3-12-45 V

C.F. 73. Legislative DEP

Paper taken out of the Records from the charge of the

~~Press~~ Miscellaneous Routine. No. 21, dated 3-3-

Date taken out.	FOR WHAT PURPOSE.			Initials of clerk taking the paper or of attender.	Date returned.	Ini… att…ler.
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[L./16]
40-12-2-98.

Legislative (1899) Department.

ORDINARY MS.

G.O., No. 22

DATED 3.3.99

32/33

[Despatch Abstract.]

Recording notes etc on the subject of the Honble Mr. P. Ananthacharlu's Religious Endowments Bill prior to his obtaining leave to introduce it in the Viceroy's Council

3/3/99

BACK PAPERS.

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

FURTHER PAPERS.

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

[E. & L. / 1]
300—19-11-98.

Legal DEPARTMENT.

Papers to be read in Proceedings :—

Again G.O., No. , dated 189 .
Again G.O , No. , dated 189 .
Current No. of 189 , dated , from
" " " 189 , "
" " " 189 , "

Notes &c on the Subject of the Hon'ble Mr Ananda Charlu's Religious Endowment Bill prior to his obtaining leave to introduce it in the Viceroy's Council

ORDER.

No. 22 d/ 3.3.99
Recorded.

1/3/99

28/2/99

[G. / 9]
1,000—19—97.

D.O. 66
6-2-97

(1897) Department.

D. O No. 203.

From The Hon'ble J. D. Rees, C.

D. O.

No.

Dated 26/2/97

Received 3 } 3/97

Registered 4

Enclosures one

Spare copies ———

SUBJECT.

Forwards, with remarks, a copy of the draft Endowment Bill and asks if there are any instructions for himself.

The file re Religious Endowments has not returned from [illegible]. It was sent to the H. M. s on 16-11-96

BACK PAPERS.

G.O.	No.	Department.	Date.
D.O.	66	Pub	6-2-97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Explanatory Memorandum.

1. I leave the existing trustees where they are. I allow their successors to come in, in accordance with the usage in vogue in each institution, in that behalf. I leave, untouched, all the trust property and income in the very hands which now hold them. I leave them to carry on the customary expenses as hitherto, but only subject to budgeting previously and subject also to providing for possible contingencies which might arise for revision of such budget—a revision which no Committee would be found to make repeatedly or largely in the face of long-standing usage.

2. As regards the cost of the controlling agency, I have finally and justifiably taken the fullest advantage of the wide-spread ambition and readiness to render *unpaid* service in public interests, and have laid each endowment under a contribution, which is the veriest minimum that can be imagined as needed for maintaining a fairly efficient subordinate official staff.

3. As to the initial step in forming the controlling agency, I have proceeded on the very lines which are laid down in Act XX of 1863, with but a small change, which change I look upon as a distinct improvement. This I shall go on to show. Act XX of 1863 prescribes that the *first members* of the controlling body should be *nominated* by *Local Governments* in accordance with the wishes of the leading worshippers concerned. I make the *first members*, not *nominated* by the *Local Governments*, but *elected* by *District Committees, themselves elected* by leading worshippers, including the leading landholders, moulvies, priests, etc., entered in a list to be prepared by the Civil Courts as hereinafter explained. I have taken the method of making out the lists of jurors as an analogy in the first instance, but to be finally completed, as laid down in section 4 of the proposed Bill, to ensure that the list shall be as full and as faultless as possible.

4. As to the *constitution* of the controlling machinery. The present Act makes it to be a Committee, and I make it, finally, a Committee also. But, whereas the present Act provides for *no* intermediary between

the Committee and the trustee, I interpose a District Committee. My reason for doing this is as follows:—Want of touch with the trustees and want of ready and vigilant supervision on the part of the Committee-men have been the greatest drawbacks all these years, as the Committee is necessarily located at a considerable distance in too many instances. In the place of an *occasional* or *periodical* control which a Committee, so located, could alone exercise, I strive to introduce a body which would exercise an almost constant and inevitable control. I lay considerable stress on this; for I need hardly point out that the watchful eye of every member of the District Committee, nay, even of every unit of the District Electorate, would, under my scheme, fall, even without any particular effort, on the acts and conduct of the trustees, as most of them would have the advantage of proximity and of seeing matters too frequently for *escapades* to escape their observation. To my mind such a surveillance cannot but result in a vast amount of *preventively wholesome check*, which is far more desirable than to leave room for the occurrence of mischief, and take consequent and subsequent steps to undo the mischief already perpetrated. If I understand human nature aright, the very consciousness in a trustee that he is under such an ever-watchful *espionage* would without more, keep him a good deal, straight and would lead to better management, *on his own part*, without even the actual exercise by the District Committee of the powers possessed. The mere existence of District Committees, with plenary or effective powers of interference, would induce the trustees themselves to give up objectionable ways *suo moto*. There is considerable truth in the adage "opportunity makes the thief." With the District Committee to fulfil what is tantamount to an almost ever-present executive control, the Central Committee would, as a rule, exercise power only as a regulative and corrective body, comparatively free from personal or local prejudices that might possibly have operated to the detriment of the trustee at the hands of the District Committee.

5. I have made a further important departure from the *status quo*, namely, that the members of the Committees would hold office *for a term of years* and *not for life* as now. From this I expect a vast amount of good. Whatever the conditions in 1863 or soon after that date, they have materially changed since. Men, ready to render honorary service to the public, have come to the front in larger numbers in recent years, and the system of imposing public duty for a term of years rather than for a life-time has not only come into considerable favour, but has been found, on the whole, to work excellently well. This by itself, without more, is reason enough for the departure. Apart from that consideration, there is, I think, solid reason for holding that the system which I propound is by far the best, as it offers opportunities to correct initial errors, without having to wait till death brings relief—a species of relief which does not come conveniently or for the wishing. Short of gross misconduct, which entails the prescribed pains and penalties, we can well conceive of forms of dereliction of duty which would tell prejudicially on the well-being of the trust, but without drawing on the culprit those pains and penalties. Such cases are bound to be not a few. To afford, at short intervals, opportunities for re-affirmance in case of fitness or for supersession in case of incompetency is a decided advantage which cannot be overrated, not to speak of the invariable good that must come of letting fresh blood in, even with the risk of replacing one set of good men by another set of good men. A wide-spread ambition, in the adherents of a religion, to emulate one another and to displace one another for no other tangible reason than to serve the public is, on the whole, sufficiently beneficial to be favoured, fostered and given the freest scope to. To block its way is, to my mind, an attempt to thwart the course of a natural law. These constitute my justification for standing up for a term of years in preference to a tenure for life.

6. Let me go on to another branch. In calling upon the Civil Courts to create the *first* Committees and then to become *functus officio*—except to meet contingencies named, but not likely to happen—I am only carrying out the expressed intentions of Act XX of 1863. In that Act the Government is, *once for all*, to nominate

the first Committee and wash its hands of the affair by the creation of an *electing* and non-Governmental machinery to fill up vacancies as they occur. By my Bill I do this, but enable Government to wash its hands even in creating the first Committee. Having regard to the limited purpose for which the Electorate must come into being, we need not aim at any broad fundamental principle or strive after a council of perfection. It would be quite enough to seek for some system which might fairly serve as an analogy and adopt it or adapt it as the case may be. The system upon which the list of jurors is drawn up offers a fairly good analogy to go upon. A little more care and trouble in reaching the proper men must result in a list good enough in all conscience. A list constructed with very much less care is good enough to supply persons fit to pronounce a *final* and indefeasible verdict on no less than a question of life and death in the Presidency-towns, and in respect of liberty, reputation and property in the districts. I venture to think that there can be no ill-adaption of means to the end, if the District Electorate is built up as are our jury-lists with the further safeguards I have provided. What I should like to point out here is that no other workable and acceptable system has been possible for nearly a quarter of a century now, or seems to be possible in any near future, and "not to decide" in favour of my scheme is, so to speak, to decide in favour of the anarchy of the present. If there have been disinterested and self-denying founders of grand charities in the past, the communities which produced them will surely produce men who, in the present day, would safeguard them by doing, after all, very much less, namely, by seeing to their preservation only. It is a well-known Aryan dictum, universally believed in by every true Hindu, that he who *preserves* a Dharma renders as good service as its *founder* himself. What is now needed is a *real* opportunity to do so. Once there is a *reality* of a controlling agency in lieu of the present moribund or checkmated Committees, *and the trustees see it, they will themselves* initiate desirable reforms *of their own accord* or do so under mere persuasive pressure, so as to utilise the funds at their disposal in broader senses of charity than they recognise or can or will realise at present and thus give effect to the spirit of the intentions of the donors. To speak an unvarnished truth, there has been of late so little inter-action between them and the educated classes that each set has misjudged the other. Brought into closer relations, as the two sets would be under my scheme, and they understand the altered conditions, I am honestly hopeful that, after a brief period of transition, during which temporary mutual jealousies would give place for a final and better mutual understanding, all friction, worth the name, would disappear and a harmonious action would follow.

7. The crying necessity for a move in this direction is clear as noon-day. It is admitted on all hands, by Judges, by lawyers and by all public men who have had anything to do with it or intelligently watched its operation, that the present management is in a state of perfect chaos and that the existing law, Act XX of 1863, has been an utter failure in checking misdeeds on the part of the trustees. The control by the Committees that have been appointed for the purpose under Act XX of 1863 has been *nominal* at best, and the responsibility for it is universally traced to the *defective* law, which at present drives either the dissatisfied Committee-men or dissatisfied worshippers to Courts to displace trustees guilty of misconduct. The most palpable fact to be noticed is this, that, while the Committee-men or the worshippers have to find their own funds to bring the culprit to book in these circumstances, the trustees—in safe and unrestrained possession of the endowment funds—draw upon these latter to the full bent of their most extravagant inclinations. In such an unequal fight it is too often the case that the complainants get worsted. But it is worthy of note that, even in cases where they are *successful*, the trustees removed take prior care to show the possession of very little tangible property to recoup the victors as to the costs incurred; and the consequence is that these costs had often to come out of the very endowment funds which the litigation was started to *protect*. *Therefore, in either case, the endowment is a distinct, heavy and unjust loser.* Any system that will obviate this most undesirable result must, *for that single reason alone*, be a decided

improvement upon the present state of things. In view to gain this paramount object, I have eliminated all necessity to go to law. This I have done by making the District Committee primarily and the Central Committee ultimately to be the final arbitrator on the question. Another stumbling-block in the way is section 18 of the present Act, which provides for a preliminary enquiry before a suit is filed. It is, so to speak, twice-cursed, *i.e.*, (1) it harms the one who seeks to condemn, and (2) harms no less the person whose condemnation is *bonâ fide* sought. By the way, one cannot but note that all the most useful provisions of the law in relation to discovery and the like are not available to the parties. Firstly, it has always been impossible, in the nature of things, for any plaintiff to begin with all his evidence cut and dry. Nor would it be possible for him to anticipate all possible defences. In such circumstances the materials with which one would ordinarily go before the Court as plaintiff would be necessarily meagre, and an immense risk is thus run. This cannot but act as a frightful deterrent even in the face of very strong *primâ facie* grounds for suspicion. So much for the operation of the section as against the would-be plaintiff. Its effect, as against the trustee, is no less serious. To begin with, he must find that, at the end of the preliminary enquiry, if the suit were allowed, he would in a sense stand condemned before ever the suit has actually been launched. *The Judge, who would have to try him, had already made up his mind against him so far, that he could not bring to the trial a mind without a bias.* He could not, as matters now stand, help becoming, so to speak, a grand jury, a policeman and a Judge *rolled into one.* This state of things is utterly inconsistent with justice, either to the would-be plaintiff or to the trustee, and its only effect has been vexatious harassment of the trustee or a needless embarrassment to the public-spirited men who, in an unlucky hour of righteous wrath, go, so to speak, to the hazard of the die.

8. One plausible objection to this part of my scheme is that persons who have "vested interests", as the trustees are too often called, would thereby be irremediably at the mercy of five or six men. My obvious answer to this is that, even in matters of life and death in the Provincial towns and in other matters involving serious loss of liberty, reputation or property in the districts, five or six men as jurymen *do* at present give a final verdict. I ask if the forfeiture of an honorary office is, comparatively speaking, of much graver importance? I think not; and let me point out that the present Act itself contains, in the provision to refer disputes to arbitration (section 16), an exactly similar mode of giving finality such as belongs to the verdict of a jury. I may add that there can be no "vested interest" to do wrong. At best here is a choice between two evils, and prudence counsels the choice of the lesser one. My view is that of the two evils—the evil now existing and the evil of possible injury to a trustee—the latter is by far the lesser one. *As for the endowment itself*, the balance of advantage is overwhelmingly in its favour, among other reasons, by placing law-Courts beyond temptation to all the parties concerned. This is the conclusion I have come to after considering all the bearings of the case. In this conclusion I have a vast following. Here I may add that, if the rest of the scheme which has a wider operation is acceptable and found to answer substantially, there will be very little *real* cause for entertaining any fear on this score, inasmuch as such a fear would be soon found to be simply and practically illusory.

9. The last point in which my scheme differs from the present law is that I abolish the distinction which the present law makes between the endowments which had been under the direct control of the Government at one time and those that had not been so. I see no sound reason for maintaining that distinction. One class is as much trust-property as the other. Malversation of the one class is as culpable as of the other. If only some of the trusts came originally under the Government supervision and not the rest, it was, I think, purely an accident. There could be nothing inherent in the trusts which had remained outside Government control, necessitating that they should so remain outside that control, or any control

for that matter. Even the actual initial founder of an endowment could not, after he had once dedicated the endowment to the public, touch it or claim to divert it from the purpose declared at the time of dedication. A mere successor of his is *a fortiori* absolutely debarred from frittering or whittling it away. I have not the least doubt that, had such cases been brought to the notice of the Government as they occurred, the Government, as then disposed, would have taken the trusts to which they related as fully into their hands as they had done as regards the others. I therefore maintain that the distinction under reference is utterly untenable and unnecessary. I would nevertheless court opinion on this as well as on the other points in my scheme, and it will be time enough when the Bill is under the consideration of the Select Committee to estimate the cogency of any arguments.

P. ANANDA CHARLU.

16th February, 1897.

G. I. C. P. O.—No. 573 L. D.—16-2-97.—100.—F. C. K.

7
Legislatn
4
72

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no limit of application with reference to income of institution?

DRAFT ENDOWMENT BILL.

WHEREAS it is expedient to amend the law relating to the administration of Religious and Charitable Institutions and Endowments of a public character in British India; it is hereby enacted as follows :— ×

× must be Reli: Endmt. Amdt. act? It is to amend XX of 1863.

1. This Act may be called "The Indian Religious and Charitable Institutions Act, 189."

It extends, from the date of its enactment, to all the territories under the administration of the Governor General in Council, and applies to all non-Christian Religious and Charitable Institutions and Endowments of a public character within the said territories.

Is defn necessary?

2. "Religious and Charitable Institutions" include all temples, mosques, pagodas, shrines and charitable institutions, by whatever local designation known, and all property endowed or purchased, and all offerings of pilgrims connected therewith, whether applied to religious or charitable or other purposes which are not the personal property of, and offerings to, any individual.

"Trustee" includes all persons, by whatever local designation such persons may be known, who have charge of any institution, or the property of any institution, in trust.

"High Court" means the Chief Appellate Court of a Province, and includes the Chief Court of the Punjab, the Courts of the Judicial Commissioner of Oudh, Central Provinces, Berars and Sind, and the Commissioner of Coorg.

"Civil Court" means the highest Court exercising civil jurisdiction in the district in which the institution is situated.

3. (A) In every District where a Committee such as is contemplated in Sec. of Act XX. of 1863, has been constituted, such Committee shall within a month of the passing of this Act, prepare a register, and publish in all public offices and institutions a list of the leading persons of each religion or sect which has any institution in the district, including the principal landholders, pandits, moulvies and priests, and all such men of respectability and position as in the opinion ~~of the~~ Committee ought to be included in this list. (B) Provided that where no such Committee has been constituted, the Civil Court of every District shall, within a month of the passing of this Act, nominate three persons of each religion or sect to form a Committee to prepare and publish the aforesaid list.

The persons of each religion or sect included in this list shall be "the district electorate" of that religion or sect in that District for the purposes of this Act. But the said Committee shall include or eliminate the name of any person who, in the opinion of two-thirds of the persons in the lists so prepared, may be recommended or objected to.

4. The said Committee shall call upon each electorate to meet at a time and place to be fixed by it, and duly notified in all public offices and institutions, and elect by a majority of votes, not less than three, and not more than five, members to form "the District Committee" for the control of the endowments of that religion, or sect in that District.

5. Each District Committee of any Province within a month of its election shall elect a voting Delegate. Such voting Delegates shall meet at a time and place jointly agreed upon and shall elect by a majority of votes not more than five members, and the members so elected shall form "the Central Committee" of that religion or sect with head-quarters at any place that the said Committee by a majority of votes may elect for the purpose.

Provincial

within the Province ?

6. In case the district electorate or the District Committee fail to make the elections required by sections 4 and 5, the Civil Court of each defaulting district and the High Court of the Province shall nominate the members of the District and Central Committees respectively.

members of

7. The District Committee and the Central Committee shall hold office for three years, but will continue in office until relieved by their respective successors, and their members will be eligible for re-election. The said Committees shall elect their own chairman and decide all matters by a majority of votes, each member having one vote and the chairman having a casting vote.

8. As soon as the first Central Committee shall have been formed, the powers hereby conferred on the Committees referred to in clause A and B of section 3 shall thenceforward vest in such Committee and its successors.

9. Any member of the District or Central Committee, who should be found guilty of misconduct or any conduct which makes him unfit for his place, shall be liable to be removed by the unanimous vote of the remaining members.

10. Any vacancy caused by death, resignation or removal of any member shall be filled up according to the provisions of the aforesaid sections 4 and 5. The member or members so elected shall hold office only for the unexpired portion of the Committee's tenure of office. The District and Central Committee, on the expiration of the tenure of their office, shall also be elected in the same manner. ??

11. Each Central Committee shall, in the first quarter of the last year of its tenure of office, either confirm or ~~reverse~~ the lists of District electorate and shall in the last quarter of the same year, cause the District Committees and District electorates to make their respective elections under sections 4 and 5: provided that, in case such District Committees or District electorates fail to act, the High Court of the Province and the Civil Court of the District shall respectively exercise powers conferred under section 6. ise

12. The District Committee of each religion or sect shall have absolute control, not inconsistent with their maintenance, over the institutions belonging to that religion or sect, including the appointment of the trustees, according to the custom prevailing in each institution, as vacancies shall occur after the passing of this Act, and dismissal of trustees for misconduct, disobedience of orders issued by the District or Central Committee or dereliction of duty assigned to them. ?

belonging in each case to sect or religion concerned

13. The District Committee shall keep a register of the institutions in its charge, with properties appertaining to them, and the trustee shall submit, within a time to be fixed by the District Committee, a list of all such properties. The trustees shall prepare a budget of receipts and disbursements, including their rateable share of costs of necessary establishment of the District and Central Committees in March every year for each shrine, and shall likewise submit monthly or quarterly accounts. All these shall be kept and submitted in the forms prescribed by the Central Committee in consultation with the District Committees.

& each institution

14. The District Committee may, by a majority of votes, revise the budget as they see fit, subject to confirmation or revision of the Central Committee.

15. The property and the proceeds of every institution shall remain in such custody as at the date of passing the Act, subject to such provisions as the District Committee shall, with the sanction of the Central Committee, prescribe for their safety.

16. The orders of the District Committee shall be appealable to the Central Committee, whose decision shall be final.

17. All processes and orders of the District and Central Committee, certified by their respective chairman, shall be carried out by the Civil Court to the jurisdiction of which they relate. The provisions of the Civil Procedure Code shall as far as practicable be applicable to them. The District Committee and the Central Committee shall exercise all the powers of the Court with respect to them. ? ?

The District and Central Committee shall have the power of administering oath in any inquiry before them, and their members, individually and collectively, as well as the trustees, of any institution or property aforesaid shall be public servants as defined in the Indian Penal Code.

18. The Central Committee of each religion or sect in consultation with the District Committee of that religion or sect shall have power to frame necessary bye-laws and rules for the election of the members of the said Central and District Committees, and for the proper management of the institutions and properties within their respective jurisdiction, and for the due discharge of their duties by the aforesaid trustees. These bye-laws and rules and the annual report of the administration of the institutions

and properties in their respective jurisdiction shall be published in each Provincial Gazette not later than the middle of June of every year.

19 Each

19. The District Committee shall be entitled to maintain an office and an establishment ordinarily costing not more than Rs. 50 per mensem, and the Central Committee not more than Rs. 100 per mensem, exclusive of other incidental charges, such as the cost of auditing of accounts, or the travelling expenses of any member deputed to inspect any institution, or make local enquiry whenever necessary. These items of expenditure shall, as far as practicable be rateably apportioned among the several shrines of the districts or recovered from the particular shrine to which they relate, and shall be included in the budgets and the accounts of the shrines or shrine in question, respectively.

1? → Provincial

A few sections more in the revised draft [Sent to Hon Kalyanasundaram Aiyar]

Encl. to D.O. 203 of 97

C. 11/3/97

B. 16/3/97

R 16/3/97

[G. / 25]
500—3-10-96.

Legislative DEPARTMENT.

D.O. No 203. from the Hon'ble Mr T D Rees, C.I.E.

3. H. E. THE GOVERNOR.

1. THE HON'BLE MR. BLISS, C.I.E.

2. THE HON'BLE MR. GROSE, C.I.E.

Resubmitted to the Hon'ble Mr Bliss and the Hon'ble Mr Grose with reference to the note of H.E. the Govr. dated 13th Inst.

20
15/3/97

SUBJECT.

Hindu Religious Endowments Bill

FOR ORDERS.

x in the file below.

No instructions to Mr Rees seem to be needed. I sent on the Religious Endowments file ~~the other~~ day with my opinion.

HB
9/3/97

I think Mr Rees should be told that something was done in G.O. 23.10.94 + 114 Leg. before the Hon: Kalyanasundaram Iyer asked for leave to introduce his bill. The Hindu Religious

x in the file below.

Endowments Committee (consisting of Sir T. Muttusami Iyer, Chentsal Rao, S. Subramaniam, V Bashyam Iyengar, P Rangianadam & C Sankara Nair,) was asked in that order to consider if their bill could be altered so as to

The reply to G.O. No. 114 x Legislative dt 23.10.94, has been received, & the papers are still in circulation in the Public department, together with the notes & orders regarding the Hon'ble Kalyanasundaram Aiyar's bill. The Hon'ble P Ananda Charlu's Bill is applicable both to the Hindus & Muhammadans; whereas the bill of the Hindu Religious Endowments Committee, & the bill of the Hon'ble Kalyanasundaram Aiyar are applicable to the Hindu Religious institutions only. The opinions received ~~as~~ to the necessity of legislation on the subject, as far as Muhammadans are concerned, will be found in G.O. 86 x Leg. dt 4 Septr 1895 from which it will be seen that no such necessity exists ~~at~~ present in this Presidency.

The Hon'ble Kalyanasundaram Aiyar's bill will very probably be introduced at the next meeting of the Council. Leave to introduce the

bill

bill was granted on the 26th February 1896, & the motion to introduce the bill at the last meeting, was withdrawn.

It is a question whether the bill of the Hon'ble Member requires the prior sanction of the Govt-Genl, under Section 43 (c) of the Indian Councils Act, 1861; such a sanction is necessary if it is considered that the bill affects the Hindu religion or the religious rites & usages of the Hindus. It is submitted that there is nothing in the Bill, which will bring it within the provisions of the statute.

The sanction of the Govt of India, ~~will~~ is however ~~be~~ necessary under Section 5 of the Indian Councils Act, 1892, & this sanction ~~will~~ may be obtained before the passing of the measure.

But it is respectfully submitted that the Govt of India will refuse the sanction in the present state of circumstances. Orders are therefore solicited as to the nature of the instructions to be ~~conveyed~~ given to the Hon Mr Rees and ~~[illegible]~~ as to the terms in which the Govt of India should be addressed on the subject of the Hon Kalyanasundaram Aiyar's bill.

CRV
6/3/97

It is for Public Dept. to say what if any instructions should be given to Mr Rees. So far as this Dept is concerned none appear to be necessary. Kalyanasundaram's Bill is a private bill & not a Govt measure - Still I say it is better that legislation should take place in the Imperial legislature than here on so thorny a subject, on which the Govt of India hold decided views.

The leave has been obtained Kalyanasundaram's ~~the~~ bill has not yet been actually introduced.

S.K.
6/3/97

Hon To Pub. Dept. ~~[illegible]~~
For orders.

The whole file of papers in connection with the Hindu Religious Endowments was sent to the Hon'ble Mr Bliss on the 16th Nov last. ~~[illegible]~~ Imperial legislation with regard to religious endowments would probably be better than local. If this view is accepted the preparation of a Bill here might be dropped and it might be suggested to the Hon'ble Mr Kalyanasundaram Iyer that he should withdraw his bill. I do not know of any instructions to Mr Rees that are necessary. He has the papers.

8/3/97.

said as it acceptable to the Govt of India. They reported on the 23.6.96 submitting a bill which they thought suitable & which is still under the consideration of Govt, but will soon be disposed of. Mr Rees should be told also that the Hon Kalyanasundaram Iyer's bill has not yet been introduced though he has obtained leave to introduce it.

10/3/97

But as the present Ag. Adv. Genl. has doubts on this point we may make a reference to the Govt of India & ask their opinion.

S.K.
6/3/97

I think it will be better to make a reference to India as we have been so long in correspondence on the subject & they have often expressed strong opinions about it.

?

[illegible] to introduce. Should be asked — nothing more.

I don't know. The need in the Madras Presidency seems [illegible] greater than in the rest of India.

This file was sent down a few days ago. Hope to dispose of it tomorrow or next day.

?

I am disposed to think that on such a thorny subject as the Endowments Bill, it would be advisable that the local Bill should give way to the Imperial Bill, — if there is any real chance of the latter being proceeded with. However, as the local Bill is

9/3/97 | 11/3/97 R 11/3/97 | 11/3/97 R 15/3/97 is a private Bill, Mr. Kalyanasundram Iyer might perhaps be asked if he objects to Mr. Ananda Charlu's bill. I understand that Govt. is neutral in the matter, and if Mr. Kalyanasundram Iyer does not object to give way, I can see no reason why Govt. should object. Upon Mr. K's reply would depend our reply to Mr. Rees. If Mr. K. should object, and make out a good case, this Govt. might support him. Should he not object, there would be no need to do anything more than to state the fact to Mr. Rees. What was done before, would then be immaterial.

A.G.H. ~~13.III.9~~
13.3.97

There would be no harm in this.

H.S.
16/3/97

J.G.
16/3/97

To Legislative dept for favour of the necessary action.

J.D.B.
16/3/97

J.G.
16.3.97

Urgent

W.S.
17/3

to enquire whether ~~your~~ it ~~that~~ is a measure which you wd. be prepared to accept; * if not H.E. wd. be glad to have at your very early convenience a full statement of your objections to it. If you have any, it wd be ~~probably desirable~~ for ~~your~~ consideration whether your bill on the same subject shd not give way to [illegible] Mr Ananda Charlu's, if there is any real chance of the latter being proceeded with

J.W.W.
18/3.

Note.

File with the Secretary

CRV
17/3/97

Legve Dept
Fort St George
17.3.97

Dear Sir

In forwarding herewith to you copy of a Bill (with an Explanatory memorandum attached) which the Hon'ble P. Ananda Charlu proposes to introduce into the Council of the Governor-General for making Laws & Regulations, I am directed ~~to state that this Govt considers that the bill leave to introduce which was granted to you in February last year, had better give way to the proposed measure. I am therefore to request you to be good enough to~~ clearly ~~state the objections you have~~, if any, ~~to this proposal, at an early date.~~

~~A copy of your bill together with the Statement of Objects & Reasons is~~ a~~lso forwarded enclosed for reference~~

Kindly return the ~~other~~ papers with your reply.

Copd 18/3/97

To the Hon'ble K. Kalyanasundaram Aiyar

The revised copy of the Bill received from the Hon'ble Mr J.D. Rees will be sent to the Hon: Mr.
It is submitted that the letter to India on the subject of the Hon's bill, may be delayed till the receipt of the reply to this D.O.

[L. / 15]
250—25-…-96.

Legislative (1897) Department.

CURRENT No. 69

Telegram

From The Hon'ble Mr. T. D. Rees C. I. E.

No. E

Dated
Received } 22-3-97
Registered
Enclosures —
Spare copies —

~~Order~~ Telegram — Despatched 24/3/97 — State urgent

To The Hon'ble Mr T D Rees C.I.E.

Anandacharlu's bill. Govt thinks it unnecessary that you should say anything.

(Signed) J F Price

SUBJECT.

Reporting that the Hon'ble P. Anandacharlu will ask leave to introduce the Religious Endowment Bill on Thursday next. (the 25th)

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

CURRENT No. 69

INDIAN TELEGRAPHS

Code Class.	S
To (Office)	M S Fort St George
From (Office)	Calcutta
Monthly Number.	
Words.	33
Day.	22
Hour.	11
Minute.	25
Official Instructions.	
To (Person)	adras
From (Person)	J D Rees Addl Member Legl Council

CHIEF SECRETARY
22. MAR. 1897
GOVERNMENT OF MADRAS

Soon

22/3/97

Ananda Charlu gets leave
introduce religious endowments bill
xt Thursday telegraph
any instructions please
therwise no objection presume
entertained

F. 61.

Sent to

MADRAS FORT 22-3-97

Mts. by

Telegraph Master.

G P—No 494 T—27 4 96—1000000

[G. / 75 A.]
360—8-3-97.

Ask K. S. if he [illegible] reply at once

22/3

NOTE FOR THE SECRETARY.

The papers connected with the previous D. O. from the Hon'ble Mr Rees are now with the Secretary in connection with a draft letter to India regarding the Hon. Kalyanasundaram Aiyar's Bill.

In the previous notes for orders, H.E. remar that the reply to Mr Rees should depen upon the reply to be received from the ~~Hon Rees~~ Hon'ble Kalyanasundaram Aiyar [to the refere made to him on the 18th instant]. The reply from the Hon'ble Kalyanasundaram Aiyar has not yet been received.

The Hon'ble P Ananda Charlu is to obtain ~~as~~ leave to introduce the bill on next Thursday & it is submitted that the Hon'ble Mr Rees may be told 'that the reply to G.O. No 114 Legve of October 1894, is now under the considration of this Govt, & that Kalyanasundaram Aiyar has been asked to inform this Govt whe he approves of Anandacharlu's bill, + if he does approve, whether his bill should not give way to the Imperial bill in the Public Dept" ~~& that very probabl he may give up introducing his bill into the local council.~~"

Or The Hon'ble Kalyanasundaram Aiyar may ~~at the same time~~ now be asked for his reply to the D. O. of the 18th instant by telegram if

ecessary, & then the Hon Mr Rees wired
as to the result.

3/97

Despatched 22/3/97.

Telegram

State.
Ordinary

To The Hon'ble Kalyanasundaram Aiyar
Tanjore.

My letter Eighteenth ~~instant~~ Anandacharlu's bill. Can you Kindly reply at once ~~if~~ by telegram if as possible Ananda Charlu gets leave (to) introduce (his) bill next Thursday

22/3/97

22/3/97

[L. / 16]
250—25-11-96.

Legislative (1897.) Department.

CURRENT No. 70

E

From Telegram The Hon'ble Mr. K. Kalyanasundram Tanjore

Order

No.

Dated 22.
Received 23 } -3-97.
Registered 23
Enclosures
Spare copies

SUBJECT.

Stating that he cannot accept the Hon'ble Mr. P. Ananda Charlu's bill.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

T. 14.

CURRENT

370 Leg

INDIAN TELEGRAPH.

Class. P

Monthly Local No. 22

To Station Madras Mylapore

From Station Tanjore City

Words.	Day.	Hour.	Minute.	Official Instruction.
24	22	9	28	

To (Person)
R G S Forbes Esqr
Secretary
to the Legislative
Council Chambers
Adyar

From (Person)
K Kalyana Sundaram

41

23 MAR 1897
SECRETARY TO GOVERNMENT LOCAL & MUNICIPAL DEPARTMENT

Sorry cannot
accept Anandacharlus
bill letter posting
tomorrow

MYLAPORE
W.
22 MA.
97

Recd. from L. N.
At Hrs. Mts. By

Sent to L. N.
At Hrs. Mts. By

Date

Postmaster.

NOTE FOR THE

Telephone to the Private Secy. —

With regard to Ananda Charlu's bill ~~to~~ which he will obtain leave to introduce into imperial legislature to morrow W. Rees asked ~~for~~ if any instructions. I think with reference to decision in Council yesterday ~~I may telegraph to him that this Govt.~~ that he better say nothing & let the bill takes its course ~~& that~~ If so I may telegraph to him, if H.E. approves, begins "Ananda Charlu's bill. Govt. thinks it desirable that you shd make no observations" ~~the~~ ends

Sent G.T. 24/3/97

24/3/97

...ll, as sub... ...d to Governmen...

...to...

TELEGRAPHS. Monthly Number.

From (Office) ...

Official Instructions.

From (Person) The Private Secy

...your telephone about ...bill H.E. thinks it ...telegraph to Rees ...begins × ...bill × Govt thinks it ...should say anything ×

G.T.
24/3/97
(4)

F. C 2.

Telegraph Master.

...mended or objected to.

of the draft, as sub d to Governmen

of

it

of

Code Class }

INDIAN TELEGRAPHS.

Monthly Number. }

To (Office) Telephonic			From (Office) message		
Words.	Day.	Hour.	Minute.	Official Instructions.	
	24	17	30		
To (Person) Mr Jokes			From (Person) The Private Secy		

With reference to your telephone about Ananta Charlu's Bill H. E. thinks it will be sufficient to telegraph to Rees as follows:- Message begins x Ananta Charlu's Bill x Govt thinks it unnecessary that you should say anything x Message ends x

G.T.

24/3/97

64 Word Form.

F. C 2.

Recd. from LN. At Hrs. Mts. by	Sent to LN. At Hrs. Mts. by	Telegraph Master.

C. G. P.--No. 220 T --18-9-94-20,00,000.

persons

mended or objected to.

The final shape of the draft, as submitted to Government of India for sanction after informal discussions to bring it in line with the latest pronouncement of the Government of India.

DRAFT ENDOWMENT BILL.

WHEREAS it is expedient to amend Act XX. of 1863, relating to the administration of Religious and Charitable Institutions and Endowments of a public character in British India; it is hereby enacted as follows :—

1. This Act may be called "The Religious Endowments Amendment Act, 189."

It extends, from the date of its enactment, to all the territories under the administration of the Governor General in Council, and applies to all non-Christain Religious and Charitable Institutions and Endowments of a public character within the said territories the annual income of which does not fall below Rs. 250.

2. "Religious and Charitable Institutions" include all temples, mosques, pagodas, shrines and charitable institutios by whatever local designation known, and all property endowed or purchased, and all offerings of pilgrims connected therewith, whether applied to religious or charitable or other purposes which are not the personal property of, and offerings to, any individual.

"Trustee" includes all persons, by whatever local designation such persons may be known, who have charge of any institution, or the property of any institution, in trust.

"High Court" means the Chief Appellate Court of a Province, and includes the Chief Court of the Punjab, the Courts of the Judicial Commissioner of Oudh, Central Provinces, Berars and Sind, and the Commissioner of Coorg.

"Civil Court" means the highest Court exercising civil jurisdiction in the district in which the institution is situated.

3. (A) In every District where a Committee such as is contemplated in Sec. of Act XX of 1863, has been constituted, such Committee shall within a month of the passing of this Act, prepare a register, and publish in all public offices and institutions a list of the leading persons of each religion or sect which has any institution in the district, including the principal landholders, pandits, moulvies and priests, and all such men of respectability and position as in the opinion of the Committee ought to be included in this list. (B) Provided that where no such Committee has been constituted, the Civil Court of every District shall, within a month of the passing of this Act, nominate three persons of each religion or sect to form a Committee to prepare and publish the aforesaid list.

The persons of each religion or sect included in this list shall be "the district electorate" of that religion or sect in that District for the purposes of this Act. But the said Committee shall include or eliminate the name of any person who, in the opinion of two-thirds of the persons in the lists so prepared, may be recommended or objected to.

4. The said Committee shall call upon each electorate to meet at a time and place to be fixed by it, and duly notified in all public offices and institutions, an1 elect by a majority of votes, not less than three, and not more than five, members to form "the District Committee" for the control of the endowments of that religion, or sect in that District.

5. Each District Committee of any Province within a month of its election shall elect a voting Delegate. Such voting Delegates shall meet at a time and place jointly agreed upon and shall elect by a majority of votes not more than five members, and the members so elected shall form "the Central Committee" of that religion or sect with head-quarters at any place that the said Committee by a majority of votes may elect for the purpose.

6. In case the district electorate or the District Committee fail to make the elections required by sections 4 and 5, the Civil Court of each defaulting district and the High Court of the Province shall nominate the members of the Dist and Central Committees repectively.

7. The District Committee and the Central Committee shall hold office for three years, but will continue in office until relieved by three respective successors, and their members will be eligible for re-election. The said Committees shall elect their own chairman and decide all matters by a majority of votes, each member having one vote and the chirman having a casting vote.

8. As soon as the first Central Committee shall have been formed, the powers hereby conferred on the Committees referred to in clause A and B of section 3 shall thenceforward vest in such Committee and its successors.

9. Any member of the District or Central Committee, who should be found guilty of misconduct or any conduct which make him unfit for his place, shall be liable to be removed by the unanimous vote of the remaining members.

10. Any vacancy caused by death, resignation or removal of any member shall be filled up according to the provisions of the aforesaid sections 4 and 5. The member or members so elected shall hold office only for the unexpired portion of the Committee's tenure of office. The District and Central Committee, on the expiration of the tenure of their office, shall also be elected in the same manner.

11. Each Central Committee shall, in the first quarter of the last year of its tenure of office, either confirm or reverse the lists of District electorate and shall in the last quarter of the some year, cause the District Committees and District electorates to make their respective elections under sections 4 and 5 provided that, in case such District Committees or District electorates fail to act, the High Court of the Province and the Civil Court of the District shall respectively exercise powers conferred under section.

12. The District Committee of each religion or sect shall have absolute control, not inconsistent with their maintenance, over the institutions belonging to that religion or sect, including the appointment of the trustees, according to the custom prevailing in each institution, as vacancies shall occur after the passing of this Act, but shall not have the power of dismissal of trustees for misconduct, disobedience of orders issued by the District or Central Committee or dereliction of duty assigned to them except as herein after provided.

13. The District Committee shall keep a register of the institutions in its charge, with properties appertaining to them, and the trustee shall submit, within a time to be fixed by the District Committee, a list of all such properties. The trustees shall prepare a budget of receipts and disbursements including their rateable share of costs of necessary establishment of the District and Central Committees in March every year for each shrine, and shall likewise submit monthly or quarterly accounts. All these shall be kept and submitted in the forms prescribed by the Central Committee in consultation with the District Committee.

14. The District Committee may, by a majority of votes, revise the budget as they see fit, subject to confirmation or revision of the Central Committee.

15. The property and the proceeds of every institution shall remain in such custody as at the date of passing the Act, subject to such provisions as the District Committee shall, with the sanction of the Central Committee, prescribe for their safety.

16. The orders of the District Committee shall be appealable to [the Central Committee, whose decision shall be final.

17. In addition to the powers conferred by Section XIII. of Act XX. of 1863, the Central Committees of each religion or sect shall have power to call for explanation from the trustees subject to their control and to hold enquiries into the management and the conduct of such trustees.] The Civil Court within whose jurisdiction such enquiries are held shall, on the application of the Chairmen of such Central Committees, issue the necessary processes for production of documents and the appearance of witnesses at such enquiries.

The District and Central Committee shall have the power of administering oath in any inquiry before them, and their [members, individually and collectively, as well as the trustees, of any institution or property aforesaid shall be public servants as defined in the Indian Penal Code.

18. The Central Committee of each religion or sect in consultation with the District Committee of that religion or sect shall have power to frame necessary bye-laws and rules for the election of the members of the said Central and District Committees, and for the proper management of the institutions and properties within

their respective jurisdiction, and for the due discharge of their duties by the aforesaid trustees. These bye-laws and rules and the annual report of the administration of the institutions and properties in their respective jurisdiction shall be published in each Provincial Gazette not later than the middle of June of every year.

19. The District Committee shall be entitled to maintain an office and an establishment ordinarily costing not more than Rs. 50 per mensem, and the Central Committee not more than Rs. 100 per mensem, exclusive of other incidental charges, such as the cost of auditing of accounts, or the travelling expenses of any member deputed to inspect any institution, or make local enquiry whenever necessary. These items of expenditure shall, as far as practicable be rateably apportioned among the several shrines of the districts or recovered from the particular shrine to which they relate, and shall be included in the budgets and the accounts of the shrines or shrine in question, respectively.

20. In section 18 of act XX of 1863, after words "no suit" and before the words "shall be entertained" the following words shall be inserted viz "except when such suit is brought by any Central Committee of any religion or sect constituted under this Act.

21. In suits brought by any Central Committee of any religion or sect, constituted under this Act, no institution fee, process fee or other Court fee shall be payable.

Legislative
3
72

D.O. No 240

Office
Please compare this with Kalyana Sundaram's bill
15/3/97

Calcutta

My dear Forbes, 15/iii/97.

I gather from yours recd today, I showed address you? In that case please receive Ananda Charlu's last draft. [Sent to Kalyanasundaram aiyar]

I think he will very likely get leave to introduce it this session.

Yours sincerely

LOCAL & MUNICIPAL DEPARTMENT
15-MAR-1897
SECRETARY TO GOVERNMENT

Enc. to D.O. No 240 of 97

[G./25]
1,000—14-12-96.

Legal DEPARTMENT

D O. No. 240

H. E. THE GOVERNOR.
THE HON'BLE MR. BLISS, C.I.E.
THE HON'BLE MR. GROSE, C.I.E.

SUBJECT.

Religious Endowments Act XX of 1863
Amending Bills
(1) Hon'ble Anandacharlu's.
(2) Hon'ble Kalyanasundaram aiyar's (local private bill)

~~FOR ORDERS.~~ Note for the Secretary.

(1) The Hon Anandacharlu's Bill applies to all non-christian institutions[x] & Endowments having an annual income of Rs 250 & above. Whereas the local bill of Hon Kalyanasundaram aiyar applies only to the Hindu ~~[illegible]~~ institutions & Endts coming under section 3 of Act XX of 1863, [tho' the power to collect the cost of the District Committees charges of Establishment & is limited to institutions having an annual income of Rs 50 & above. Sec. 13] — Section 1. Secs 1+2.

[x] Coming under sections 3+4 of Act XX of 1863.

(2) The power to frame rules for Election & to revise them, is vested in the Central Committee under the Imperial bill. Under the local bill it still vests with the local Govt — Sec 18. Secs 3+4.

(3) The ~~second~~ first general election to take place after the passing of new measure is ~~to be~~ under the local Govt Election rules in the local bill. The Imperial bill requires a fresh list of voters to be prepar who shd elect Distrit committee — Sec 4. Secs 3+4.

by a majority of votes.

4, The term of office of the Dt Committee members is five years under the local bill; under the Imperial bill it is only three years; therefore in the one case the general election will repeat itself once in 5 years & in the other case once in 3 years. Sec. 6. Sec 7.

5) As regard the filling up of vacancies among the Dt Committee members, the local bill ~~contemplates that~~ retains the old provision as regard the power of the Court to order the remaining members of Dt Committee ~~shall may~~ add one or more as the case may be, to their number. (Please see Section 10 of Act XX of 1863) Sec. 8.

but the Imperial bill says that if the vacancy is not filled by general election, the Court shall appoint, a person. Sec 10.

6, The ~~power~~ provisions relating to dismissal of trustees & the grounds therefor are contained in Sections 11, latter part of Section 13, & Section 17 of the local bill, & the ground for dismissing a Committee member in Section 17. These provisions are very specific, but the Imperial bill's provisions on the subject will be found in the latter part of Section 12 & in Section 8, the latter of which sections gives power to the remaining Dt Committee members to dismiss one of them by their unanimous vote.

7, The local bill provides in detail for the annual accounts & ~~the~~ its provisions Secs 14 to 17

in regard to defaulting trustees or Committee members are very stringent.

The Imperial bill also provides for the proper keeping of accounts by trustees &c, & the provisions on this subject will be found in Sections 13, 14 & 18, & 19.

(8, The formation of a Central Committee by ~~the~~ votes taken from the voting delegate of each District Committee, is a new feature of the Hon'ble Anandacharlu's bill, not to be found in the local bill ~~in the other~~ (Kalyanasundaram aiyar's); as also the provision regarding exemption from Court fees &c in case of suits brought by the Central Committee, & the incidental provisions to the formation of a ~~formation~~ central committee & the powers of control vested in it. Sec 5 Sec. 21 (the definitions in Section 2)

(9) Section 12 of the Hon'ble Kalyanasundaram aiyar's bill as regard the transfer of property & record by a retiring or dismissed trustee to the new incumbent has no proper corresponding provisions in the Hon'ble P. Anandacharlu's bill.

CRN
16/3/97

Secy. The note does not show the essential difference bet- the bills
J.A.
19/3/7

~~[illegible] revised Draft Bill has been~~
~~sent [illegible]~~
~~The original bill is in the [illegible] file~~
~~flagged C. The only material alteration~~
~~are the additional [illegible]~~

A

BILL

TO

Remove certain defects in Act XX of 1863.

Note. The references on the margin are to Sections of the Hon. Anandacharlu's bill.

WHEREAS for the more effective management of the endowments of certain institutions to which Act XX of 1863 is applicable, it is desirable to amend that Act in some particulars, it is hereby enacted as follows:—

C7 Section 1

1. This Act shall be called the Religious Endowments Act Amendment Act — of 1896.

2. This Act shall apply to such Hindu religious endowments in the Presidency of Madras, as are described in Section 3 of Act XX of 1863, and it shall come into force immediately.

C7 Section 18

3. Notwithstanding anything contained in Act XX of 1863, the Local Government shall have the power of revising, from time to time and in such manner as it deems fit, the rules for election framed under the said Act.

C7 section 4

4. The existing members of the Committees appointed under Act XX of 1863 shall in the month of give public notice of a *general* election of members fixing for such election a day which shall be in the fifth week after the date of issue of such notice; and they shall arrange for the said election in accordance with the rules framed under Act XX of 1863, or if such rules have been revised under this Act, under such revised rules.

5. Persons elected under the last preceding section shall become members of the respective Committees to which they have been elected from the first of 189 , and from that date the tenure of office of the existing members shall cease and determine.

C7 Section 7

6. Members elected under sections 4 and 7 of this Act shall hold office only for five years.

C7 last Sentence of Section 10

7. A general election of members shall be held at the end of every five years in the manner specified in section 4.

8. The provisions of Section 10 of Act XX of 1863 shall apply to cases of vacancies remaining unfilled owing to the omission of any Committee to hold a general election, as well as to cases of intermediate vacancies.

9. Members elected or nominated to fill up intermediate vacancies caused by death or otherwise shall hold office only for the unexpired portion of the period for which the members, in whose place they are elected, were entitled to hold office.

Cf Section 10.

10. Every Committee shall before the 1st day of December prepare, print, and hang up in its office, a list of persons qualified under the rules framed by Government to vote at the election of Committee members, and in the month of November previous to every succeeding *general* election, revise the said list, and print, and hang up in its office, such revised list.

Cf Sections 3, 8 + 11.

11. Committees shall have power to dismiss trustees of temples under their jurisdiction (1) for omission to keep accounts or to submit them to the Committees annually or when called for, (2) for dishonest misappropriation of temple funds, or (3) for the mismanagement of temple affairs.

(*a*) Provided that no such order of dismissal shall be passed by any Committee without its having sent in writing to the trustees concerned the details of the charges against them, and given them at least fifteen days' time to answer the said charges.

(*b*) Provided also that the reasons for such dismissal shall be recorded in writing, and a copy thereof sent by post registered to the trustees dismissed.

Cf Section 12 latter part.
+ Section 8.

12. On the election or nomination of members of Committees under this Act, or on the nomination of trustees by such Committees, the retiring or dismissed members of trustees, shall on demand hand over at once to the newly appointed members or trustees all properties and records in their charge belonging to the Committees or temples concerned; and any member or trustee not complying with such demand shall, on application to the Magistrate in charge of the Division in which the office of the Committees or the temples may lie, be forthwith ejected, and dealt with as trespassers under the Indian Penal Code.

No corresponding Section
Section 15 speaks of the safe custody of property at the date of the passing of the Act.

13. Every Committee shall have power to collect from the trustees of the temples under its management a sum not exceeding five *per centum* on the gross annual income of such temples, provided that such gross income is not less than Rs. 50 per annum; and every trustee called on to pay any such amount shall be bound to pay the same from the funds of the temple concerned, and any trustee failing to comply with any such demand within three months after the date of such demand shall be liable at the discretion of the Committees to dismissal from office.

Cf provisions of Sections 13 + 19

Cf Section 12 latter part

14. There shall be an audit every year of the accounts of every Committee and of all the temples under its management. In the month of January every year, every Committee shall for that purpose appoint one or more auditors, not being members of such Committee or trustees under it, and shall issue all orders necessary for the efficient carrying out of such audit. The remuneration in each case shall be fixed by the Committee, but shall not exceed one *per centum* on the annual income of the Committee or temple concerned.

15. If no such auditor be appointed within the time prescribed in the last preceding section, the District Court within whose jurisdiction such Committee is situate shall on its own motion or on the application of any person whatsoever appoint such auditor or auditors and issue the necessary orders.

16. The auditor or auditors appointed as above shall make the audit in accordance with the orders issued, and shall submit a report of the results of the audit to the Committee concerned. The report and the statements, if any, accompanying it, shall be immediately published by the Committee in the Local Gazette.

Cf Provisions of Secs 13, 14 + 18.

17. Members of Committees failing to carry out the provisions of sections 14 and 16, and members of Committees and trustees who do not without delay furnish their accounts for audit to the auditor or auditors appointed as above, shall be liable, on that ground alone, to dismissal from office.

Cf Section 12 latter part
+ Section 8.

Government of Fort St. George.

LEGISLATIVE DEPARTMENT.

A

BILL

TO

Remove certain defects in Act XX of 1863.

(The Hon'ble K. Kalyanasundaram Aiyar.)

Introduced 1896.

STATEMENT OF OBJECTS AND REASONS.

The mismanagement of the Hindu religious endowments in this Presidency is too well known and too generally admitted as a fact to need any statement here. The Bill drawn up in 1893 by the Committee appointed for the purpose by the Local Government, of which the late Sir Justice T. Muttusami Aiyar was President, met with the approval of the Madras Government, but was rejected by the India Government as involving an undue amount of direct interference in temple management from the officers of Government. A fresh Committee has been entrusted with the work of re-casting the Bill so that it may not be open to this objection. But the urgency of the case demands a speedy remedy; and the present Bill is intended to provide such a remedy by removing a few of the most glaring defects in the existing enactment, without any departure from its principles in regard to interference in temple management by Government officers.

The object of this Bill is to remove certain admitted defects in Act XX of 1863, and its operation is expressly confined to such Hindu religious endowments as are under the management of the Committees created by that Act.

The defects demanding immediate consideration are:—(1) the life-long membership of Committee members; (2) the absence of a provision for securing the proper preparation and revision of lists of voters; (3) the powerlessness of Committees to deal effectually with negligent and disobedient trustees, unless it be by a costly and tedious legal procedure; (4) the absence of an express provision enabling Committees to collect money from temples for the maintenance of their establishments; and (5) the absence of a provision to ensure the maintenance of accounts by the Committees and the scrutiny of the accounts of Committees and of trustees annually.

Section 2 restricts the operation of this enactment to the endowments of such Hindu religious institutions in the Madras Presidency as are described in section 3 of Act XX of 1863.

Section 3 provides for the revision of the rules of election from time to time.

Sections 4 to 9 contain provisions for securing by means of general elections a limitation of the term during which the office of members of Committees is tenable, and also for making Section 10 of Act XX of 1863 applicable to cases of omission on the part of Committees to hold general elections as well as to intermediate vacancies.

Section 10 provides for the preparation and periodical revision of the lists of voters.

Section 11 defines the circumstances under which Committees may dismiss the trustees under them, and defines also the procedure to be adopted in such cases.

Section 12 provides for the effective exercise by the Committees of the power conferred on them by the preceding section by leaving the dismissed trustees to establish their claims in a Civil Court, without requiring the Committees or their nominees to go to the Civil Court to oust the dismissed members or trustees from the possession of trust properties.

Section 13 confers on the Committees the power of collecting 5 *per cent.* from the funds of temples for their expenses—a provision the necessity whereof is obvious.

Sections 14 to 17 provide for an annual audit of the accounts, both of Committees and of trustees, and for the publication of the same in the Local Gazette.

7th March 1896. (Signed) K. KALYANASUNDARAM.

Government of Fort St. George.
LEGISLATIVE DEPARTMENT.

ANNEXURE

TO

A Bill to remove certain defects in Act XX of 1863.

(Statement of Objects and Reasons.)

---

224 SECRET 97

[G. / 9]
500—15-2-97.

(1897) Department.

D. O. No. 224.

From The Hon'ble J. D. Rees C.

No.

Dated 4
Received 8
Registered 8
} March 1897

Enclosures ~~two~~

Spare copies —

9/3/97

D. O.

Endorsement No. 608, 11-3-97

Transferred to the Revenue and Public departments.

9/3/97

Note. The previous D.O. from Mr Rees is in circulation. His statement regarding Kalyanasundaram Aiyar's bill is correct.

RV
9/3/97 To The Rev Dept
— Public Dept } Rept
4/3/97

X
~~[illegible]~~ have two copies of the Endt made one, for R D, & the other for Pub - Reading the portions of the D.O. marked

CRV
9/3/97

2 B
3-8-99

SUBJECT.

Enclosing notice of certain questio asked at the meeting of the Govt of India Legve council on the 4th March 1897 and of ans thereto.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

D.O. 224

7. 3. 97.

CHIEF SECRETARIAT
8-MAR 1897
GOVERNMENT OF MADRAS

My dear Price

I enclose questions &

Rev answers of today. I ascertained that Madras Govt. had approved the Emigration amendment Bill before making a few remarks in its favour.

By the way I think I spoke

Pub in writing to you of the 'introduction' of a Religious Endowments Bill into Madras Council. I know no bill was introduced, but only that leave was given to introduce, and have not made any mistake in that respect here. I think the Govt. of India seems disposed to approve of Ananda Charlu's introducing a bill, but nothing is settled.

Yours sincerely
J. D. Rees.

Hon'ble
J. Frederick Price
C.S.I. &c

CHIEF SECRETARY * GOVERNMENT OF MADRAS
1 MAR 1897

CHIEF SECRETARY * GOVERNMENT OF MADRAS
4 MAR 1897

28/ii/97

My dear Price,

theosophy memo

Enclosed, since received, should have accompanied the draft bill of yesterday.

Yours sincerely

J. D. Rees

D.C.

26. 2. 97.

CHIEF SECRETARY * GOVERNMENT OF MADRAS
3 MAR 1897

My dear Price,

From the Religious Endowments file sent me I gather that upon G.O. 23rd Octr. 1894 No 114 Legl. nothing was done until Mr Kalyana Sundram obtained leave in 1896 to introduce his bill, & that nothing has been done since he got such leave. Ananda Charlu was not well posted & did not know of the bill introduced into Madras Council.

Not introduced yet

He is now asking for leave to introduce a Bill for all India to the contrary, the Government may be quite willing to leave the matter in Ananda Charlu's hands. If he gets leave his draft will be circulated, & the matter can only come on next session, when all opinions are received. But I hasten to send copy of Bill in its present form, & to ask if there are any instructions for myself.

Yours sincerely
J. D. Rees.

CHIEF SECRETARY * GOVERNMENT OF MADRAS
4 MAR. 1897

CHIEF SECRETARY * GOVERNMENT OF MADRAS
4 MAR. 1897

28/ii/97

My dear Price,

the Reply memo

Enclosed, since received, should have accompanied the draft bill of yesterday.

Yours sincerely
J.D. Rees.

When given for copying
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When examined
When signed
189 .

READ AGAIN G.O., No. , DATED
189 ,

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT .. .. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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