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Department of

OFFICE

STATION

Hindu Religious Endowment ac

No.

H. R. E. Act

Dated

Pages in the file.

SUBJECT.

O.F. 71 (a)

Dis.

Back Papers.

No.	Department / Series.	Date.	Dis.	No.	Department / Series.	Date.

Further Papers.

Dis.	No.	Department / Series.	Date.	Dis.	No.	Department / Series.	Date.

FOR RECORD ONLY.

MISCELLANEOUS.

Government of Madras

LOCAL SELF-GOVERNMENT DEPARTMENT

(Local and Municipal)

G.O. No. 2803, L. & M., 17th December 1923

Bill—The Madras Hindu Religious Endowments—No. 12 of 1922—Papers recorded.

READ—the following papers:—

I

Telegram from the Secretary to the Government of Madras, Local Self-Government Department, to the Secretary to the Government of India, Legislative Department, dated 4th August 1922.

See letter 1982 Local [and] Municipal, dated 18th October. For introduction [of] Hindu Religious Endowments Bill this month's meeting. Publication necessary next week. Please wire if sanction Governor-General may be expected Monday or Tuesday.

II

Telegram from the Secretary to the Government of India, Legislative Department, to the Secretary to the Government of Madras, Local Self-Government Department, dated 6th November 1922, No. 6594-G.

Your telegram 4th instant Hindu Religious Endowments Bill. Endeavour will be made to obtain sanction by 16th November.

III

Telegram from the Secretary to the Government of India, Legislative Department, to the Secretary to the Government of Madras, Local Self-Government Department, dated Delhi, the 13th November 1922, No. 6677-G.

Your letter No. 1982, dated 18th October, Madras Religious Endowments Bill. Governor-General has granted statutory sanction required to clauses 29 (2), 30 (1) and (3), 32, 37, 39 (2) and (3). Clauses 6, 7, 20, 23, 24 and 33 do not require sanction. Letter follows.

IV

Letter from L. GRAHAM, Esq., I.C.S., Additional Joint Secretary to the Government of India, Legislative Department, to the Secretary to the Government of Madras, Local Self-Government Department, dated Delhi, the 15th November 1922, No. 6728-G.

[*Subject.*—The Madras Hindu Religious Endowments Bill.]

In continuation of this department telegram No. 6677-G., dated 13th November 1922, conveying the sanction of the Governor-General under sub-section (3) of section 80-A of the Government of India Act to certain clauses of the Bill noted above, I am directed to communicate the following observations of the Government of India on the Bill:—

(1) *Clauses 4 and 41.*—Under the definition in clause 4 the word 'Court' includes the High Court in the exercise of its ordinary original civil jurisdiction. The local Legislature cannot confer jurisdiction on the High Court (vide clause 44 of the Letters Patent of the High Court of Judicature for the Presidency of Madras) and consequently the whole Bill in so far as it professes to confer jurisdiction on the High Court, and clause 41 in so far as it purports to take away from such jurisdiction are *ultra vires* of the local Legislature.

(2) *Clause* 30.—I am to suggest the desirability of inserting provision to limit the amount of the contribution assessed by a committee on the funds of a religious endowment to the amount of the expenditure properly incurred by it thereon. As the clause stands a committee would be in a position to demand a contribution in excess of that amount, and the trustee of the endowment would have no power to object.

(3) *Clause* 37.—The Government of India think that the application of sub-clause (5) might advantageously be confined to suits instituted in respect of religious endowments for which a committee has been constituted under clause 5. In its existing form the provisions of the clause would apply to suits instituted in respect of any religious endowment, whether a committee had been constituted or not—cf. the definition of 'religious endowment' in clause 4 (8).

(4) In conclusion I am to invite consideration of the desirability of incorporating in the Bill some special provision regarding the amount of court fees to be levied in respect of sundry proceedings thereunder. In some cases, e.g., those referred to in clause 30 (3) and clause 33 the amounts leviable under the ordinary law would appear to be altogether inadequate.

V

Letter from the Hon'ble the RAJA OF PANAGAL, Minister for Local Self-Government, to the Secretary, Legislative Council, dated Fort St. George, the 6th December 1922.

I have the honour to give you notice under Standing Order No. 38 of the Madras Legislative Council that I propose to introduce the Madras Hindu Religious Endowments Bill (No. 12 of 1922) at the meeting of the Legislative Council on the 18th December 1922 and to move that it be read in Council. If the motion is carried I propose to move that the Bill be referred to a Select Committee.

2. The Bill with the statement of objects and reasons and notes on clauses has been published in the *Fort St. George Gazette*, dated the 5th December in English.

VI

Letter from M.R.Ry. N. GOPALASWAMI AYYANGAR Avargal, Officer on special duty, Government of Madras, Local Self-Government Department, to the Secretary to the Government of India, Legislative Department, dated 23rd February 1923, No. 5190-1, L. & M.

[The Madras Hindu Religious Endowments Bill—Reference—correspondence ending with Mr. Graham's letter No. 6728-G., dated 15th November 1922.]

With reference to paragraph 12 (1) of the instructions to Local Governments regarding legislation in local Councils, I am directed to forward a copy of the Madras Hindu Religious Endowments Bill as revised by the Select Committee of the local Council with a copy of the Committee's report and to state that this Government have been advised that, under the existing rules and instructions, the following provisions of the revised Bill may require the sanction of the Governor-General under section 80-A (3) of the Government of India Act :—

(1) *Clause* 49 (4) *and* (5).—Provision for appeal to the Board in the matter of *dittams* or scales of expenditure and making the Committee's or Board's decision in the matter final.

(2) *Clause* 62.—Utilization of endowment funds for securing the health and comfort of pilgrims and worshippers.

(3) *Clause* 65 (1) *and* (2).—Contributions from endowment funds for meeting the expenditure of committees and boards

(4) *Clause* 66 (2).—Mode of recovery of such contributions.

(5) *Clause* 69.—Suits relating to endowments.

(6) *Clause* 71.—Application of Act to endowments governed by schemes under section 92, Civil Procedure Code.

(7) *Clause* 72 (1).—Alienation of trust property.

(8) *Clause* 73.—Treatment of endowments partly religious and partly secular.

In the case of items (1) to (6) above, the sanction of the Governor-General has already been obtained in respect of the corresponding clauses of the original Bill—viz., clauses 29 (2), 32, 30 (1), 30 (3), 37 and 39—vide the letter of Mr. Graham

referred to at the head of this letter. The Select Committee has, however, cha. to some extent the substance and form of these clauses in the revised Bill. Items (7) and (8) are entirely new. Item (7) is a clause which requires a trustee to obtain outside sanction for certain alienations of immovable trust property and item (8) is an adaptation of section 21 of Act XX of 1863 which is being repealed

2. It seems doubtful whether all or any of these provisions require the previous sanction of the Governor-General unless, as already pointed out in paragraph 6 of this Government's letter No. 1982, L. & M., dated 18th October 1922, the Government of India Act is so construed as practically to negative the freedom of action which in matters relating to transferred subjects it was the intention of the reforms to confer on provincial Legislatures. It would again be inconvenient if, after a local Council is seised of a Bill, amendments should be withheld from its consideration on the ground that as they affect civil rights or civil procedure in some remote way, the previous sanction of the Governor-General is necessary. The inconvenience would be particularly great after the Council has taken the Bill, as amended by the Select Committee, into consideration. I am to point out that this is a matter of considerable importance in connexion with practically all legislation which a local Legislature may undertake and to request that the Government of India will be pleased to give it their careful consideration and issue such instructions as would not have the effect of unnecessarily impeding the progress of Bills in the local Legislature.

3. So far as the Madras Hindu Religious Endowments Bill is concerned, the examination of the general question raised in the previous paragraph need not be awaited. It is expected that the local Council will take the report of the Select Committee and the Amended Bill into consideration about the 23rd March, and I am to request that the sanction of the Governor-General for such of the items referred to in paragraph 1 above for which his sanction is considered necessary may be obtained and communicated well before that date.

VII

Memorandum No. 5806-A-1, L. & M., dated 3rd March 1923.

The Advocate-General is requested to give notice of the following amendments to the Madras Hindu Religious Endowments Bill as amended by the Select Committee which will be considered by the Council on the 22nd of this month :—

(1) To sub-clause (1) of clause 38 the following shall be added :—

"Nothing in this sub-section shall be deemed to affect anything contained in the Madras Court of Wards Act, 1902."

This addition appears to be necessary in order to avoid a possible inconsistency between the provisions of the Bill and the Court of Wards Act.

(2) In clauses 65 (3) and 71 the words 'at the commencement of this Act' shall be omitted.

These amendments have been considered necessary in order to provide that any schemes settled under section 92 of the Civil Procedure Code after the commencement of the Act in suits instituted before the Act shall be deemed to be schemes settled or decreed under the new Act. A draft notice is enclosed.

(By order)

T. B. RAMACHANDRA MUDALIYAR,
Assistant Secretary to Government.

To the Advocate-General.

ENCLOSURE

Draft notice from the Advocate-General and Member, Legislative Council, to the Secretary to the Legislative Council, Fort St. George.

I propose to move the following amendments to the Madras Hindu Religious Endowments Bill as amended by the Select Committee which will be taken up for consideration on or after the 22nd instant—

(1) To sub-clause (1) of clause 31, the following shall be added :—

"Nothing in this sub-section shall be deemed to affect anything contained in the Madras Court of Wards Act, 1902."

(2) In clause 65 (3) the words 'at the commencement of this Act' shall be omitted.

(3) In clause 71, the words 'at the commencement of this Act' shall be omitted.

VIII

Telegram from the Government of India, Legislative Department, to the Secretary to the Government of Madras, Local Self-Government Department, dated the 5th March 1923, No. 2001-G.

In clause 54 of the Madras Hindu Religious Endowments Bill as amended by Select Committee is the person in possession of the property distinct from the person responsible for the performance of the charity? If so who is the person responsible? Is he the owner? What is the meaning of the word 'otherwise'? Does it mean otherwise than by the person responsible?

IX

Telegram from the Secretary to the Government of Madras, Local Self-Government Department, to the Government of India, Legislative Department, dated the 8th March 1923.

Your telegram 2001-G. (of the) fifth (instant) regarding clause 54 (of Madras Hindu) Religious Endowments Bill. (The) person in possession of (the) property may be distinct from (the) person responsible for (the) performance of (the) charity as in the case of property partly charged with service being leased. Person responsible is owner. 'Otherwise' means otherwise than by (the) person hitherto responsible for (the) due performance of (the) charity or service.

X

Memorandum No. 6836-1, L. & M., dated 15th March 1923.

In continuation of Memorandum No. 5806-A-1, L. & M., dated 3rd March 1923, the Advocate-General is requested to give notice of the following further amendment to the Madras Hindu Religious Endowments Bill as amended by the Select Committee:—

In Schedule II against the first item relating to section 47 (3), *for* "Rs. 10" *substitute* "Rs. 25".

This amendment has been considered necessary as the fee already prescribed in this case is, in the opinion of Government, too low.

A draft notice is attached.

A. Y. G. CAMPBELL,
Acting Secretary to Government.

To M.R.Ry. C. Madhavan Nayar Avargal, Bar.-at-Law, Advocate-General.

XI

Telegram from the Secretary to the Government of Madras, Local Self-Government (L. & M.) Department, to the Government of India, Legislative Department, dated the 27th March 1923.

Reference (this Government's) letter No. 5190-1, L. & M., dated 23rd February regarding Hindu Religious Endowments Bill. Please wire when [Governor-General's] sanction may be expected.

XII

Telegram from the Government of India, Legislative Department, to the Secretary to the Government of Madras, Local Self-Government Department, dated the 27th March 1923, No. 3567-G.

Madras Hindu Religious Endowments Bill. Government of India propose to recommend to Governor-General that sanction be refused to clauses 54 and 72, but are informed that Bill is being proceeded with in Legislative Council. Consideration of clauses mentioned if not already reached should be postponed. In any case Bill should be reserved under reservation of Bills Rules, rule 2, clause (*a*). Kindly telegraph stage which Bill has reached.

XIII

Telegram from the Secretary to the Government of Madras, Local Self-Government Department, to the Government of India, Legislative Department, dated the 28th March 1923.

Your telegram 3567 (of the 27th instant regarding the Hindu) Religious Endowments Bill. (The Legislative) Council is considering Bill clause by clause. Consideration of Bill likely to be completed by to-morrow evening. Please wire how (the Government of) India would like clauses 54 and 72 to be altered.

XIV

Telegram from the Government of India, Legislative Department, to the Government of Madras, Local Self-Government Department, dated 28th March 1923, No. 190.

Your telegram dated twenty-eighth instant Hindu Religious Endowments Bill. Clause fifty-four—the clause even as explained by you remains obscure and Government of India would prefer to see it omitted. If it is not omitted they consider it essential that protection should be given to person in possession of property charged whether as tenant or mortgagee so as to enable him to recover from the owner without filing a suit any amount taken from him under clause 2. Clause seventy-two—the clause is defective in that it does not provide for compensating transfer with sanction of Board against subsequent cancellation by court. If period of limitation is short and is expressed in Act there would be sufficient notice to intending transfers and any person completing conveyance within period of limitation would do so with open eyes. The Government of India reserve to themselves right to object to both clauses when Bill comes up under reservation rules and must not be regarded as having acquiesced in consideration of Bill before receipt of sanction.

XV

Letter from L. GRAHAM, Esq., I.C.S., Secretary to the Government of India, Legislative Department, to the Secretary to the Government of Madras, dated Delhi, the 29th March 1923, No. 3620-G.

[*Subject.*—The Madras Hindu Religious Endowments Bill.]

In continuation of this department's telegram, dated 28th March 1923, on the subject of the Madras Hindu Religious Endowments Bill, I am directed to request that, in forwarding the Bill on its reservation by His Excellency the Governor for the consideration of the Governor-General under section 81-A of the Government of India Act, the Local Government will favour the Government of India with their considered opinion of the probable reception of the Bill by the communities in the Madras Presidency who would be affected by its enactment. I am to observe in this connexion that the Government of India have reason to believe that the Bill has aroused a considerable measure of opposition.

2. With reference to the observation contained in paragraph 2 of your letter No. 5190-1, L. & M., dated 23rd February 1923, I am to remark that the Government of India are fully sensible of the inconvenience resulting from the operation of the law of sanction embodied in sub-section (3) of section 80-A of the Government of India Act, but they cannot allow any such consideration to influence them in advising the Governor-General as to the effect of the sub-section in question, or in regard to the exercise of the powers vested in him thereunder.

XVI

Letter from P. L. MOORE, Esq., C.I.E., I.C.S., Acting Secretary to the Government of Madras, Local Self-Government Department, to the Secretary to the Government of India, Legislative Department, dated the 16th June 1923, No. 9495-1, L. & M.

[*Subject.*—The Madras Hindu Religious Endowments Bill.]

I am directed to state that when the Madras Hindu Religious Endowments Bill as amended by the Select Committee was considered and passed by the Legislative Council in March and April last, a new clause (clause 80) was added, giving power to the Board, subject to an appeal within one year to the court, to decide questions relating to the application of the Act to particular institutions. This provision might be deemed to affect civil rights or civil procedure. As "civil law including laws regarding status, property, civil rights and liabilities and civil procedure" is a central subject, I am directed to request that the sanction of the Governor-General may be obtained for this new clause under section 80-A (3) of the Government of India Act.

2. A copy of the Bill as passed by the Legislative Council is enclosed.

XVII

Letter from L. GRAHAM, Esq., I.C.S., Officiating Secretary to the Government of India, Legislative Department, to the Secretary to the Government of Madras, Local Self-Government Department, dated Simla, the 27th June 1923, No. 5197-G.

With reference to your letter No. 9495–1, L. & M., dated the 16th June 1923, I am directed to state that, since under sub-section (3) of section 80-A of the Government of India Act a local Legislature may not without the previous sanction of the Governor-General make or take into consideration a law falling within any of the categories specified therein, it is impossible for the Governor-General to grant retrospective sanction to a clause which has already been taken into consideration and passed. I am to add that in the event of the Madras Hindu Religious Endowments Bill subsequently receiving the Governor-General's assent the failure to obtain previous sanction in respect of the clause in question will be cured by the proviso to sub-section (3) of section 80-A.

Order—Mis. No. 2803, L. & M., dated 17th December 1923.

Recorded.

(By order of the Government, Ministry of Local Self-Government)

P. L. MOORE,
Acting Secretary to Government.

Government of Madras

LOCAL SELF-GOVERNMENT DEPARTMENT

(Local and Municipal)

G.O. No. 380, L. & M., 29th January 1932

Act—Hindu Religious Endowments—Amendment Act XI of 1931—Arrear contributions and legal expenses due to the Hindu Religious Endowments Board and to Temple Committees—Recovery as arrears of land revenue—Percentage on account of the cost of recovery payable to the Revenue Department fixed and draft rule prescribing the form of requisition to Collectors for recovery of the arrears—Published.

READ—the following papers :—

From the President, Hindu Religious Endowments Board, dated 25th August 1931, No. 21799-A/31-1.

From the President, Hindu Religious Endowments Board, dated 5th November 1931, No. 30367 A/31-1.

Proceedings of the Board of Revenue, dated 2nd December 1931, Ms. No. 3839.

Order—No. 380, L. & M., dated 29th January 1932.

Under clause (*a*) of sub-section (2) of section 70 of the Madras Hindu Religious Endowments Act, 1926 (Act II of 1927), as amended by the Madras Hindu Religious Endowments Amendment Act, 1931 (Act XI of 1931), Government have to prescribe the form of requisition to be made to Collectors by the President of the Hindu Religious Endowments Board or of a temple committee for the recovery in cases of default, of the amounts due to the Board or the Committee under sections 68 and 69 of the Act. The appended notification in this regard will be published in the *Fort St. George Gazette*.

2. Under the same sub-section they have also to fix a percentage on account of the cost of recovery of the amounts due through the agency of the Revenue Department. Government hereby direct that in cases where for the recoveries, the coercive measures prescribed in the Act are adopted, such percentage shall be five and in cases of recoveries by adjustment of the tasdik or other allowance payable by the Government to the math or temple concerned as contemplated in sub-section (3) of section 70 of the Act, it shall be $2\frac{1}{2}$.

(By order of the Government, Ministry of Local Self-Government)

E. CONRAN SMITH,
Secretary to Government.

To the President, Hindu Religious Endowments Board.
" all Collectors.
" the Revenue Department.
" the Board of Revenue.
" the Examiner of Local Fund Accounts.
" the Law (Drafting) Department.
" the Finance Department.
" the Accountant-General (through the Finance Department).
" the Superintendent, Government Press, for publication in the Gazette.

APPENDIX

NOTIFICATION

The following draft of a rule prescribing the form of the requisition referred to in clause (*a*) of sub-section (2) of section 70 of the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927), which the Governor acting with Ministers proposes to make in exercise of the power conferred by clause (*a*) of sub-section (2) of section 71 of the said Act, is hereby published as required by sub-section (3) of the said section 71, for the information of all persons likely to be affected thereby. Notice is hereby given that the draft will be taken into consideration after one month from the date of publication of this notification and that any objection or suggestion which may be received with respect thereto before the expiry of the period aforesaid will be considered by the Governor acting with Ministers.

DRAFT RULE.

The requisition referred to in clause (*a*) of sub-section (2) of section 70 shall—

(i) if it relates to the recovery of costs and expenses payable under section 68, be in Form I annexed hereto; and

(ii) if it relates to the recovery of contributions payable under section 69, be in Form II annexed hereto.

ANNEXURE.

Form I.

Requisition under clause (*a*) of sub-section (2) of section 70 of the Madras Hindu Religious Endowments Act, 1926, for the recovery of costs and expenses.

To

The Collector,

_____ district.

Whereas the persons described in the fourth column of the schedule annexed hereto, being trustees of the endowments mentioned in the corresponding entries in the third column thereof, have made default in complying with the notice served on them under sub-section (1) of section 70 of the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927), to pay out of the funds of the said endowments the amounts mentioned against their names in the sixth column of the said schedule, being costs and expenses payable by them under section 68 of the said Act, you are hereby requested to recover the said amounts and to pay the same to me, in accordance with the provisions of the said section 70.

Schedule.

Serial number. (1)	Taluk and village. (2)	Name of the endowment. (3)	Name, father's name, and address of the trustee. (4)	Suit, petition or other proceeding in respect of which the costs and expenses were incurred. (5)	Amount of the costs and expenses. (6)	Demand number and date. (7)	Date of service of demand. (8)

Signed _____

President of the Hindu Religious Endowments Board, Madras / Temple Committee, _____ District.

Form II.

Requisition under clause (*a*) of sub section (2) of section 70 of the Madras Hindu Religious Endowments Act, 1926, for the recovery of contributions.

To

The Collector,

_____ District.

Whereas the persons described in the fourth column of the schedule annexed hereto, being trustees of the endowments mentioned in the corresponding entries in the third column thereof, have made default in complying with the notice served on them under sub-section (1) of section 70 of the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927), to pay out of the funds of the said endowments the amounts mentioned against their names in the sixth column of the said schedule, being contributions payable by them under section 69 of the said Act, you are hereby requested to recover the said amounts and to pay the same to me, in accordance with the provisions of the said section 70.

Schedule.

Serial number. (1)	Taluk and village. (2)	Name of the endowment. (3)	Name, father's name, and address of the trustee. (4)	Fasli to which the contribution relates (5)	Amount of the contribution. (6)	Demand number and date. (7)	Date of service of demand. (8)

Signed _____

President of the Hindu Religious Endowments Board, Madras / Temple Committee, _____ District.

Government of Madras

LOCAL SELF-GOVERNMENT DEPARTMENT

(Local and Municipal)

G.O. No. 880, L. & M., 8th March 1932

Act—Hindu Religious Endowments Amendment Act XI of 1931—Rule regarding form of requisition to Collectors for recovery of arrear contributions, etc., due to Hindu Religious Endowments Board and temple committees—Confirmed.

READ—the following papers:—

I

G.O. No. 380, L. & M., dated 29th January 1932.

II

Letter from the President, Hindu Religious Endowments Board, dated 16th February 1932, No. 4658 Mis./32.

Order—No. 880, L. & M., dated 8th March 1932.

In G.O. No. 380, L. & M., dated the 29th January 1932, the draft of a rule prescribing the form of the requisition referred to in clause (*a*) of sub-section (2) of section 70 of the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927), was published for general information and criticism. The Hindu Religious Endowments Board has represented that it will not always be possible to obtain information regarding "father's name" of the trustees required in column (4) of the requisition form and has suggested either the omission of the reference to "father's name" or the issue of instructions to Collectors not to reject the requisitions for want of such information. Government have carefully considered the suggestion and have come to the conclusions that there is no need for the omission of the reference to father's name, that the Collectors should not reject the requisitions merely for want of information in that behalf and that the information should, however, be given wherever practicable. The draft rule is accordingly confirmed.

2. The appended notification will be published in the *Fort St. George Gazette*. It should be republished in all the district gazettes in English and in the vernacular languages.

3. The Senior Translator to Government is requested to have the notification translated into Tamil, Telugu, Kanarese and Malayalam and to forward the translations to the Superintendent, Government Press, for publication in the district gazettes. The Collector of Ganjam is requested to publish the notification in Oriya in the *Ganjam District Gazette*.

4. The Hindu Religious Endowments Board should take immediate steps to have the requisite number of forms printed and make all possible arrangements for the speedy recovery of the arrear amounts due to it and to the temple committees. The Collectors concerned are requested to render all possible help to the Board and the committees in the matter of speedy realization of their dues.

(By order of the Government, Ministry of Local Self-Government)

E. CONRAN SMITH,
Secretary to Government

To the President, Hindu Religious Endowments Board.
,, the Revenue Department.
,,, the Board of Revenue.
,, all Collectors.
,, the Examiner of Local Fund Accounts.
,, the Finance Department.
,, the Accountant-General (through Finance Department).
,, the Law (Drafting) Department.
,, the Superintendent, Government Press (for publication of notification in gazettes).
,, the Collector of Ganjam (for publication of notification in Oriya in the *Ganjam District Gazette*).
,, the Senior Translator to Government, through Law (Legislative) Department.

[Appendix

APPENDIX.

NOTIFICATION.

In exercise of the power conferred by clause (*a*) of sub-section (2) of section 71 of the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927), the Governor acting with Ministers is hereby pleased to make the following rule prescribing the form of requisition referred to in clause (*a*) of sub-section (2) of section 70 of the said Act :—

RULE.

The requisition referred to in clause (*a*) of sub-section (2) of section 70 shall—

(i) if it relates to the recovery of costs and expenses payable under section 68, be in Form I annexed hereto ; and

(ii) if it relates to the recovery of contributions payable under section 69, be in Form II annexed hereto.

ANNEXURE.

Form I.

Requisition under clause (*a*) of sub-section (2) of section 70 of the Madras Hindu Religious Endowments Act, 1926, for the recovery of costs and expenses.

To

The Collector,

———— District.

Whereas the persons described in the fourth column of the schedule annexed hereto, being trustees of the endowments mentioned in the corresponding entries in the third column thereof, have made default in complying with the notice served on them under sub-section (1) of section 70 of the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927), to pay out of the funds of the said endowments the amounts mentioned against their names in the sixth column of the said schedule, being costs and expenses payable by them under section 68 of the said Act, you are hereby requested to recover the said amounts and to pay the same to me, in accordance with the provisions of the said section 70.

Schedule.

Serial number. (1)	Taluk and village. (2)	Name of the endowment. (3)	Name, father's name, and address of the trustee. (4)	Suit, petition or other proceeding in respect of which the costs and expenses were incurred. (5)	Amount of the costs and expenses. (6)	Demand number and date. (7)	Date of service of demand. (8)

Signed ————————

President of the ——— Hindu Religious Endowments Board, Madras / Temple Committee, ———— District.

Form II.

Requisition under clause (*a*) of sub-section (2) of section 70 of the Madras Hindu Religious Endowments Act, 1926, for the recovery of contributions.

To

The Collector,

———— District.

Whereas the persons described in the fourth column of the schedule annexed hereto, being trustees of the endowments mentioned in the corresponding entries in the third column thereof, have made default in complying with the notice served on them under sub-section (1) of section 70 of the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927), to pay out of the funds of the said endowments the amounts mentioned against their names in the sixth column of the said schedule, being contributions payable by them under section 69 of the said Act, you are hereby requested to recover the said amounts and to pay the same to me, in accordance with the provisions of the said section 70.

Schedule.

Serial number. (1)	Taluk and village. (2)	Name of the endowment. (3)	Name, father's name, and address of the trustee. (4)	Fasli to which the contribution relates. (5)	Amount of the contribution. (6)	Demand number and date (7)	Date of service of demand. (8)

Signed ————————

President of the ——— Hindu Religious Endowments Board, Madras. / Temple Committee. ———— District

Government of Madras

LOCAL SELF-GOVERNMENT DEPARTMENT

(Local and Municipal)

G.O. No. 3912, L. & M., 4th October 1932

Rules—Hindu Religious Endowments Act, 1926—Notice for recovery of arrear dues from religious institutions as arrears of land revenue—Objections by trustees—How to be preferred—Draft confirmed.

Order—No. 3912, L. & M., dated 4th October 1932.

In G.O. No. 3220, L. & M., dated the 12th August 1932, the draft of certain rules prescribing the manner in which objections, if any, should be preferred by trustees of religious institutions on receipt of notices from the Collectors under clause (*b*) of sub-section (2) of section 70 of the Madras Hindu Religious Endowments Act, 1926, was published for general information and criticism. No objection or suggestion having been received the draft rules are confirmed.

2. The appended notification will be published in the *Fort St. George Gazette*. It should be republished in all the district gazettes in English and in the vernacular languages.

3. The Senior Translator to Government is requested to have the notification translated into Tamil, Telugu, Kanarese and Malayalam and to forward the translations to the Superintendent, Government Press, for publication in the district gazettes. The Collector of Ganjam is requested to publish the notification in Oriya in the *Ganjam District Gazette*.

(By order of the Government, Ministry of Local Self-Government)

E. CONRAN SMITH,
Secretary to Government.

To the President, Hindu Religious Endowments Board.
,, all Collectors.
,, the Superintendent, Government Press (for publication of notification in Gazettes).
,, the Collector of Ganjam (for publication of notification in Oriya in the *Ganjam District Gazette*).
,, the Senior Translator to Government [through Law (Legislative) Department].
Copy to the Board of Revenue.
,, Revenue Department.
,, Law (Drafting) Department.

APPENDIX.

NOTIFICATION.

In exercise of the power conferred by sub-section (1) of section 71 of the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927), the Governor acting with Ministers is hereby pleased to make the following rules:—

RULES.

1. Every objection preferred by a trustee to a notice issued under clause (*b*) of sub-section (2) of section 70 of the Act shall contain a statement in concise form of the material facts on which he relies.

2. Where a trustee bases his objection or relies as evidence in support thereof, upon any document in his possession or power, he shall annex such document or a copy thereof to the objection.

3. Where any such document is not in the possession or power of the trustee, he shall, if possible, state in whose possession or power it is.

4. Where a copy of a document is furnished under the provisions of rule 2, the trustee shall, if so required by the President of the Board, produce or cause to be produced the original for the purpose of examining and comparing the copy with the original.

Government of Madras

LOCAL SELF-GOVERNMENT DEPARTMENT

(Local and Municipal)

G.O. No. 248, L. & M., 19th January 1933

Hindu Religious Endowments Act—Arrears due to the Hindu Religious Endowments Board and temple committees from religious institutions—Recoveries effected on the issue of notice by Collectors—Commission to the Revenue Department—Rate fixed.

READ—the following papers :—

I

G.O. No. 380, L. & M., dated 29th January 1932.

II

Letter from the President, Hindu Religious Endowments Board, dated 9th November 1932, No. 35820-A/32.

Reference from the Board of Revenue, dated 6th December 1932, No. A-3945/32-1.

Order—No. 248, L. & M., dated 19th January 1933.

The question has been raised whether any, and if so what, commission should be charged for the work done by the Revenue Department on behalf of the Hindu Religious Endowments Board in cases where on the issue of a notice by the Collector under clause (*b*) of sub-section (2) of section 70 of the Madras Hindu Religious Endowments Act, 1926 (Act II of 1927), as amended by the Madras Hindu Religious Endowments Amendment Act, 1931 (Act XI of 1931), the trustee concerned pays the amount demanded, thereby obviating the need for further coercive measures for the recovery of the amount.

2. The Government consider that as even the issue of notices involves additional labour to the Revenue Department, a commission of 2½ per cent should be charged in respect of recoveries referred to in paragraph 1 above.

(By order of the Government, Ministry of Local Self-Government)

E. CONRAN SMITH,
Secretary to Government.

To the President, Hindu Religious Endowments Board.
,, the Board of Revenue.
,, all Collectors.
,, the Revenue Department.
,, the Finance Department.
,, the Law (Drafting) Department.
,, the Accountant-General, through the Finance Department.
,, the Examiner of Local Fund Accounts.

Government of Madras

LOCAL SELF-GOVERNMENT DEPARTMENT

(Local and Municipal)

G.O. No. 1432, L. & M., 11th April 1933

Hindu Religious Endowments Board—Remittances of collections made by Collectors—Procedure—Orders passed.

READ—the following papers :—

From the Board of Revenue, dated 18th August 1932, No. A.-1400/32-4.

From the Government of India, dated 25th January 1933, Letter No. F.-158/32-L. & O.

Order—No. 1432, L. & M., dated 11th April 1933.

The Government direct that the amounts realized by Collectors on behalf of the Hindu Religious Endowments Board under clause (*a*) of sub-section (2) of section 70 of the Madras Hindu Religious Endowments Act, 1926 (Act II of 1927), as amended by Act XI of 1931 shall be credited in the Government accounts to the head " Revenue Deposits " under " Civil Deposits " and shall be remitted by Collectors to the President of the Board once a week. In cases where there is a branch of the Imperial Bank of India at the remitting place, the amounts should be remitted by means of bank drafts. The expenditure on the payment of premia on bank drafts should be borne by the Hindu Religious Endowments Board. In cases where there is no branch of the Imperial Bank at the remitting place, the present procedure of remittance by postal money order will continue for the present. The question whether in such cases remittances may be made by issuing remittance transfer receipts at a premium is under consideration and orders on this point will be issued in due course

(By order of the Government, Ministry of Local Self-Government)

E. CONRAN SMITH,
Secretary to Government.

To the Board of Revenue.
,, the President, Hindu Religious Endowments Board.
,, all Collectors.
,, the Accountant-General (through Finance Department)
,, the Examiner of Local Fund Accounts.
Copy to the Revenue Department.
,, Finance Department.

Government of Madras

LOCAL SELF-GOVERNMENT DEPARTMENT

(Local and Municipal)

G.O. No. 3183, L. & M., 10th August 1933

Hindu Religious Endowments Board—Remittances of collections made by Collectors—Issue of remittance transfer receipts at a premium—Permitted.

READ—the following papers :—

G.O. No. 1432, L. & M., dated 11th April 1933.

From the Government of India, dated 5th May 1933, No. F. 150/33-L. & O.

From the Controller of the Currency, the Treasury, Calcutta, dated 29th June 1933, No. B. & R.-951.

Order—No. 3183, L. & M., dated 10th August 1933.

In G.O. No. 1432, L. & M., dated 11th April 1933, the Government ordered that amounts realized by Collectors on behalf of the Hindu Religious Endowments Board should be remitted to the Board weekly by means of bank drafts in cases where there is a branch of the Imperial Bank of India at the remitting place. The Government have now decided, with the approval of the Government of India, that in cases where there is *no* branch of the Imperial Bank of India at the remitting place, the collections should be remitted by means of remittance transfer receipts issued *at a premium*. The rate of premium to be charged has been fixed in consultation with the Controller of the Currency at one anna on every Rs. 100 or part thereof. The expenditure on account of the premia should be borne by the Hindu Religious Endowments Board.

2. All Collectors are requested to follow the above procedure in making remittances to the Hindu Religious Endowments Board in future. Remittances by postal money orders will be discontinued.

(By order of the Government, Ministry of Local Self-Government)

E. CONRAN SMITH,
Secretary to Government.

To all Collectors.
,, the President, Hindu Religious Endowments Board.
,, the Accountant-General (through Finance Department).
,, the Examiner of Local Fund Accounts.
,, the Board of Revenue.

Copy to the Finance Department.
,, Revenue Department.
,, Controller of the Currency, the Treasury, Calcutta (with C.L.).

Government of Madras

LOCAL SELF-GOVERNMENT DEPARTMENT

(Local and Municipal)

G.O. No. 655, L. & M., 8th February 1934

Hindu Religious Endowments Act—Collections made by Collectors on behalf of temple committees and amounts less than Rs. 25 to be remitted to Hindu Religious Endowments Board—Remittance to be by postal money order.

READ—the following papers :—

From the Collector of Tinnevelly, dated 10th August 1933, No. A-8-4668/33.

From the Board of Revenue, dated 10th November 1933, No. A-3902/33-1.

From the President of the Hindu Religious Endowments Board, dated 24th November 1933, No. 42916-A/33-1.

From the Collector of Salem, dated 29th November 1933, R.O.C. No. C-4-6576/33-1.

From the President of the Hindu Religious Endowments Board, dated 30th November 1933, No. 44412-A/33-1.

Order—No. 655, L. & M., dated 8th February 1934.

In G.Os. No. 1432, L. & M., dated 11th April 1933, and No. 3183, L. & M., dated 10th August 1933, orders have been issued regarding the procedure to be followed in respect of remittances of collections made by Collectors on behalf of the Madras Hindu Religious Endowments Board, under clause (*a*) of sub-section (2) of section 70 of the Madras Hindu Religious Endowments Act, 1926 (Act II of 1927) as amended by Act XI of 1931. The question has now been raised as regards the procedure to be adopted for remittances of similar collections made on behalf of temple committees and also for remittances to the Hindu Religious Endowments Board of amounts less than Rs. 25 in respect of which the issue of remittance transfer receipts is not permissible. The Government have carefully considered the question and they decide that the remittances in these cases should be by postal money order.

2. The attention of the Collectors is in this connexion invited to paragraph 2 of G.O. No. 1804, L. & M., dated 18th May 1932, and they are informed that in the case of collections made on behalf of defunct temple committees remittances should be made to the President, Hindu Religious Endowments Board, and that the procedure to be followed should be the same as that for remittances of amounts due to the Hindu Religious Endowments Board.

(By order of the Government, Ministry of Local Self-Government)

E. CONRAN SMITH,
Secretary to Government.

To all Collectors.
" the President of the Hindu Religious Endowments Board.
" the Board of Revenue.

Copy to the Revenue Department.
" Finance Department.
" Examiner of Local Fund Accounts.
" Accountant-General (through Finance Department).

Government of Madras

LOCAL SELF-GOVERNMENT DEPARTMENT

G.O. No. 3575, 13th August 1936

L+M.,

Copy of G.O.No.Ms.3657, dated the 11th August 1934.

HINDU RELIGIOUS ENDOWMENTS BOARD - Contributions due from religious institutions - Recovery by attachment of properties - Incidence of the cost of keeping watch over properties while under attachment.

The Hindu Religious Endowments Board is informed that the expenses incurred in connection with arrangements made by the Revenue Department for keeping watch over properties attached for the recovery of amounts due to the Board from religious institutions are not covered by the deduction made under section 70(2)(a) of the Hindu Religious Endowments Act but should be borne by the Hindu Religious Endowments Board.

To the President, H.R.E.Board.

,, the Finance Department.
,, the Accountant-General, through the Finance Department.

2

-2-

Religious Endowments Board or the committee concerned, but the Board or committee may, if necessary, obtain the advice of the Collector of the district before making such selection.

(By Order of the Govt., Ministry of Local Self Govt.)

R.Subbayya,
Joint Secretary.

To the President, Hindu Religious Endowments Board., etc., etc.,

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Government of Madras

LOCAL SELF-GOVERNMENT DEPARTMENT

G.O. No. 3575, 13th August 1936

Government of Madras

LOCAL SELF-GOVERNMENT DEPARTMENT
(Local and Municipal)

G.O. No. 4909, L. & M., 9th November 1934

Hindu Religious Endowments Act—Recovery of arrears due from religious institutions to the Hindu Religious Endowments Board and temple committees—Proceedings taken by the Revenue Department—Interference by the President of the Board—Orders passed.

READ—the following papers :—

From the Collector of Tanjore, dated the 9th September 1934, Rc. No. A-1-10554/34.

Reference from the Board of Revenue (Land Revenue and Settlement), dated the 28th September 1934, No. A-3713/34-1.

Order—No. 4909, L. & M., dated 9th November 1934.

Instances have been brought to the notice of the Government where the President of the Hindu Religious Endowments Board has requested Collectors to keep in abeyance proceedings started by them under section 70 (2) (*a*) of the Hindu Religious Endowments Act for the recovery of arrears due from religious institutions to the Board and temple committees. The President is informed that it is not open to him to interfere with those proceedings once they have been started, except as provided in clauses (*d*) and (*e*) of section 70 (2) of the Hindu Religious Endowments Act.

(By order of the Government, Ministry of Local Self-Government)

R. SUBBAYYA,
Joint Secretary to Government.

To the President, Hindu Religious Endowments Board.
" the Board of Revenue (Land Revenue and Settlement).
" all Collectors.
Copy to the Revenue Department.

" the Examiner of Local Fund Accounts.
" the Finance Department.
" the Accountant-General, through the Finance Department.

Proceedings of the Madras Government, Public Works Department, 23rd January 1874.

No. 303. Read the following letter from Colonel C. H. DICKENS, R.A., Secretary to the Government of India, Public Works Department, (Account—Buildings and Roads,) to Colonel G. W. WALKER, R.E., Secretary to the Government of Madras, Public Works Department, dated Fort William, 13th January 1874, No. 15 A.—B. :—

I AM directed to acknowledge receipt of your letter, dated 27th December 1873, and in reply to state that the Government of India consider that the orders contained in Public Works Department letter, No. 429 A.—B., dated 10th December 1873, reducing the Madras Ordinary Public Works grant for 1873-74 by Rupees 44,000 should hold good. But under the circumstances represented in your letter under acknowledgment, outlay to the extent of Rupees 13,710 may be incurred in the works noted in the margin, and, if necessary, returned as authorized excess expenditure over the grant.

	RS.
Telegraph Office at Cocanada ...	6,000
Quarters for Sorters of Post Office Department, Raichore	2,710
Barracks for Artillery at St. Thomas' Mount	5,000
Total...	13,710

2. As regards the additional funds required for the completion of the Artillery Barracks at St. Thomas' Mount, I am to say that the Government of India have been pleased to sanction an extra grant of Rupees 17,000 for the purpose. The total Ordinary Public Works grant assigned to Madras, excluding that for Irrigation, will now stand as follows :—

	RS.	RS.
Original grant as per Budget orders		7,66,000
Less transferred, *vide* Public Works Department letter, No. 312 A.—B., dated 28th August 1873	6,000	
Less reduced in Public Works Department letter, No. 429 A.—B., dated 10th December 1873	44,000	
		50,000
		7,16,000
Add additional grant now assigned...		17,000
Total grant including English grant...		7,33,000

No. 304. ORDER THEREON, 23rd January 1874, No. 154.

ACCOUNT, No. 26.

COMMUNICATED to the officers concerned with reference to G. O., No. 3,079 E., dated 27th December 1873.

The District Engineer, Chingleput, will report especially as to the prospect of fully utilizing the grants now made on the Artillery Barracks at St. Thomas' Mount.

(True Extract.)

(Signed) G. W. WALKER, Colonel, R.E.,
Secretary to Government.

To the District Engineers, Godavery and Chingleput.
,, Postmaster General.

Exd. S. T. Austin.
Spare Copies

All communications should be addressed to the Secretary.

No. 15 A.P.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

Account
Buildings and Roads

To

The Secretary to the Government of Madras
Public Works Department

Fort William 13th January 1874

Sir,

I am directed to acknowledge receipt of your letter dated 27th December 1873, and in reply to state that the Government of India consider that the orders contained in Public Works Department letter No. 429 A.P. dated 10th December 1873 reducing the Madras ordinary Public Works grant for 1873/74 by Rs. 44,000 should hold good. But under the circumstances represented in your letter under acknowledgment outlay to the extent of Rs. 13,710 may be incurred in the works noted in the margin, and if necessary, returned as authorized excess expenditure over the grant.

	Rs.
Telegraph Office at Cocanada	6,000
Quarters for Looters of Post Office Department Raichore	2,710
Barracks for Artillery at St. Thomas Mount	5,000
	13,710

2. As regards the additional funds required for the completion of the Artillery Barracks St Thomas Mount, I am to say that the Government of India have been pleased to sanction an extra grant of Rs 17,000 for the purpose. The total ordinary Public Works grant assigned to Madras excluding that for Irrigation will now stand as follows.

	Rs
Original grant as per budget orrad	7,66,000
Less transferred vide P.W.D. letter No 312 A.B. dated 28th August 1873	6,000
Less reduced in P.W.D. letter No 429 A.B. dated 10th December 1873	44,000
	50,000
Add additional grant now applied for	7,16,000
Total grant including English grant	17,000
	7,33,000

I have the honor to be
Sir
Your most Obedt Servt
H Wilkins Colt R.A.
Secy to Govt of India

Enc.

P. W. 1874 Departt.
No. 331.

From.
The Govt. of India

Dated 13th } January/74.
Recd 19th }

No. 15 A.B.

Papers ordered on the subject of the additional funds required under ordinary for 1873/74 - and the reduction of the P. W grant by Rs. 44,000 -

Withdrawn Order

Communicated No. 154 dated 7th the Officers concerned will receive the D. Sitrue & Engineer & C. Buildings & Roads. No. 3079 E. 7 & 27 dec. 73 & Chief Engineer will report especially as to the probable the grant now proposed of Public Buildings & Transfer of fully utilizing & Roads on the Artillery Barracks at Mount. -

Simla 11th June 1874.

To the Secretary to the Govt. of India
Public Works Department.

2. As regards the additional funds

required

Govt.

Government

sanction

purpose

apigned

will

Origi

Less

№312

Less pe

date

Add

Total

№ 231

Govt. of {1874} Madras.

PUBLIC WORKS.

To The District Engr
Godavery

Dated

Recd. Encl.

G. O. 23 Dep. 1874. 15 4.

Nos. 1303 & 1304

Funds. Letter from the Govt. India passing orders on the subject of the additional funds required under Ordinary for 1873/74 & the reduction of Rs. Mr Bramley Rs: 47,000, Cancl & Rs Officers concerned with remarks.

Key to Govt. of India.