classes, it seems to me that it should be one of the first duties of a committee to ascertain the position of all the temples within the area of their jurisdiction. This is particularly required in Malabar, where, I understand, private temples are numerous and the Act of 1863 has not been enforced. There will inevitably be disputes, but it is surely better that questions of exemption, total or partial, from the operation of the Act should be decided at once and finally. It should, I would suggest, be incumbent on the committee to frame lists of the temples within their area and to give notice to all parties concerned to come in within a time limited and show cause why any temple should not be placed on any particular list. The decision of the Judge, subject to any appeal, should be absolutely final as a judgment *in rem*.

Section 4.—The effect of the proviso is that the District Judge can take action under the section only once in five years. That surely may be an inconvenient restriction.

It is not explained why a temple with a gross income under Rs. 5,000 should require a separate committee.

Section 7.—It cannot surely be intended that a conviction prior to the passing of the Act is not to be a disqualification. Yet that must be the effect of the words "subsequent to the last, &c."

The sections relating to the appointment of committees seem to me rather obscure, especially sections 26 and 27. The present committees, I presume, are to remain in office for five years more. I do not, however, find this clearly provided. It is not explained why the present committees should retain office for so long a period. It seems unnecessarily long.

It would seem better to provide that in places where there are no committees they should be formed within a given time after the passing of the Act and that in other cases they should be constituted under the Act at some longer interval of time, say six months, the present committee being deemed meanwhile to be a committee under the Act. Under section 23 vacancies are to be filled up by co-optation; under section 26 by election or nomination. I should have thought the alternative course the better for both cases. The provisions relating to trustees are open to the same criticism. The date—January 1894—is not, I understand, to be the date of any real election. Existing trustees are to retain office for five years. As well in the case of Committees as in that of trustees, there is to be no immediate election except only in the case of present vacancies. Granted that present committees and trustees should retain office for so long a time after the passing of the Act, the provisions might, I think, be framed in a more direct and simple way. I would suggest the advisability of defining with more precision the duties of the committee. This is of supreme importance as there is to be no central committee. Sections 41—50 prescribe the powers and duties of the committee. On the other hand sections 64—68 prescribe the duties of trustees. Section 64 is of great importance; but I think it would be strengthened by making it obligatory on the trustees to prepare the register within a certain time and on the other hand section 46 might make it the imperative duty of the committee to demand such register. The chances of malversation would be greatly diminished if these duties were properly carried out. In this connection I would suggest that the intervention of outsiders interested in the temple should take a different form from what it takes under the present Act and under the Bill. The object in view, which would probably be attained much better by the formation of a strong central body, is to keep the committees up to their mark and make them do their duty. It is the committee which should insist on the trustee doing his duty and should, if necessary, institute a suit against him. Instead of the provisions contained in section 94 *et seq*, I would provide that any interested person should be at liberty on good *prima facie* cause shown to call on the committee to show cause why they should not exercise any of the powers or perform any of the duties vested in or laid upon them by the Act, or why any particular member of the committee should not be removed from office. For instance, if there is reason to believe that a trustee has made away with temple property and that he ought to be removed under section 72, the object is not to take matters out of the hands of the committee but to set them in motion. It is in their name and at their risk and expense that any suit ought to be brought. If the Judge is of opinion that the committee ought to take proceedings, I do not see why the relator should have any further responsibility. It may be necessary to provide in some way for his interven-

tion in the suit to see that it is properly conducted, but at any rate the expense of it should be met in the first instance by the committee. If the committee can convince the Judge that the proposed suit is one which ought not to be brought, of course the "interested person" ought to pay the costs of his fruitless intervention.

Section 94 further contemplates a suit against a member of the committee for misfeasance, breach of trust or neglect of duty. If occasion arises for any such suit, would not removal of the defaulting member be the proper remedy? In many cases it certainly would be so; yet, as far as I have gathered, the Bill contains no provision for the removal of any member of a committee who, by his neglect of duty or misconduct, shows himself unfit for the office. Here again I suggest that the action of the interested person should take the form of calling on the member whose conduct is impugned to show cause why he should not be relieved of his office. I need hardly say that an order *nisi* to that effect should not be made except upon grave cause shown.

It would, I apprehend, be a great convenience if the committee were incorporated and thus enable to sue in a corporate capacity. Or it might be enacted that suits should be brought in the name of the President or Secretary.

Section 56.—A question may arise with regard to section 56 as to what is meant by an election failing. I suppose an election of trustee or committee should be voided on the ground of bribery, even though it was impossible to convict the candidate himself.

Sections 80 and 81 go some way towards supplying a want which has hitherto proved a great source of weakness to committees. I would ask whether it would not be safe and expedient and conduce to the strength of the committee if it were allowed to constitute at the expense of the temples a fund on which it might be at liberty to draw for all purposes, including litigation. The committee ought, I should say, to be put in a position to act promptly, and this can hardly be the case if they have no funds at their immediate command. Besides sections 80 and 81, there are sections 39, 51 and the sections mentioned in it and section 91. There is also section 68 in which I suppose there should be a reference to section 91, for otherwise the latter section seems defective. All these sections deal with contributions leviable by the committee. As the committee must be trusted with some money, and is required to keep and publish accounts, why should it not be trusted with a fund sufficient and available for purposes of litigation at least in ordinary cases? The committee would not be free from control in their expenditure for such purposes, for the Court in its final decree or order would, of course, have to decide who should bear the costs and the burden might be thrown on the other party to the litigation or on the fund or on the members of the committee personally. I do not find any provision for the auditing of the committee's accounts.

Section 88.—I do not quite see the necessity for this protective clause.

Section 103.—There seems to be some mistake in the wording. I see that it is intended to save the established usage of temples and the emoluments and perquisites of trustees and temple servants, but I do not understand what is meant by the reference to "The powers and duties of the trustees." As it stands, the section appears to me dangerous and ambiguous.

The above are the observations which a rather hasty perusal of the Bill has suggested to me. Subject to those observations and assuming that paid supervision is not to be thought of, I think the Bill is probably as successful an attempt to meet the requirements of the case as can be devised.

Mr. Justice Davies.—The general principles upon which the Bill has been framed appear to be sound and judicious.

2. It may be a question whether some of the additional functions which it is proposed to vest in District Judges will not infringe on the declared policy of Government that its officers should have no active concern in the management of these religious institutions, but in my opinion none of the new provisions can be considered in that light.

3. As to the details of the Bill I have no remarks to offer.

From E. BARCLAY, Esq., Government Solicitor, Madras, dated 5th April 1893, No. 126.

ABSTRACT.—Forwarding the following opinion of the Advocate-General, dated 1st April 1893:—

OPINION.

I have made such verbal alterations in the margin of the Bill as appeared to me to be advisable.

2. I think that the last six lines of section 6 (f), section 7 (b), the last six lines of section 8 (f) and section 60 (b) should be omitted.

3. In my opinion it is inexpedient to remunerate trustees for the performance of their duties as such and therefore think that section 70 should be omitted.

MADRAS,
1st April 1893.

(Signed) J. H. SPRING BRANSON,
Advocate-General.

Proceedings of the Board of Revenue (Land Revenue), dated 8th September 1893, No. 524.

Read—the following papers:—

G.O., dated 2nd March 1893, No. 173, Public.

Memorandum from the Assistant Secretary, Public Department, dated 18th May 1893, No. 892.

Memoranda from the Assistant Secretary, Public Department, dated 12th June and 7th July 1893.

Resolution—dated 8th September 1893, No. 524.

The Board begs to submit its remarks on the Hindu Temples Bill received with the first Government Order read above.

2. There is no necessity to demonstrate the desirability of fresh legislation on this subject, as this was recognized by the Government of India so long ago as 1876; *vide* letter recorded in G.O., dated 4th April 1876, No. 639. The Board will therefore proceed at once to a consideration of the draft Bill, which is, in the Board's opinion, a great improvement on its predecessors, though it requires (the Board thinks) to be amended in certain important particulars to be noticed below.

3. In the first place, the same question arises as under the existing Act—"Who is to compel the local committees to perform their duties." The answer is, as before, "Any person interested who chooses to file a suit against them;" and as before except in the rarest cases, "any person" will mean "no person." Provision is, no doubt, made in the Bill (sections 94 and 97) for payment of costs to a *bonâ fide* suitor, but as the money would have to be advanced by him in the first instance (the Board presumes that money could not be obtained under sections 91 and 92 before the suit is decided), the difficulty in getting the law put in motion practically remains as before.

4. The real cause of the present unsatisfactory state of things is the strict policy of non-intervention in temple management which Government has adopted for the last half-century. But so long ago as 1876 the Government of India receded from the position of rigid non-interference originally taken up, and went so far as to observe, with reference to a proposed central temple committee at Madras, that "it would

* Paragraph 4 of Mr. Howell's letter printed in G.O., dated 4th April 1876, No. 639.

probably be better that the members should be appointed and removed by Government.*" This observation is equally applicable to the local committees

now proposed; and though the present Bill contains provisions for the nomination of members in part by Government agency, it is defective in not providing for their removal except under section 7 or by suits instituted by "persons interested." The Board would remedy this defect by accepting and acting upon the principle laid down by the Government of India, and would accordingly suggest (1) that the local Government should take power under the Act to remove members of the local committees for such mismanagement or other misconduct as in its opinion shows them to be unfit to administer the endowments; and (2) that the Collector should also be empowered, on complaint made by (say) six or more persons qualified to be elected members of committees, to enquire into the working of any committee, and, if necessary, to recommend to Government the removal of any member or members for notorious wrong-doing or for neglect of duty.

5. The next great fault the Board has to find with the present Bill is the position that it assigns to the judiciary. It transforms the District Judges (and by section 87 Sub-Judges and District Munsifs also) into administrative officers and makes them general referees in all matters which relate to the temple committees, their trustees and their expenditure. A collation of sections 3, 4, 5, 9-13, 15-19, 24, 26, 39, 47, 48, 57, 68, 70, 74-77, 83-86 and 93 of the Bill will show how wide these powers are and how far they exceed the mere judicial functions under which the committee (paragraph 24 of their report) place the bulk of the additional work they propose to cast on the Judges. The Board is of opinion that the proposed exercise of administrative functions by District Judges is entirely wrong in principle. As already pointed out by Mr. Justice Brandt in his minute printed at page 16 of G.O., dated 15th April 1887, No. 543, they have neither the knowledge nor the machinery necessary for the elaborate work of preparing lists, conducting elections and making nominations. The result of imposing such duties on a Judge will be that he will either fail to discharge them satisfactorily or will have to apply to the administrative officers of the district for assistance.

6. Again, it is not desirable that a Judge should be connected with matters relating to temple management which may come before him judicially.

7. The Board is, however, fully convinced that the control of "local officials holding influential and responsible positions" (paragraph 17 of the Committee's report) is absolutely necessary and that it is inevitable that Government, through one of its departments, should interfere in the matters above referred to. The Board would, however, leave the Bench undisturbed and exercise the necessary control through the ordinary administrative machinery of the Revenue Department. If the above proposal be approved, sections 3, 4, 5, 9 to 13, 15 to 19, 24, 26, 39, 47, 48, 51, 57, 70, 83-86 and 93 will have to be amended, the Collector taking the place of the District Judge.

8. The next defect in the present Bill is the absence of any provision for the payment of members of committee from the funds of the endowments. In this respect the committee have ignored one of the important principles laid down in 1876 by the Government of India, which then observed (with special reference to the proposed central committee) that "for the work to be done thoroughly, the members

* Paragraph 4 of Mr. Howell's letter above referred to. of the Board and their staff must be well paid.*" It may perhaps be urged that members of municipal councils and of local boards are unpaid; but the latter

are in receipt of a liberal travelling allowance which is in itself in many cases an inducement to attend the meetings. Besides, municipal councillors and members of local boards work in conditions of great publicity under the eye and strict control of Government, and have moreover to administer, not a religious endowment fund, but the revenue arising from taxes paid by themselves and their fellow townsmen or fellow ryots. Those who are aware of the difficulty of keeping municipal councils and local boards up to a reasonable degree of efficiency, even with these potent aids, will realize the entire hopelessness of obtaining punctual attendance and an efficient administration from an unpaid committee which is to hold office for five years, over which Government has no control, and which can be galvanized into activity or removed from office only by a civil suit filed by "a person interested." Moreover, under the scheme of the present Bill, there will, ordinarily and allowing for exceptions, be only one committee for each district, which will necessarily be located at the head-quarter station of the district and, unless payment is provided for, will be composed of local residents and not of representatives from all parts of the district. The Board would, therefore, suggest that the members of committee should be paid a fee not exceeding Rs. 5 for each meeting, besides travelling allowances to persons not residing at the place of meeting.

9. Turning now to matters of detail, the following minor amendments are suggested, subject, of course, to the exceptions taken by the Board to the general policy of the Bill:—

(1) Section 2.—For obvious reasons *district* should be defined as "the area within the jurisdiction, &c.," and not the "limits" of that area.

(2) *Section 6, clause (i), and Section 7*—should be supplemented so as to prevent one member of an undivided family from becoming or remaining a member of committee while another member of the family is a tenant, lessee or mortgagee of temple property within its jurisdiction, and section 60 should be amended similarly.

(3) *Section (7), first proviso*.—The reinstatement of members of committee contemplated in this proviso should be made subject to the approval of the District Judge (or Collector).

(4) *Section 22*.—The resignation of a member of committee should be submitted to, and accepted by, the District Judge (or Collector).

(5) *Section 30*.—The three days' notice provided by this section is not sufficient. The time allowed should be at least ten days, as some of the members may reside in distant parts of the district.

(6) *Section 35*.—For the sake of clearness, the words "a casting vote," which have been often misunderstood, should be replaced by "a second or casting vote."

(7) *Section 54*.—As the committees may fail to hold *bonâ fide* elections, the District Judge (or Collector) should superintend the ballot.

(8) *Section 60*.—This section should also provide for the removal of a trustee if he be outcasted for any cause and for his reinstatement if he regains his caste.

(9) *Sections 72, 79 and 94*.—The words "misfeasance" and "malfeasance" occurring in these sections are unduly vague. The latter word does not occur in Stroud's Judicial Dictionary.

(10) *Sections 83 and 84*.—The Board considers (the acting Second Member dissenting) that the Judge (or Collector) should assign the "surplus" to the district boards and leave them to utilize it.

(11) *Section 87*.—If a number of the duties which the Bill assigns to the District Judge be assigned to the Collector as proposed in paragraph 7 above, this section should empower the local Government to authorise an Assistant or Deputy Collector to perform some of them. The Board considers, however, that the functions of the Judge (or Collector) should not be transferred to lower authorities in the cases referred to in sections 3, 4, 5, 8, 18, 19 and 24, because they relate to duties which, if they are to be entrusted to a Government officer at all, ought to be discharged by the executive or judicial head of the district (as may be decided) *in propria persona*.

10. The Board's First Member is, like his colleagues, of opinion that, if Government assumes the power of removing bad members of committee and if the administration of the Act is left to the Revenue Department, a central committee will not be wanted; but otherwise he thinks, with the Government of India in the letter of 1876 already referred to, that there is more probability of a successful solution of the question in this way than in any other. The majority of the Board would, however, refrain from altering the present Bill in this sense.

11. The Board's Second Member, differing in this from his colleagues, deprecates the transfer from the District Judge to the Collector of any of the duties referred to in paragraph 7 above, except that of carrying out the elections, and considers that the Bill is right in imposing the remaining duties on the Judge, as Government interference through him will be less marked and open to less suspicion than if exercised through the Collector. He would also omit any reference to a Government officer in section 93, leaving the committee's decision final.

12. Lastly, the Fourth Member considers that the reasons assigned by the committee for the provision of but a limited control over hereditary trustees and for the exclusion of mattams are not convincing in the face of the admissions as to lax management and mal-administration contained in paragraphs 6 and 7 of their report. He would therefore propose that Government should take power under the Act to extend the provisions of the excepted portion of the Act or of the entire Act to hereditary trustees and mattams, respectively, by notification in the *Fort St. George Gazette*.

Such a provision would leave the trustees and mattams untouched for the present, but would allow of interference—were it found necessary—without resort to fresh legislation. The majority of the Board, however, is not prepared to contest the decision of a strong committee of native gentlemen who have evidently carefully considered the point.

(True Extract.)

(Signed) W. S. MEYER,
Acting Secretary.

To the Chief Secretary to Government.

Order—dated 26th May 1894, No. 72, Legislative.

The Government of India will be addressed.

2. In June last certain Muhammadan inhabitants of Trichinopoly represented to Government the necessity for legislating with a view to the protection of Muhammadan religious institutions. It is observed that the committee which was appointed by G.O., dated 5th February 1884, No. 58, Legislative, came to the conclusion that the interests of the Muhammadan community did not call for protective legislation at that time but it is possible that the progress of events during the last few years has demonstrated the necessity for affording increased protection to the religious endowments appertaining to the Muhammadan faith. The Government therefore desires that the Board of Revenue will make early and complete enquiries with the object of ascertaining the views of the principal members of the Muhammadan community on this question. If there is a strong feeling in favour of legislation, the Government will take steps either to make the necessary alterations in the Bill now under consideration or to introduce a separate Bill, as may seem the more expedient.

(True Extract.)

A. BUTTERWORTH,
Under Secy. to Govt.

To the President, Religious Endowments Committee.

" Hon'ble the Chief Justice, with C.L.
" Government Solicitor.
" Board of Revenue.
" Revenue Department.
" Public Department.

RESOLUTION—dated 13th June 1894, No. 255.

Communicated to all Collectors with the request that they will ascertain and report at a very early date the views of the principal members of the Muhammadan community as to the necessity for legislating with a view to the protection of their religious institutions.

1. Anjuman-i-Mafeed-I-Ahla-I-Islam.
2. Central Muhammadan Association.

2. The marginally-noted associations in Madras will also be requested to favour the Board with their views on the subject.

(True Copy and Extract.)

(Signed) L. M. WYNCH,
Secretary.

(True Copy.)

(Signed) C. CLARKE,
Registrar.

To all Collectors.

" the Secretary, Anjuman-i-Mafeed-I-Ahla-I-Islam.
" the " Central Muhammadan Association.

Exd. A. Aubert.

1894.

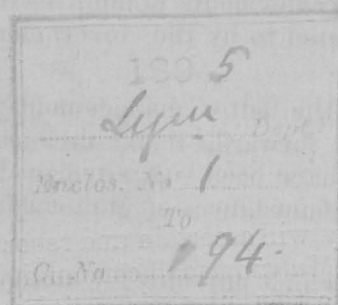
Board of Revenue

(Land Revenue),

MADRAS.

Printed June 29th.

Proceedings, 13th June 1894, No. 255.



Requesting all Collectors to ascertain and report the views of the Muhammadan community as to the necessity for legislating with a view to the protection of their religious institutions, and asking certain associations in Madras to favour the Board with their views on the subject.

CURRENT NO. 194

BOARD OF REVENUE (LAND REVENUE), 19TH JUNE 1895, No. 200.

PROCEEDINGS OF THE BOARD OF REVENUE

(LAND REVENUE).

FULL BOARD.

READ—replies to Board's Proceedings, dated 13th June 1894, No. 255, regarding the proposed legislation for the better management of the Mahomedan religious institutions.

RESOLUTION—dated 19th June 1895, No. 200.

When submitting to the Government of India a draft Bill for the better management of Hindu religious endowments in this Presidency, the Local Government wished to ascertain whether there was any necessity for legislating for the better protection of Mahomedan institutions of the same character, and directed the Board to make early and complete enquiries with the object of ascertaining the views of the principal members of the Mahomedan community on the question. The papers read above, which are the replies of Collectors and of two Mahomedan Associations at Madras to whom reference was made, will now be submitted for the information of Government with the following remarks.

2. After the enquiries had been started, the Government communicated the orders of the Government of India declining to sanction the introduction into the local Legislative Council of the Bill for the better administration of Hindu religious endowments, on the ground that it provided for executive interference by the Government or its officers with the religious concerns of the people, and that it was to that extent inconsistent with the principles embodied in Act XX of 1863. The Bill has accordingly been returned to the Hindu Religious Endowments Committee for revision and for removal, if possible, of the provisions objected to by the Government of India.

3. It being thus uncertain in what form the Bill for the better management of Hindu religious endowments will eventually be brought forward, it is obviously unnecessary to enumerate or discuss the alterations, which have been suggested in the replies now submitted, in view to adapt that Bill to the circumstances of Mahomedan institutions. The only points for consideration are—

(1) Whether any amendment of Act XX of 1863, which provides for mosques as well as for Hindu temples, is called for; and if so

(2) What are the defects in that Act which require to be remedied in view to make it more effective.

4. So far as the votes of the Mahomedans themselves can be gauged, a narrow majority has declared in favour of legislation, while it is noticeable that the minority includes certain trustees of institutions who have everything to lose by fresh legislation. On the other hand, Mr. Nicholson, Collector of Anantapur, is of opinion that any interference by Government in the direction of the proposed legislation would be resented by the people as a slur on their religious fervour, and Mr. Power as Collector of North Arcot states that legislation is advocated only by Mahomedans of what may be called the "new school", but not by the bulk of the community. The Collector of Madura, Mr. L. C. Miller, points out that the local Mahomedan gentlemen have no opinion of their own, but merely echo that of their co-religionists at Madras, while Mr. Dance as Collector of South Canara reports that the question of legislation was never considered in that district until the Government called for a report.

5. Turning to the second question, one important defect in Act XX of 1863, which is noticed by the advocates of legislation, is that it excludes from the supervision and control of the committees, appointed under the Act, such institutions as have been under the management of hereditary trustees from before 1863; and these are stated to form the bulk of the existing Mahomedan institutions. The Act is also considered defective in that it does not sufficiently define the powers and duties of trustees and members of committees. The result is stated to be that the endowments are not applied to their legitimate objects, but have been either alienated or are divided and sub-divided like private property among the members of the family to which the trustees belong, leaving the institutions to which these endowments are attached to fall into decay.

6. The opponents of legislation, on the other hand, urge the following arguments:—

(1) that the Mahomedan religious institutions are not so large or numerous as Hindu temples;

(2) that Act XX of 1863 provides sufficient remedies for the prevention of malversation; and

(3) that what is wanted is not a legislative enactment like the one proposed, but the necessary public spirit to put in motion the machinery provided in the existing Act and that the want of such a feeling will render nugatory any fresh enactment however excellent.

Finally they draw attention to the fact that the Hindu Religious Endowments Committee appointed in 1884 considered that special legislation for protecting Mahomedan religious institutions was unnecessary, and urge that the progress of events since that year has not been such as to demonstrate the necessity for the proposed legislation.

7. On a careful consideration of the Collectors' replies, the Board is of opinion that there does not exist any such "strong feeling in favour of legislation" as would justify the Government in bringing a Bill before the Legislative Council. That the leading Mahomedans in Madras itself desire legislation is not to be wondered at, seeing that Act XX of 1863 is practically useless to them, but the general feeling, if it exists at all, does not appear to the Board to be strongly declared either one way or the other. If the Hindus obtain a revised Religious Endowments Act which is found to work well in practice, the Mahomedans will be in a position to apply for a similar enactment, but until then, no steps need, in the Board's opinion, be taken to legislate for the protection of their religious institutions.

(True Extract.)

Reelean
Acting Secretary.

To the Chief Secretary to Government, Legislative Department,
with a bundle of replies, in original to be
returned, and a copy of Board's Proceedings,
dated 13th June 1894, No. 255.

„ all Collectors.
„ the Secretary, Anjumani Mafeed-i-Abba-i-Islam.
„ the „ The Central Mahomedan Association.

LEGISLATIVE DEPARTMENT.

1895.

Board of Revenue

(Land Revenue),

MADRAS.

Printed July th.

Recd 10 July 1895 with 55c
R/W 12th Ju.

Proceedings, 19th June 1895, No. 200.

Enclosure - 1. B's proceedings 255
of 13-6-1894 (not file of replies
from the Collectors to be reho).

Submitting to Government, with remarks,
replies from Collectors reporting the views of the
Mahomedan community as to the necessity for
legislating with a view to the protection of their
religious institutions.

In the Press
Repeat this heading
at every page
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revising this carefully please
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6/9

GOVERNMENT OF FORT ST. GEORGE.

LEGISLATIVE DEPARTMENT.

READ—again the following paper:—

G.O., dated 26th May 1894, No. 72, Legislative.

ABSTRACT.—Directing that the Government of India be addressed on the subject of legislating
for the better protection of Hindu religious endowments in the Presidency of Madras, and
calling upon the Board of Revenue to ascertain whether legislation in connection with Muham-
madan institution is necessary.

READ—also the following papers:—

Proceedings of the Board of Revenue (Land Revenue), dated 13th June 1894,
No. 255.

ABSTRACT.—Requesting all Collectors to ascertain and report the views of the Muhammadan
community as to the necessity for legislating with a view to the protection of their religious
institutions, and asking certain associations in Madras to favour the Board with their views on
the subject.

Proceedings of the Board of Revenue (Land Revenue), dated 19th June 1895,
No. 200.

Read - the following
papers: — From the Acting Collector of Anantapur, to the Secretary to the Commissioners
of Land Revenue, dated 7th August 1894, Dis. No. 2489.

With reference to Board's Proceedings, Land Revenue, No. 255, dated 13th July
1894, calling for a report as regards the views of the Muhammadan community in
the matter of legislation for the protection of their religious institutions, I have the
honour to state that the Divisional officers to whom the matter was referred for local
inquiry and consultation of Khazis, &c., have reported that the leading members of
the Muhammadan community are mostly averse to any legislation; a very small
minority, who, moreover, are not connected with any religious institution, as in Hindú-
pur, would have legislation as in the case of Hindu religious endowments. It is also
reported that the mosques and other religious institutions of the kind are few and
poor in their divisions, and, as such, there is no necessity for any special legislation.

2. I regret that I am not, from their replies or from my experience in other
districts, able to give any very definite opinion, but I incline to the belief that such
legislation in this Presidency is unnecessary and would be resented as a slur on their
religious fervour. I do not recall a single instance in my experience of any complaint

made of misappropriation of funds or misfeasance in the matter of Muhammadan endowments except a single case where it was said by a rival that the opposite party was not keeping up a certain light.

(Signed) F. A. NICHOLSON,
Collector.

From the Acting Collector and District Magistrate of North Arcot, to the Secretary to the Commissioners of Land Revenue, dated Chittoor, 18th December 1894, No. 2740-Dis. Rev.

In reply to Board's Proceedings, No. 255, dated 13th June 1894, I have the honour to state that the Muhammadan community in this district appears to be divided on the question whether legislation for the protection of Muhammadan religious institutions is necessary.

2. From the two Deputy Collectors' divisions (Arni and Chittoor) it is reported that the community desires such legislation. On the other hand, in the Sub-Collector's division, there appears to be a general feeling amongst orthodox and old fashioned Muhammadans against legislation, while the Head Assistant Collector reports, as the result of his inquiries, that he has no reason to believe that legislation is regarded as a pressing need by the Muhammadan community in his division. My own opinion is that although many Muhammadans of what may be called the new school are in favour of legislation and the formation of State-appointed committees to supervise the administration of endowments, the bulk of the community do not desire any such legislation and would much resent any interference by the State.

(Signed) G. F. T. POWER,
Ag. Collector and District Magistrate.

From the Acting Collector of South Arcot, to the Secretary to the Commissioners of Land Revenue, dated Camp Vriddhachalam, 23rd October 1894, No. 661-Ver.

With reference to paragraph 1 of Board's Proceedings, dated 13th June 1894, No. 255, I have the honour to state that copy of these Proceedings was communicated to Divisional officers with a request that they would obtain and submit at an early date the views of the principal members of the Muhammadan community within the limits of their respective jurisdictions as to the necessity for legislation with a view to the protection of Muhammadan religious institutions. A printed notice on the subject (copy appended) was also published in the District Gazette inviting an expression of opinion on this subject, and copies of this notice were sent to all Muhammadan members of the district and taluk boards and of the municipal councils of

- (1) The District Judge.
- (2) Executive Engineer.
- (3) Superintendent of Police.
- (4) Do. of Post Offices.
- (5) District Board Engineer.
- (6) Do. Forest Officer.
- (7) Do. Registrar.

Cuddalore and Chidambaram. Similar copies were also sent direct to the leading Muhammadan gentlemen of the district as also to Mr. Saiyid Mustafa Sahib, Special Deputy Collector, then in the district. Copies of the notice were also forwarded to the marginally-noted officers who were requested to inculcate them among their Muhammadan subordinates.

2. A file containing the replies in original received up to date is herewith submitted, as also a tabular statement giving an analysis of the opinions expressed. It will be observed that the total number of replies received is 21, and that there is a general consensus of opinion among the Muhammadans of this district in favour of legislation.

(Signed) A. E. CASTLESTUART STUART,
Acting Collector.

ENCLOSURES.

- From Muhammad Raza Khan, Esq., Tindivanam, Acting Sub-Collector and Joint Magistrate of South Arcot.
- From M.R.Ry. Saiyid Mustafa Sahib, Cuddalore, Special Deputy Collector.
- From M.R.Ry. Abd-ur Rahim Ahmad, Cuddalore, Merchant.
- From M.R.Ry. Hazareth Hussain Sheriff Sahib, Muhammad Ali Khaji Sahib Imamsa Rowther, Cuddalore, Committee of "The Muhammadan Religious Institution of the Cuddalore taluk."
- From M.R.Ry. Muhammad Secundar, Tirukkóyilúr, Local Fund Supervisor.
- From M. Sabji Sahib, Vriddhachalam, Forest Range Officer.
- From Hazareth Qadri Navaz Khan Sahib, Sub-Registrar of Bhuvanigiri.
- From M.R.Ry. Mir Budray Alum Sahib, Sub-Registrar of Porto Novo.
- From M.R.Ry. Abd-ul Qadir, Deputy Superintendent, Public Works Department, Porto Novo.
- From M.R.Ry. Haji Muhammad Ali Merkoir, Land-holder, Porto Novo.
- From Haidar Sheriff Sahib, Khazi of Villupuram.
- From a Pensioned Subadar-Major, Villupuram.
- From Saiyid Subban Sahib, Clerk, Public Works Department, Tiruvannamalai.
- From Saiyid Ismail Ali, Superintendent of Copyists, District Court.
- From Saiyid Muhammad Ghouse and Saiyid Rasul, Copyists, District Court.
- From C. Shulam Hussain, Clerk, District Court, Cuddalore.
- From M.R.Ry. Qadir Sahib, Local Fund Maistry, Vriddhachalam.
- From Abd-ul Latiff, Local Fund Head Cooly, Vriddhachalam.
- From Hyder Beg Sahib and his son and Gudumian Sahib, Local Fund Maistries, Villupuram.
- From Saiyid Azim Sahib, Local Fund Maistry, Villupuram.
- From M.R.Ry. Saiyid Sha Mohi-ud-din, Jaghirdar of Killai.
- From P. Muhammad Ghouse and certain others of Panruti.
- From M.R.Ry. Mir Khalim Hussain Sahib, Sub-Registrar of Tirukkóyilúr.

In favour of legislation for the protection of their religious institutions.

Desiring the appointment of committees for the better management of their religious institutions.

Stating that there is no necessity for legislation for the protection of their religious institutions.

Expressing inability to offer any opinion when unacquainted with the representations made by the Muhammadans at Trichinopoly to His Excellency the Governor.

From the Acting Collector of South Arcot, dated 15th November 1894, forwarding letter from his Head Assistant, stating that the principal Muhammadan community in his division is at Porto Novo and that its views given in a mahazar are against the introduction of any legislation to protect their religious institutions.

ENCLOSURE.

Mahazar from the principal Muhammadans at Porto Novo referred to above.

From the Acting Collector of South Arcot, to the Secretary to the Commissioners of Land Revenue, dated Cuddalore, 16th February 1895, No. 337-Ver.

In continuation of my letter, No. 661-Ver., dated 23rd October 1894, I have the honour to submit, in original, the opinions of the following members of the Muhammadan community of this district as to the necessity for legislating with a view to the protection of their religious institutions:—

- (a) The Superintendent of Post Offices, Cuddalore division.
- (b) Mir Muhammad Yusuf.
- (c) Saiyid Jayanulak *alias* Akka Sahib of Porto Novo.
- (d) Mir Jaffar Ali Kiriman Sahib Forester.
- (e) Saiyid Ghulam Mohi-ud-din Sahib of Killai, Chidambaram taluk.
- (f) Saiyid Maithullah Sahib, of Chidambaram.
- (g) Muhammad Jaffar and others.
- (h) Mir Hussain, Inspector of Police.
- (i) Nizam-ud-din Hussain of Ulundurpétai.
- (j) The Muhammadans of Elavánásúr.
- (k) The Muhammadans of Panruti.

2. I regret that, by an oversight, these papers were not submitted with my previous report.

(Signed) A. E. CASTLESTUART STUART,
Acting Collector.

ENCLOSURES.

From Ghulam Raza Sahib, Superintendent of Post Offices.
From Mir Muhammad Yusuf.
From Mir Jaffar Ali Kiriman Sahib, Forester.
From Muhammad Jaffar and others of Minambar Village, Tindivanam taluk.
From Mir Hussain, Inspector of Police.
From Nizam-ud-din Hussain of Ulundurpétai.
From the Muhammadans of Elavánásúr.
From Saiyid Jayanulak *alias* Akka Sahib of Porto Novo.
From Saiyid Ghulam Mohi-ud-din Sahib of Killai.
From Saiyid Inayat-ullah Sahib of Chidambaram and the Muhammadans of Panruti.

Stating that legislation for the better management and protection of their religious endowments is very necessary.

Deprecating legislation for the better protection of their religious endowments.

From the Collector of Bellary, to the Secretary to the Commissioners of Land Revenue, dated 30th July 1894, Index No. 904.

With reference to Board's Proceedings, No. 255 L.R., dated 13th June 1894, I have the honour to report that there seems to be a very general feeling in the Muhammadan community in favour of legislative protection for their endowments.

2. I sent out a short printed circular for distribution to leading Muhammadans. Of these 93 have sent written answers. None of these were opposed to legislation, and most were in favour of it.

3. The opinion of those who did not answer and of other Muhammadans generally were gathered by the Divisional officers and Tahsildars.

4. The Head Assistant reports that in Hospet eight leading Muhammadans wished for official supervision, such as obtains in His Highness the Nizam's dominions; in Hadagalli, a committee of 23 persons was formed and unanimously agreed that increased protection is necessary; in Harpanahalli five persons said they had no objection, probably not fully understanding the question; in Kúdligi, one Muhammadan village was in favour of protection (another took advantage of the opportunity to ask for endowments!).

5. In Bellary, the Muhammadans ask for an Act providing for easy supervision; those of Rayadrug go so far as to sketch an Act somewhat on the lines of the Hindu Act; in Adóni and Alúr, of fourteen persons consulted, two say they do not understand the question, three request that endowments may be continued as heretofore, four are dissatisfied with the present state of things and demand legislation, and four are glad to hear Government contemplate legislation, but hope it may be in conformity with the principles of the Muhammadan faith.

6. On the whole it seems to me the intelligent portion of the community recognizes that endowments are not sufficiently safeguarded and desires the legislative formation of supervisory committees with properly effective powers.

(Signed) J. H. A. TREMENHEERE,
Collector.

From the Acting Collector of South Canara, to the Secretary to the Commissioners of Land Revenue, dated Mangalore, 8th September 1894, No. 3210.

In reply to the Proceedings of the Board of Revenue, dated 13th June 1894, No. 255 L.R., I have the honour to report as follows.

2. The Muhammadans who have been consulted in the Head Assistant Collector's division are not in favour of legislation as their mosques are in receipt of incomes under Rs. 250, the limit fixed in the draft Bill. Of the eight principal Muhammadans consulted by the General Duty Deputy Collector, five are in favour of legislation and three are opposed to it. The Muhammadans who were consulted in Mangalore are in favour of legislation.

3. I cannot say that there is a strong feeling in favour of legislation in this district, as the idea does not appear to have occurred to the leaders of the Muhammadan community until it was suggested by Government.

(Signed) G. W. DANCE,
Acting Collector.

From the Acting Collector of the Chingleput District, to the Secretary to the Commissioners of Land Revenue, dated Saidapet, 26th October 1894, No. 2212-Ind.

Referring to Board's Proceedings, dated 13th June 1894, No. 255, I have the honour to enclose the reports of the Divisional officers enclosing letters from the leading members of the Muhammadan community in the district on the subject of legislation to secure increased protection to the religious institutions of their faith. The views of Mir Ansur-ud-din Sahib Bahadur, late Presidency Magistrate, and Nazim-ud-din Sahib Bahadur of Covelong, who were separately consulted by Mr. Thomson are recorded in communications addressed direct to the Collector.

(Signed) G. S. FORBES,
Acting Collector.

ENCLOSURES.

From the Deputy Collector in charge of Chingleput Sub-division and the Sub-Collector of the same division.

Stating that as it was found difficult to procure the opinions of the Muhammadan inhabitants of the division in writing the principal Muhammadan inhabitants were sent for and that they decided in general terms that it was not expedient to introduce any special legislation.

From Mir Sultan Mohi-ud-din Sahib Bahadur, Deputy Collector, Tiruvallúr division.

Stating that the principal members of the Muhammadan community are in favour of legislation for the better protection of their religious institutions.

From the Deputy Collector of Saidapet division.

Stating that the two persons consulted on the subject, viz., Muhammad Ali Sahib, Khan Bahadur, retired District Forest Officer, and Muhammad Mahmud Khan Bahadur, Shrotriendrar of Nandiambakkam and Member of the Saidapet Taluk Board, are of opinion that legislation for increased protection to the religious endowments appertaining to Muhammadan faith is necessary.

From Nizam-ud-din Sahib Bahadur of Coimbatore, pensioned Tahsildar, and Mir Ansur-ud-din Sahib Bahadur, late Presidency Magistrate,

Stating that legislation for the better administration of the Muhammadan religious institutions is absolutely necessary.

From the Acting Collector of Coimbatore, to the Secretary to the Commissioners of Land Revenue, dated Coimbatore, 31st July 1894, No. 772.

With reference to paragraph 2 of G.O., dated 26th May last, No. 72, Legislative, communicated with Board's Proceedings, dated 13th June 1894, No. 255, I have the honour to report that I have consulted several leading members of the Muhammadan community both direct and through my Divisional officers and Tahsildars in the matter.

2. My Sub-Collector and Head Assistant have not submitted their reports, but I do not consider it necessary to wait for them any longer and thus delay my report, which is required to be submitted "at a very early date."

3. I enclose a memorandum containing a précis of the reports submitted by those consulted and forward, in original, the letters sent by the Sub-Registrars of Palladam and Avanashi who are educated men belonging to the Muhammadan faith.

4. It will be seen from the memorandum above alluded to that, excepting the reports from the Tahsildar of Satyamangalam and the Deputy Collector, Coimbatore division, and the views of the Khazi of this town (of which a copy is also enclosed), there is a strong and unanimous feeling in favour of legislation. As for the views held by the Khazi, he is one of the very class of persons who are found fault with and are charged with neglect of duty and misapplication and misappropriation of the endowments attached to the institutions of which they are in charge, and his arguments for non-interference on the part of Government are therefore, in my opinion, not entitled to any weight.

(Signed) R. D. BROADFOOT,
Acting Collector.

ENCLOSURES.

From M. R. R. Davud Khan Sahib, Mahadevi, and Muhammad Sibgathullah Chida, Sub-Registrars of Avanashi and Palladam respectively.

In favour of legislation for the better protection of Muhammadan religious institutions.

From the Tahsildar of Coimbatore ..

Submitting the views of Khazi Ghulam Mohi-ud-din Sahib of Coimbatore, against any legislative interference in the matter of the management, &c., of the Muhammadan religious institutions.

MEMORANDUM of a précis of the reports received from those consulted in regard to the necessity for legislating with a view to the protection of the religious institutions of Muhammadans.

From Hussain Rowther Bahadur, Member, Pollachi Taluk Board.

From Muhammad Taaki Hussain, Sub-Registrar of Dhárápúram.

From Ghulam Rasul Khan Sahib, late Municipal Councillor, Karúr.

From Davud Khan Sahib, Mahadevi, Sub-Registrar of Avanashi.

From Muhammad Sibgathullah Chida, Sub-Registrar of Palladam.

From Muhammad Hussain Rowther Bahadur, Municipal Councillor, Erode.

From Alla-ud-din Sahib Bahadur, Municipal Councillor, Erode.

From Saiyid Abd-ul Razzaq Sahib, Sub-Registrar of Aravakurchi.

From Abd-ul Qadir Sahib, Deputy Tahsildar of Méttupálayam.

From Ghulam Muhammad Haider Khan Bahadur, Pensioned Police Inspector, Karúr.

From Saiyid Rasul Sahib, Stationary Sub-Magistrate of Satyamangalam.

From the Acting Deputy Collector, Kollegal Division, and the Tahsildars of Bhaváni, Udamalpet, Erode, Kollegal, Karúr, Coimbatore and Pollachi.

From the Coimbatore Division Deputy Collector and the Tahsildar of Satyamangalam.

In favour of legislation.

Reporting that the Muhammadans, consulted express the necessity for legislation. *State that*

are in favour of legislation. Reporting that on enquiries made they learn that there is no necessity for legislation in regard to the Muhammadan religious institutions.

From the Acting Collector of Cuddapah, to the Secretary to the Commissioners of Land Revenue, dated Cuddapah, 11th October 1894, Dis. No. 1363-Eng.

With reference to Board's Proceedings, No. 255, dated 13th June 1894, I have the honour to inform you that some of the intelligent Muhammadan gentlemen whom I consulted and almost all the members of the Muhammadan committees in the different taluks are opinion that legislation is necessary.

(Signed) J. HEWETSON,
Acting Collector.

From the Acting Collector of Ganjám, to the Secretary to the Commissioners of Land Revenue, dated Chatrapur, 14th November 1894, No. 844-Eng.

In reply to Board's Proceedings, No. 255, dated 13th June 1894, I have the honour to state that my Principal and Senior Assistant Collectors report that the Muhammadan community in their divisions desire legislation with a view to the protection of their religious institutions. The General Deputy Collector reports that the Muhammadans in his division do not desire any legislation, and the Head-quarters Deputy Collector states that there are no competent Muhammadans in his division to give any opinion on the subject.

(Signed) C. J. WEIR,
Acting Collector.

From the Collector of the Gódvári District, to the Secretary to the Commissioners of Land Revenue, dated Cocanada, 9th October 1894, No. 3695-Ver.

Referring to Board's Proceedings, dated 13th June 1894, No. 255, I have the honour to report that the leading members of the Muhammadan community in this district, with the exception of a small section, advocate legislation for the protection of their religious institutions on the lines of the Hindu Temples Bill with the following modifications. The dissenters are chiefly the present trustees, whose questionable conduct it is that induces the large majority of Muhammadans to uphold legislative interference.

(a) In consideration of the poverty of the Muhammadans, the minima per annum fixed in section 6 (e) in the case of income (Rs. 500), rent (Rs. 100) and municipal or local taxes (Rs. 25) may be respectively reduced to Rs. 150, Rs. 25 and Rs. 8.

(b) For the same reason as in (a), the minima similarly fixed in section 8 (e), viz., Rs. 300, Rs. 30 and Rs. 10 may be reduced to Rs. 75, Rs. 8 and Rs. 3. Further, in consideration of the backwardness of Muhammadans in education, the voter who should, under this clause, be a University graduate, may be required to have passed the Matriculation or some other equivalent examination of an Indian University.

(c) Legislation should be applied to all kinds of religious as well as charitable institutions including endowments founded for the upkeep of tombs, &c.

(d) Legislation should be extended to all institutions irrespective of the amounts of their income, because, it is said, that, unlike Hindu temples in small villages maintained solely by the daily offerings of a limited number of people who take care that their offerings are not misappropriated, all Muhammadan institutions are maintained, not by daily offerings, but by endowments of land, &c., and as on this account the scope for misappropriation exists in all institutions alike, protection by legislation is required. The difficulties involved in this wide application of law, if any, may be met by the constitution of sub-committees for the control of the small institutions within defined local areas. They further add that the members of the proposed sub-committees would need no pecuniary remuneration as their religious feelings will be sufficient incentive to act on the committees.

2. Another proposition is that they would have the trustees under the control of a district committee which should have power to appoint and remove them.

3. Now that the Madras Hindu Temples Bill has been vetoed by the Government of India, I believe there is no need to go into the merits or demerits of the above proposals.

(Signed) W. J. H. LE FANU,
Collector.

From the Acting Collector of Kurnool, to the Secretary to the Commissioners of Land Revenue, dated 18th October 1894, No. 103-C.

In reply to Board's Proceedings, No. 255, dated 13th June 1894, Land Revenue, I have the honour to report that the Muhammadan community consulted is of opinion that legislation is desirable to protect Muhammadan religious endowments; but it appears to me inadvisable as the whole subject is surrounded by many difficulties and I understand that the Government of India has disapproved of the proposed legislation with regard to Hindu religious endowments.

(Signed) C. M. MULLALY,
Acting Collector.

From the Acting Collector of Madras, to the Secretary to the Commissioners of Land Revenue, dated 11th September 1894, No. 2500.

In reply to the Proceedings of the Board of Revenue (Land Revenue), No. 255, dated the 13th June 1894, I have the

- honour to state that the six Muhammadan gentlemen noted in the margin, who are said to represent certain considerable section of that community, were consulted on the subject and their replies are enclosed.
- (1) Moulvi Ghulam Nabi-ullah Ahmad Sahib, Shia Khazi of Madras.
 - (2) Ali Dost Khan Bahadur.
 - (3) The Hon'ble Muhammad Hussain Ali Khan Bahadur.
 - (4) Moulvi Khazi Obaydulla Sahib, Sunni Khazi of Madras.
 - (5) Muhammad Mahmud Khan Bahadur.
 - (6) Saiyid Nizam-ud-din Sahib, B.A., B.L., High Court Vakil and Secretary to Central Muhammadan Association.

2. The first three are of the Shia sect, of whom the first two consider that no legislation is necessary in their behalf as the number of Muhammadan

religious institutions is too small for such action, while the third gentleman expresses himself unable to give any opinion definitely for want of full information in the matter. The remaining three gentlemen are of the Sunni sect and they are in favour of the proposed legislation, and have also sent in a copy of a resolution for a public meeting on the subject in support of their view.

(Signed) E. TURNER,
Acting Collector.

ENCLOSURES.

Letters from the persons referred to in the above letter.

From the Acting Collector of Madura, to the Secretary to the Commissioners of Land Revenue, dated 18th January 1895, Dis. No. 117.

Adverting to Board's Proceedings, No. 255, dated 13th June 1894, I have the honour to report that eleven leading Muhammadans in the district were requested to state their views either collectively or individually as to the necessity for legislating with a view to afford increased protection to the religious endowments appertaining to the Muhammadan faith. Eight of these have sent in their replies. The marginally-noted persons state that the present management of Muhammadan religious institutions by the trustees is far from satisfactory; that the endowments in land have in many cases been alienated by sale, mortgage, &c.; and that the provisions of Act XX of 1863 are insufficient to prevent such mismanagement. They are, therefore, in favour of legislating to give increased protection to the endowments.

- (1) M.R.Ry. Saiyid Muhammad Mustafa Sahib Avergal of Dindigul.
- (2) Saiyid Ghulam Ali Sahib Avergal of Madura.
- (3) Saiyid Abd-ul Halim Sahib Avergal, Madura.
- (4) Town Khazi of Dindigul.
- (5) M.R.Ry. Subadar-Major Sirdar Bahadur Sheik Nathadu Sahib Avergal, Madura.
- (6) Kamardin Sahib, Town Village Munsif, Madura.

2. They suggest—

- (1) that the members of the committee should be appointed by selection by the District Judge and Collector jointly and not by election;
- (2) that the members should hold office for a fixed period and not for life;
- (3) that any person who obtains permission in the District Court to sue against any member or trustee on account of embezzlement, loss, &c., of trust funds, should be exempted from payment of stamp duty for the plaints to be filed by him;
- (4) that the revenue authorities should periodically examine the accounts of receipts and expenditure of incomes appertaining to all religious institutions.

3. The two persons noted in the margin do not think any additional legislative measures are necessary. Of these two, one is a Muhammadan priest and the other is the Town Khazi of Madura and they are trustees of some religious institutions and persons who probably fear that their present position will be affected by any fresh legislation.

4. There does not seem to be any very strong feeling on the subject here. One of the first replies I received was a request to ascertain what was thought about the matter by Muhammadans in Madras, as my correspondents had no opinion to give until they knew what their co-religionists in Madras wanted.

(Signed) L. C. MILLER,
Acting Collector.

From the Acting Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated Calicut, 2nd October 1894, No. 1463-P.-Gl.

With reference to the Board's Proceedings, dated 13th June 1894, No. 255, I have the honour to state that the following members of the Muhammadan community have been consulted as to the necessity for legislating with a view to the protection of their religious institutions:—

- (1) Ali Raja of Cannanore.
- (2) Saiyid Umar Koya Tangal, Quilandi.
- (3) Muthu Koya Tangal, Calicut.
- (4) The Kondotti Tangal.
- (5) The Ponnani Tangal.
- (6) Himayathul Islam Sabha, Calicut.
- (7) Vice-President, Islam Sabha, Tellicherry.
- (8) M.R.Ry. P. Koonjayan, Stationary Sub-Magistrate, Palghat.
- (9) M.R.Ry. Muhammad Khan Sahib, Sub-Assistant Inspector of Moplah Schools.

A précis of the replies received is subjoined:—

No. 1, *Ali Raja of Cannanore*.—So far as protection against waste or mismanagement is concerned, Muhammadan institutions possessing property or endowments large enough to claim that protection should, when they are public, receive the same attention as kindred Hindu institutions. Hindu religious institutions and Muhammadan religious institutions should be dealt with in separate enactments. Private mosques, i.e., mosques owned by private individuals or families, should be excluded from the provisions of the proposed enactment; committees appointed for management should be denominational, Sunnis being selected for Sunni and Shias for Shia institutions; the members of the committee should not be heterodox in their convictions or practices. There are hardly any public mosques in North Malabar; the mosques are, as a rule, maintained mainly by voluntary, though precarious, contributions; in the matter of endowments the mosques are generally poor.

Nos. 2, 3 and 5 state that there is no necessity for a legislative enactment.

No. 4 has not yet replied to the reference from this office.

No. 6, *Himayathul Islam Sabha, Calicut*.—The members of the Sabha are divided in opinion as to whether an enactment is necessary or not, but the majority are against legislation. In the opinion of those in favour of the proposed enactment, most of the mosques were originally endowed by their founders with sufficient property for their maintenance, but the property is now misappropriated by the mosque servants and necessary steps are not taken for the repair, &c., of mosques. Those against the proposed legislation state that no inconvenience has hitherto been felt in this district owing to the want of an enactment; that the mosques have no large property attached to them; that the committee appointed in 1884 considered an enactment unnecessary; and that there are no sufficient grounds at present for the proposed measure.

No. 7, *Branch Sabha at Tellicherry*.—The Sabha has held no meeting for the past two years. The Vice-President was therefore unable to ascertain its views; he considers, however, an enactment necessary as the property attached to the mosques is misappropriated by the mosque servants.

No. 8, *M.R.Ry. P. Koonjayan*.—There are very few Muhammadan institutions in the district having endowments attached to them. They are of two kinds, viz.,—

- (a) those created by private individuals and managed by their descendants, &c., and,
- (b) those created by the former Muhammadan rulers of the district and continued by the British Government. (These are managed by the descendants of the original trustees.)

An enactment is necessary to prevent misappropriation of mosque property.

No. 9, *M.R.Ry. Muhammad Khan Sahib*.—Mosques endowed with immovable property are very few; the income derived from such property is inadequate to meet the pay of the mosque servants, the daily expenses of the mosque and the cost of its repairs; the Muhammadan religious institutions in Malabar are poor; an enactment is therefore not necessary.

2. As the several opinion appears to be opposed to protective legislation, it is not, in my opinion, necessary to legislate for this district.

From the Collector of Nellore, to the Secretary to the Commissioners of Land Revenue, dated 13th September 1894, No. 3010-Ver.

In reply to Board's Proceedings, No. 255, dated 13th June 1894, I have the honour to submit in a tabular form the result of inquiries made as to the wishes of the Mussalman population for legislation in respect of their religious institutions. It will be seen that opinion is divided.

(Signed) S. H. WYNNE,
Collector.

ENCLOSURE.

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|--|---|
| (1) Sub-Collector | The Muhammadans in this division are generally in favour of legislation. |
| (2) Head Assistant Collector | The people are strongly in favour. |
| (3) Saiyid Mustafa Sahib, Tahsildar of Atmakur, and at present Deputy Collector. | Saying that legislation is necessary. |
| (4) Davud Ali Khan Sahib, grandson of the ex-Jagirdar of Udayagiri. | |
| (5) Haji Saiyid Abd-ul Qadir, Khadri, landholder. | |
| (6) Deputy Collector, Náyudupéta | Reporting that the principal members of the Muhammadan community are not in favour of legislation. |
| (7) Head-quarter Deputy Collector | |
| (8) Pirjadu of Anamasamudrampett | Stating that legislation is not required. |
| (9) Moulavi Muhammad Assad-ud-din Sahib, Khazi of Nellore district. | |
| (10) Haji Muhammad Rahamtullah Sahib, a rich land-holder and President of Nellore. | Is of opinion that matters connected with the Muhammadan religious communities should not be clubbed with those of the Hindus and that the Act XX of 1863 will meet all requirements if sections 5, 7, 12 and 18 are amended. |

From the Collector of Nilgiris, to the Secretary to the Commissioners of Land Revenue, dated 23rd August 1894, Gl. Dis. No. 112.

With reference to Board's Proceedings, dated 13th June 1894, No. 255, I beg to report that I have ascertained the views of the principal members of the Muhammadan community in this district as to the necessity for legislating with a view to the protection of their religious institutions. They say that there are no institutions in this district with such large endowments as to warrant legislation in view to their protection. Some of the gentlemen are, however, of opinion that the introduction of legislative measures is necessary in other districts where irregularities in respect of the administration of large endowments may perhaps occur.

(Signed) J. D. REES,
Collector.

From the Collector and District Magistrate of Salem, to the Secretary to the Commissioners of Land Revenue, dated 10th October 1894, No. 1707 M.

With reference to paragraph 1 of the resolution, dated 13th June 1894, No. 255, requesting Collectors to ascertain and report the views of the principal members of the Muhammadan community as to the necessity for legislating with a view to the protection of their religious institutions, I have the honour to report that references were made to 9 official and 27 non-official Muhammadan gentlemen in this district.

2. Eight officials, excepting the Sub-Registrar of Ómalúr, replied, and out of them the undermentioned officers—District Munsif, Námakkal, Police Inspector, Námakkal, Range Officer, Námakkal, Tahsildar, Hosúr, Sub-Registrar, Harúr, Sub-Registrar, Tiruppattúr, are in favour of legislation to protect their religious institutions. The Tahsildar, Hosúr, and the Sub-Registrar, Tiruppattúr, also assert that they are personally aware of the endowments not being appropriated to the objects for which they were originally assigned. The Inspector of Krishnagiri has refrained from giving any opinion, pleading ignorance in the matter. The Inspector of Police, Harúr, has stated that he is of opinion that the progress of events since 1884 does not show the necessity for legislation to protect religious endowments.

3. Only 11 out of the 27 non-official members replied. Every one of them is in favour of legislation to protect the religious institutions. The Mittahdar of Vanoochally, Krishnagiri, and Abd-ul Latiff Sahib, Second-grade Pleader, Tiruppattúr, allude to mismanagement of religious institutions for want of legislation and approve of the draft Act for the Hindus with some modifications for the Muhammadans.

The modifications proposed are chiefly in reference to—

- (i) Annual income of the institutions that should be dealt with under the Act.
- (ii) Qualifications of the Muhammadans that are entitled to vote.

4. It seems of no use to wait any longer for the replies from others. I have therefore herewith forwarded in original all the replies received in my office.

(Signed) G. STOKES,
Collector and District Magistrate.

ENCLOSURES.

- From Mir Muhammad Sahiba Sahib, Mittahdar of Vanoochally, Krishnagiri.
- From Abd-ul Latiff Sahib, Second-grade Pleader.
- From Muhammad Khan Sahib, Khazi, Hosúr.
- From Davud Khan Sahib, Member, Union Panchayat, Krishnagiri.
- From Qadir Husain-ud-din, Khazi at Námakkal.
- From Khazi Mir Zainul-ud-din Husain, Krishnagiri.
- From Mir Muhammad Habib-ullah, Krishnagiri.
- From Saiyid Shah Haidar Ali, Town Khazi of Dharmapuri.
- From Alkhan Sahib, Municipal Council, Vániyambádi.
- From Saiyid Kaja Mujain Sahib, Municipal Councillor, Tiruppattúr and Chotabha Sahib, Tiruppattúr.
- From Saiyid Taj-ud-din Sahib Bahadur, District Munsif of Námakkal.
- From Muhammad Raza Husain Sahib, Inspector of Police, Námakkal.
- From Ahmad Hussain, Forest Range Officer, Námakkal.
- From Muhammad Yakub Sahib, B.A., Tahsildar of Hosúr.
- From Sullim Mohid-ud-din Sahib, Sub-Registrar of Tiruppattúr.
- From Saiyid Abd-ur Rasul Sahib, Sub-Registrar of Harúr.

In favour of legislation to protect their religious institutions.

From Guffur Khan Sahib, Inspector of Police, Krishnagiri. { Refraining from giving any opinion, pleading ignorance in the matter.
From M. Muzaffar Khan, Inspector of Police, Harúr. { Stating that there is no need for legislation to protect Muhammadan religious endowment.

From the Acting Collector and District Magistrate of Tanjore, to the Secretary to the Commissioners of Land Revenue, dated 21st September 1894, No. 2350-Ver.

Adverting to Board's Proceedings, dated 13th June 1894, No. 255, I have the honour to state that, except a few Muhammadans who, as trustees, managers or superintendents, are interested in seeing that the institutions in their charge are not brought under legislative enactment, the leading members of that community, official and non-official, who have been consulted in the matter, are unanimously of opinion that, as the religious endowments appertaining to their mosques, &c., are not properly managed, and as the defects as to supervision and control in Act XX of 1863, in consideration of which amendment is proposed, tell upon Muhammadan equally with Hindu institutions, fresh legislation is necessary for affording increased protection to the endowments. My experience is all in the same direction.

(Signed) J. THOMSON,
Acting Collector and District Magistrate.

From the Acting Collector of Tinnevely, to the Secretary to the Commissioners of Land Revenue, dated 6th October 1894, No. 2331-Gl.

In reply to Board's Proceedings, No. 255, dated 13th June 1894, requesting to report the views of the principal members of the Muhammadan community as to the necessity for legislating to protect their religious institutions, I have the honour to state that the leading members of that community, who were consulted, are unanimously of opinion that their institutions are now very badly managed by the present committee and that protective legislation similar to that now under consideration for Hindu temples is highly necessary.

(Signed) B. MACLEOD,
Acting Collector.

From the Acting Collector of Trichinopoly, to the Secretary to the Commissioners of Land Revenue, dated 8th November 1894, Dis. No. 2664-Ind.

With reference to the Board's Resolution, dated 13th June 1894, No. 255, L.R., I have the honour to report that there are comparatively few leading Muhammadans in this district except in Trichinopoly. The principal members and two societies in Trichinopoly town (the "Muhammadan Literary Institution" and the "Anjuman") have been consulted and their views ascertained. They are of opinion that the present provisions of Act XX of 1863 are insufficient; that many religious institutions are mismanaged and funds misappropriated by the trustees; and that legislation on the lines indicated in the draft Bill is desirable. They state that most of the institutions are under the management of the trustees described in section 4 of the Act, and that they are not under the control of the committee appointed under the Act and they recommend that the distinction between the trustees referred to in section 3 and those referred to in section 4 should be done away with and that all the trustees should be made subject to the control of the committee. I enclose the two letters received from the two societies.

(Signed) J. ANDREW,
Acting Collector.

ENCLOSURE.

From the Secretary to the Muhammadan Literary Institution, and the Anjuman, stating that legislation for the better management of the Muhammadan religious institutions is highly desirable, suggesting certain modifications in the draft Hindu Religious Endowments Bill to suit it to the circumstances of their religious institutions.

From the Acting Collector of the Vizagapatam District, to the Secretary to the Commissioners of Land Revenue, dated 2nd November 1894, Dis. No. 1922.

With reference to the Proceedings of the Board of Revenue, dated 13th June 1894, No. 255, I have the honour to report that the principal members of the Muhammadan community of this district are of opinion that legislation is necessary for the protection of their institutions, as the endowments thereof are often alienated by mortgage, sale or otherwise, but I myself do not agree with them.

(Signed) F. D. A. O. WOLFE-MURRAY,
Acting Collector.

From the Honorary Secretary in charge of the Anjuman Anjumani Mufid-i-Ali-Islam, Madras, to the Secretary to the Commissioners of Land Revenue, dated 14th August 1894, No. 111.

In continuation of my letter, dated 8th August 1894, No. 105, I have the honour to forward a copy of the Proceedings of a meeting held at the Anjuman premises on the 11th instant and to request that you will be good enough to send me a copy of the Government Order referred to in the above Proceedings and also any paper connected with the subject.

(Signed) MUHAMMAD MUNIR,
Hony. Secy., Anjuman Anjumani
Mufid-i-Ali-Islam.

ENCLOSURE.

PROCEEDINGS of the meeting held at the Anjuman Anjumani Mufid-i-Ali-Islam, Madras, held on the 11th August 1894 at 5-15 P.M.

Present :

SAIYID MUHAMMAD SAHIB, Chairman.
SHAMSUL ULMA HAFIZ MUHAMMAD LUTIFULLAH SAHIB.
Colonel T. O. UNDERWOOD.
MUHAMMAD MUNIR SAHIB, B.A.
The Hon'ble MUHAMMAD HUSAIN ALI KHAN, Bahadur.

Resolved that legislation for the protection of Muhammadan religious endowments is necessary. The Prince of Arcot is also of this opinion (*vide* copy of letter, dated 7th August 1894); a copy of the Proceedings of the Board of Revenue (Land Revenue), dated 13th June 1894, No. 255, will be sent to the Prince of Arcot, who wishes to have it translated into Urdu.

The Government are requested kindly to send a copy of G.O., dated 5th February 1884, No. 58, Legislative, to the Anjuman Mufid-i-Ali-Islam, Madras.

From the Secretary, Central Muhammadan Association, Madras, to the Secretary to the Commissioners of Land Revenue, dated Triplicane, 20th August 1894.

With regard to the Board's Proceedings, dated 13th June 1894, No. 255, and the report and the draft Bill of the Hindu Endowments Committee kindly sent to the association with a view to an expression of its opinion as to the necessity of protective legislation concerning Muhammadan religious institutions, I have the honour to inform you that a general meeting of the association was held on the 18th instant under the presidentship of Muhammad Mahmud Khan Bahadur, when the following resolution was unanimously passed after a lengthy discussion :—

"Proposed by S. Nizam-ud-din Sahib, B.A., B.L., and seconded by Haider Shariff Sahib, B.A., B.L.—

"That this association is of opinion that legislation is necessary for the better management and protection of Muhammadan religious institutions in this presidency and requests Government to kindly favour the association with the amended or the new Bill, if any, previous to its presentation in council in order to enable the association to see how far it is consistent with Muhammadan law and usages on the subject."

(Signed) S. NIZAM-UD-DIN SAHIB,
Secretary, Central Muhammadan Association.

ENCLOSURES.

THE CENTRAL MUHAMMADAN ASSOCIATION.—A general meeting of the Central Muhammadan Association was held on Saturday last at 6 P.M. at the premises of the association, Wallajah Road, Chepauk, Muhammad Mahmud Khan Bahadur presiding. The meeting was called to consider the draft Bill and report of the Hindu Religious Endowment Committee with the object of expressing the views of the community as to the advantages or otherwise of adopting similar legislation in connection with Muhammadan religious institutions. After a discussion lasting for about three-quarters of an hour, the following resolution was unanimously passed :—

"Resolved that this association is of opinion that legislation is necessary for the protection of Muhammadan religious institutions in this Presidency, and requests Government to kindly favour the association with a copy of the amended or the new Bill, if any, before its presentation in the Legislative Council, so as to enable the association to see how far it is consistent with the Muhammadan law and usage on the subject." The meeting dispersed with a vote of thanks to the Chairman.—*Madras Mail*.

THE CENTRAL MUHAMMADAN ASSOCIATION.—A meeting of the members of the above association was held on Saturday evening at the association premises, Wallajah road, with Muhammad Mahmud Khan Bahadur in the chair. The Board of Revenue recently sent the association a draft Bill and report of the Hindu Religious Endowment Committee, with a request that the views of the Muhammadan community might be ascertained as to the necessity for legislating for the protection of Muhammadan religious institutions. The meeting was held in order that the opinion of the association might be forwarded to the Board. Among those present were Muhammad Ahmad Khan Bahadur, Ahmad Mohi-ud-din Khan Bahadur, Sultan Mohi-ud-din Sahib Bahadur, Mirza Ghulam Zamil-ud-din Sahib Bahadur, Sharfud Daulah Bahadur, Muhammad Safiullah Khan Bahadur, Daday Khan Sahib, Haji Moulvi Ahmad Ali Sahib Bahadur, Ghulam Mahmud Sahib Bahadur, Malik Muhammad Jaffar Husain, Saiyid Nizam-ud-din, B.A., B.L., Haider Shariff, B.A., B.L., and Muhammad Yasin Saib, B.A. The subject on the tapis was discussed at considerable length, after which the following resolution was unanimously passed :—

"That this association is of opinion that legislation is necessary for the protection of Muhammadan religious institutions in this Presidency, and requests Government to kindly favour the association with a copy of the amended or the new Bill, if any, before its presentation in the Legislative Council, so as to enable the association to see how far it is consistent with the Muhammadan law and usage on the subject."—*Madras Times*.

PROTECTION OF MUHAMMADAN RELIGIOUS INSTITUTIONS.—A general meeting of the Central Muhammadan Association was held on the 18th instant at 6 P.M. at the premises of the association, Wallajah road, Triplicane, Muhammad Mahmud Khan Bahadur presiding. The meeting was called to consider the draft Bill and report of the Hindu Religious Endowment Committee with the object of expressing the views of the community as to the advantages or otherwise of adopting similar legislation in connection with Muhammadan religious institutions. Among those present were Muhammad Mahmud Khan Bahadur, Muhammad Ahmad Khan Bahadur, Ahmad Mohi-ud-din Khan Bahadur, Sultan Mohi-ud-din Sahib Bahadur, Mirza Ghulam Zainulab-din Sahib Bahadur, Sharfud Daulah Bahadur, Muhammad Safiullah Khan Bahadur, Daday Khan Sahib, Haji Moulvi Ahmad Ali Sahib Bahadur, Ghulam Mahmud Sahib, Mohajir Malik, Muhammad Jaffar Husain Sahib, Mahmud Yasin Sahib, Assistant Secretary, S. Nizam-ud-din Sahib and Haider Shariff Sahib, secretaries and others. After a very long discussion, lasting for about three-quarters of an hour, the following resolution was unanimously passed :—

"Resolved that this association is of opinion that legislation is necessary for the protection of Muhammadan religious institutions in this Presidency, and requests Government to kindly favour the association with a copy of the amended or the new Bill, if any, before its presentation in the Legislative Council, so as to enable the association to see how far it is consistent with the Muhammadan law and usage on the subject."—*Madras Standard*.

Resolution—dated 19th June 1895, No. 200.

When submitting to the Government of India a draft Bill for the better management of Hindu religious endowments in this Presidency, the Local Government wished to ascertain whether there was any necessity for legislating for the better protection of Muhammadan institutions of the same character, and directed the Board to make early and complete enquiries with the object of ascertaining the views of the principal members of the Muhammadan community on the question. The papers read above, which are the replies of Collectors and of two Muhammadan associations at Madras, to whom reference was made, will now be submitted for the information of Government with the following remarks.

2. After the enquiries had been started, the Government communicated the orders of the Government of India declining to sanction the introduction into the local Legislative Council of the Bill for the better administration of Hindu religious endowments, on the ground that it provided for executive interference by the Government or its officers with the religious concerns of the people, and that it was to that extent inconsistent with the principles embodied in Act XX of 1863. The Bill has accordingly been returned to the Hindu Religious Endowments Committee for revision and for removal, if possible, of the provisions objected to by the Government of India.

3. It being thus uncertain in what form the Bill for the better management of Hindu religious endowments will eventually be brought forward, it is obviously unnecessary to enumerate or discuss the alterations, which have been suggested in the replies now submitted, in view to adapt that Bill to the circumstances of Muhammadan institutions. The only points for consideration are—

(1) Whether any amendment of Act XX of 1863, which provides for mosques as well as for Hindu temples, is called for; and, if so

(2) What are the defects in that Act which require to be remedied in view to make it more effective.

4. So far as the votes of the Muhammadans themselves can be gauged, a narrow majority has declared in favour of legislation, while it is noticeable that the minority includes certain trustees of institutions who have everything to lose by fresh legislation. On the other hand, Mr. Nicholson, Collector of Anantapur, is of opinion that any interference by Government in the direction of the proposed legislation would be resented by the people as a slur on their religious fervour, and Mr. Power, as Collector of North Arcot, states that legislation is advocated only by Muhammadans of what may be called the "new school," but not by the bulk of the community. The Collector of Madura, Mr. L. C. Miller, points out that the local Muhammadan gentlemen have no opinion of their own, but merely echo that of their co-religionists at Madras, while Mr. Dance, as Collector of South Canara, reports that the question of legislation was never considered in that district until the Government called for a report.

5. Turning to the second question, one important defect in Act XX of 1863, which is noticed by the advocates of legislation, is that it excludes from the supervision and control of the committees, appointed under the Act, such institutions as have been under the management of hereditary trustees from before 1863; and these are stated to form the bulk of the existing Muhammadan institutions. The Act is also considered defective in that it does not sufficiently define the powers and duties of trustees and members of committees. The result is stated to be that the endowments are not applied to their legitimate objects, but have been either alienated or are divided and sub-divided like private property among the members of the family to which the trustees belong, leaving the institutions to which these endowments are attached to fall into decay.

6. The opponents of legislation, on the other hand, urge the following arguments:—

(1) that the Muhammadan religious institutions are not so large or numerous as Hindu temples;

(2) that Act XX of 1863 provides sufficient remedies for the prevention of malversation; and

(3) that what is wanted is not a legislative enactment like the one proposed, but the necessary public spirit to put in motion the machinery provided in the existing Act and that the want of such a feeling will render nugatory any fresh enactment however excellent.

Finally they draw attention to the fact that the Hindu Religious Endowments Committee appointed in 1884 considered that special legislation for protecting Muhammadan religious institutions was unnecessary, and urge that the progress of events since that year has not been such as to demonstrate the necessity for the proposed legislation.

7. On a careful consideration of the Collectors' replies, the Board is of opinion that there does not exist any such "strong feeling in favour of legislation" as would justify the Government in bringing a Bill before the Legislative Council. That the leading Muhammadans in Madras itself desire legislation is not to be wondered at, seeing that Act XX of 1863 is practically useless to them, but the general feeling, if it exists at all, does not appear to the Board to be strongly declared either one way or the other. If the Hindus obtain a revised Religious Endowments Act which is found to work well in practice, the Muhammadans will be in a position to apply for a similar enactment, but until then no steps need, in the Board's opinion, be taken to legislate for the protection of their religious institutions.

(True Extract.)

(Signed) R. C. C. CARR,
Acting Secretary.

To the Chief Secretary to Government, Legislative Department,
with a bundle of replies, in original to be returned, and a
copy of Board's Proceedings, dated 13th June 1894, No. 255.

" all Collectors.
" the Secretary, Anjuman-i-Muhammad-i-Islam.
" the Secretary, the Central Muhammadan Association.

Order - dated 4th Sept 1895 No 86 Legislative

Recorded

(True Extract)

aj Under Secy to Govt.

To The Board of Revenue (Land Revenue)
" " Public Department

[G]
5-1-95.

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Legislative Department.



PROCEEDINGS OF THE MADRAS GOVERNMENT.

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Order. 84 "September 1895, no. 86"

Recorded

2-9-95

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Public Dep

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P.C.

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