

16
G.O. No. 543. Public. Dec. 15. 4. 1887

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following papers :—

Proceedings of the Board of Revenue, dated 1st June 1886, No.

Read—the following G.O., dated 17th April 1886, No. 814, Public :—

Read—the following letter from M. HAMMICK, Esq., Secretary, Religious Endowments Committee, to the Chief Secretary, dated Madras, 19th March 1886 :—

With reference to G.O., dated the 5th February 1884, No. 58, appointing a committee to report upon the administration of Hindu Religious Endowments in this presidency, I am desired by that committee to consider of His Excellency the Governor in Council, their report which they consider necessary in the management of those endowments and a draft Bill upon the subject.

2. A minute of dissent recorded by Mr. Ragoonath Rao, and the committee, is annexed to the report.

ENCLOSURE.

From the Hindu Religious Endowments Committee, to the Chief Secretary to Government, dated Madras, 15th March 1886.

In accordance with the instructions communicated to us in G.O., 5th February 1884, No. 58, Legislative, we have the honor to submit our report upon the reforms which we consider necessary with regard to the administration of Hindu Religious Endowments in this presidency, together with a draft Bill upon the subject.

2. The original intention was to take both Hindu and Muhammadan endowments under consideration, and for this purpose the Hon. Mir Humayun Jah Bahadur was appointed a member of the committee, but after one or two sittings it became clear (1) that, owing to the comparatively small number of Muhammadan institutions in this presidency and to the fact that there was no widespread complaint as to their mismanagement, there was no such urgent need for legislative interference as the circumstances of Hindu endowments called for ; (2) that, owing to the difference of the conditions, social and religious, of the two sets of institutions, it would be impossible to control them by a mixed central authority composed partly of Muhammadans and partly of Hindus. These obstacles, to bringing the endowed institutions of the two religions within the scope of one legislative enactment, having been prominently urged by the influential member of the Muhammadan community, who was associated with the committee, it was decided that, for the present, legislative action, in connection with Muhammadan endowments, was not called for, and the Honorable Mir Humayun Jah Bahadur retired from the committee.

3. The following gives briefly the various proposals and recommendations which have from time to time been made upon the subject :—

In 1871 the Government of India referred certain papers in regard to the amendment of the law regulating the administration of religious endowments to the Government of Madras, alluded to certain

5th January 1871.

application of any surplus funds to any Act XX of 1863 at the proper time

on the above suggestions might be on under section 43 of the Indian Act and for transmission to the Government of India, and that committee

committee was appointed to frame in the manner suggested by the Government of India, and that committee

presented their draft Bill and report in session, and it was finally resolved the papers connected with the

and a draft Bill, as suggested by the Governor of Madras, should see the Governor of Madras, should saw no objection to this Govern-
ment letter No. 34 after taking
Bill. The Government desired to
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with the management of these endowments commented on by the Bengal, which were apprehended to exist all over India, and requested his Government as to the remedial measures that might be adopted from the policy of Act XX of 1863, viz., the withdrawal of Government concern in the management of those endowments.

Government of India were informed that Act XX of 1863 had, according to public opinion, proved a complete failure; that the matter had engaged the attention of this Government; that a draft Bill was prepared by the Hon. V. Ramiengar, an Additional Member for making Laws and Regulations, was under the consideration of the High Court; that they would address the Government of India as soon as opinions on the measure were collected; and that they were of opinion that Madras should have a separate enactment on the subject. This detailed report was submitted in 1874. The attention of the Government of India was invited to the remarks of the Advocate-General of India.

Outline of a Bill which that officer proposed for securing (1) a system of control exercised from a single centre over all religious trusts, and (2) an expeditious remedy for misfeasance or non-feasance on the part of the Government in Council approved as a mere *outline* of a Bill. The Government of India that in consideration of the requirements of the Indian Councils Act, an enactment might be passed by them that Act XX of 1863 shall cease to have effect in the Presidency of Fort St. George and any Act passed by the local Council on the subject received the sanction of the Governor-General. A copy of the correspondence up to this stage was submitted to the Secretary of State for his information. The Government of India referred, for the opinion of the Lieutenant-Governor of Bengal that the minor enactments of the local Government would like to deal with; among these was India Act XX of 1863.

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19th June 1875, No. 931.

This Government agreed with the Lieutenant-Governor and submitted a list of the enactments the local Government would like to deal with; among these was India Act XX of 1863.

This Government requested the Government of India to pass early orders on the subject of their letter, dated 23rd October 1874, No. 1975-A. The Government of India intimated—

- (1) that the policy of Act XX of 1863 should be maintained;
- (2) that the proposals of Sir William Robinson, which involved no direct interference in the administration of the endowments by the European officers of the State, but provided that the duty should be entrusted to a strong Native Board exclusively devoted to the work and armed with full powers to inquire into and obtain redress for abuses of their authority by the local managers of the trusts, appeared to the Government of India to be calculated to meet with greater success than any other of the proposals that had been submitted;
- (3) that for the work to be done well the members of the Board and their staff should be well paid, that their salaries should come from the Endowment funds, and that the members should be appointed and removed by Government;
- (4) that the trustees for the management of individual endowments should be appointed by the Board, and that their number might vary according to the circumstances and past history of such trusts;

(5) that there was no objection to the application of any surplus funds to any charitable and beneficial object; and

(6) that steps would be taken to repeal Act XX of 1863 at the proper time as regards Madras;

and in conclusion they requested that a Bill based on the above suggestions might be submitted to the Government of India for sanction under section 43 of the Indian Councils Act and for transmission to the Secretary of State.

29th February 1876, No. 306.

4th April 1876, No. 639, Judicial.

12th November 1877.

This Bill was the subject of considerable discussion, and it was finally resolved that all the papers connected with the subject and a draft Bill, as suggested by His Grace the Governor of Madras, should be transmitted to the Government of India.

The Government of India intimated that they saw no objection to this Government proceeding with any one of the Bills that accompanied letter No. 34 after taking into consideration any objection urged against the Bill. The Government desired to proceed with the last of the three Bills, and submitted the same (with annexure) for the approval of the Secretary of State. The matter was subsequently dropped at the wish of the Government of India, and finally raised again by the Hon. Mr. Carmichael, who wrote a minute and submitted a draft Bill on the subject almost immediately before leaving for England in 1883.

4. We had thus before us, when we first approached the subject, two Bills, each designed to attain the same end, but in different ways, and the first point we had to decide was, which of the two draft Bills was the most likely to prove practically useful. The first of these Bills had been drafted in 1877 by the committee which sat with the Hon. Sir William Robinson as President, the second had been drawn up by the Hon. Mr. Carmichael almost immediately previous to his leaving this presidency for Europe.

5. The main points of difference between the two measures were to be found (1) in their proposed scope, and (2) in the administrative machinery provided for giving effect to the measure.

6. The committee of 1876 intended all religious institutions of whatever kind to be brought within the operation of their Bill, believing that they all alike required protection and control. The Hon. Mr. Carmichael on the other hand desired that the larger national temples only should be supervised by authority outside the temples, thinking the scheme proposed, under which *all* religious institutions should be brought under control, unworkable and undesirable.

7. As regards the machinery to be employed, the Bill of 1876 contemplates the appointment of a Central Board of Commissioners to control and to regulate the administration of devasthanam endowments throughout the country, the executive power being vested in local trustees and managers to be appointed by the Board, with whom also, subject to appeal to the Civil Courts, rested the power of removing such trustees and managers from office. The Central Board were to hold their sittings in Madras, and to devote their whole time to the discharge of their official duties. They were to be remunerated by salaries not exceeding the limits defined in the Bill. The Hon. Mr. Carmichael was, on the other hand, entirely opposed to the idea of a Central Board of salaried commissioners, and the Bill drafted by him, following so far Act XX of 1863, divided religious establishments into two classes—those under the management of trustees and those which are not. In the former case, the management was to continue to vest in the trustees, their heirs and successors, and in the event of disputed succession, the right to succeed was to be determined by a suit. For the management of religious establishments of the second class, the committees appointed under Act XX of 1863 were to cease to exist from the coming into operation of the

draft Bill, and provision was made for the election of a new committee of management by persons professing the religion for the purposes of which the religious establishment in question was founded or maintained. According to the Bill, the powers of control over trustees and elected committees were to be vested in the Board created under the District Boards Act. These powers comprised the regulation of the procedure to be observed in the conduct of business by the trustees or committees, as the case may be, and, in the case of the latter, of the mode of election of the members.

8. In the District Board was to be vested the authority to inspect the property and premises of any religious institution and to satisfy themselves by inquiry how a trust is being administered, and in the event of default on the part of the trustees or committees in the performance of any duty connected with the trust, they were to be authorized to arrange for the same being performed by other agency, and they were further to be empowered to remove any trustee or member of committee for grave misconduct or neglect of duty, their action being subject to an appeal to the District Court and subsequently to the highest appellate tribunal. Failing resignation or removal, the term of office of trustees and members of the various committees is declared in the Bill to be for life.

9. In considering whether we should advise that the measure proposed by Mr. Carmichael should be adopted in preference to a measure drawn on the lines of the measure drawn in 1876, we recognized that that measure had much to commend it. It involved the least disturbance to existing arrangements, and it proposed to make use of existing local institutions and would thus probably result in a wider appreciation of the value of local government by elected representatives of the people. It met the great defect in the Bill of 1878, in that it substituted local for the central authority proposed under that Bill. On the other hand, we felt that the present state of the Hindu religious institutions and their endowments demanded greater and more efficient control and supervision than they were likely to receive at the hands of unpaid bodies of men, many of them in a little or no way interested in their improvement, and more we considered the question, the more clearly it appeared to us necessary to place the ultimate control of these endowments in the hands of a highly-paid body of officials, with large central authority. Their present unsatisfactory condition has in a great measure been the result of the want of local interest in their welfare, and the correction for this is not to be found in any increased local powers, but in the institution of a strong, small central body which shall possess real power and real responsibility in the management of the endowments entrusted to their care.

For these reasons we felt that the lines upon which reform should proceed were to be found in the Bill drafted in 1876 by Sir William Robinson's committee, and we therefore proceeded to carefully consider that Bill, section by section, with the object of throwing as much power as possible upon the local authorities acting under the control of the Central Board. We now submit the result of our considerations and devote the rest of the report to brief explanations of the reasons which have caused us here and there to depart from the provisions of the Bill of 1876, premising that the one great change we have made is the addition of certain local committees to the agency of control existing in the Sir William Robinson's Bill.

10. In section 3 of the Bill (the Interpretation clause) we have introduced a definition of the "District Board" which we propose should be constituted under this Act.

11. In section 4 of the Bill, we have made a radical alteration. One of the provisions, which in our opinion constituted a grave objection to the Bill of 1878, was that under which the central body of commissioners was nominated by the Governor in Council. In any measure which may eventually be passed upon the subject, it appears to us desirable that all the machinery by which the management of the Hindu religious institutions will be conducted shall be removed as far as possible from any immediate direct control by Government. We had much discussion as to the mode of appointing the central committee, being only unanimous in our disapproval of the method followed in the Bill of 1878. Several methods suggested themselves, and if we could have seen our way to any practical method of election, that method would have

seemed to us the most suitable. But the majority of the committee could not but foresee great practical difficulties in the way. The body of electors would either be taken from the general mass of the people, or might be found among the members of the existing District Boards. It would, in our opinion, probably result in failure, if any attempt were made to select on property or other qualifications any general body of electors throughout the presidency, for the purpose required. The country is by no means yet ready for such a vast experiment; on the other hand, any conference of elective powers on the members of the existing District Boards, for the purpose of forming a Central Board at Madras for controlling Hindu religious institutions, would be very unpopular. These District Boards, none of them yet elective in their constitution, were appointed for objects very different from those for which a Central Board at Madras is now required, and there is no guarantee that the members of these Boards are in any way fit to take part in the election of a Board to control religious institutions. These and other reasons led us to abandon the idea of constituting the Central Board an elective body. We finally resolved to suggest that the Government, in its legislative capacity, should appoint by name the first members of the central committee and that subsequent vacancies should be filled up by the High Court. We apprehend that before the lapse of any considerable period, the work of the central committee will chiefly consist in the audit and check of accounts and in the management of educational institutions connected with the various religious Hindu endowments scattered over the presidency. It will not therefore be out of order nor giving them work apart from their proper function to confer on the High Court the power of appointing the central committee managing these affairs. The Judges of the High Court have much opportunity of finding suitable men for appointment to the central committee, and we consider that the probability of obtaining an efficient committee will be best secured by leaving the subsequent appointment of members in their hands.

12. In section 9, in which provision is made for giving power to the Central Board to raise loans to meet necessary expenditure, we have omitted the proviso under which the previous sanction of the Governor in Council was declared to be necessary, considering that the Board may be given absolute power to raise loans to meet not more than the estimated expenditure for one year.

13. We have provided that the officers of the Central Board shall hold offices for 5 years absolutely, and shall then be eligible for reappointment. The Bill of 1878 provided that the commissioners under that Bill should only hold office during the pleasure of Government, which we do not consider advisable. The Board should be given complete independent authority over all the endowments under their charge, and not hampered in any way by any fear of the loss of their appointments. We look forward to the offices in the Board being held generally by men who have made a reputation in the service of the State and we do not consider that it will tend to improve the working of the Board to render the office tenable only during the pleasure of Government.

14. In section 13, we have given to the Central Board the power of appointing the inspectors to be employed under the Board—a power reserved in the Bill of 1878 to the Governor in Council.

15. In section 14, we have given to the High Court the powers reserved to Government in the former Bill of granting leave to officers of the Central Board.

16. We have, in section 24 of the Bill, granted to the High Court the power of dismissal of the members of the Central Board, for clearly specified reasons laid down in the section. It is clear that some power must be reserved, to the authority which appoints the Central Board, to remove the members appointed, and we do not apprehend, under the section as drafted in the Bill, that any difficulty or friction will arise in consequence.

17. We have arranged, in the next sections of the Bill, 24—50, for the formation of District Boards, with whom will lie the chief executive power of administration. Their constitution and method of working may be described in a few words. One Board will be constituted for each Revenue district; it will consist of not less than nine members, of whom one-third will be nominated, if so thought necessary, by the Central Board, and the remaining two-thirds will be elected by the electors resident in the district. We have laid down the qualifications of the members and of the electors

in the Bill, preferring that course to the method of the existing Local Government Acts, under which these qualifications are laid down in rules issued from time to time. Full rules for the conduct of elections and the revision of the registration lists are laid down in the Bill. The immediate supervision of the trustees and the endowments, and of the administration will rest with the District Boards, and the Central Board will have authority to delegate to any District Board any powers or duties it may think advisable. The District Board will appoint the necessary servants required for carrying out the work of the Board, and will have at its disposal any funds allotted to it by the Central Board.

18. In section 52, corresponding to section 26 of the 1878 Bill, we have inserted a clause giving the District Board power to call for full information from the trustees as to the endowments, the nature and the extent of the immovable property of such institution.

19. In section 71 of the Bill, corresponding to section 45 of the Bill of 1878, we have introduced a few alterations. We have given the Central Board distinct authority to appoint trustees whenever a vacancy in the office may occur, and we have generally given the same Board control over the financial administration of the trusts.

20. We have given the Central Board the power to hear and decide appeals from decisions of the District Board and trustees where provision is made for such appeals in the Act.

21. Sections 49 and 50 of the Bill of 1878 have been omitted in the Bill now submitted, as we did not see reason for the grant of the very large powers proposed to be conferred by the former Bill on the Board with regard to documents. It is not necessary that the Boards should have any of the powers of a Civil Court as far as concerns the production of records and other documents. We have also struck out sections 53 and 54 of the Bill of 1878, under which the inspectors were authorised to summon any trustees to attend before them and to produce documents before them. We hope that under the Bill as now submitted, it may be found possible to inspect the local institutions by means of the members on the District Boards, who will be able on the spot to conduct such investigation as may be necessary.

22. The next important alteration which we have made in the Bill of 1878 will be found in the second paragraph of section 94 of the Bill now submitted. We had considerable discussion as to the amount of control which should be exercised by the Central Board over those institutions now in charge and under the control of the spiritual heads or matadhipaties. We asked by letter the opinions of some of the most representative Hindu gentlemen in the presidency upon this subject, and received from them various replies showing considerable divergence of opinion upon the subject under consideration. The opinions we received may be formulated into the following propositions :—

- (1) The Bill, if it sanctions the appointment of a central committee of paid members not elected, will be so unpopular that no control of matadhipaties should be permitted under it; the action of such a committee should be as limited as possible.
- (2) Mattams, both Brahmin and Sudra, may be brought under the Bill, being the religious establishments in which there is most fraud and misappropriation.
- (3) Mattams may be brought under the Bill so far as the control of their funds is concerned, but no power should be given to the committees under the Act to interfere with the succession or the internal management of mattams.
- (4) Some lesser mattams may be brought under control, but not the great mattams at Tirupati and Conjeeveram, &c., which should be left independent as now.
- (5) Mattams should be brought under control only so far as the actual mattam property is concerned; no control should be given over the individual offerings made to the matadhipaties.

The above will show the great difficulty that exists in dealing with this question in any manner that will meet with the approval of any considerable number of those

interested. We have provided in the Bill, that the Central Board shall not have any power of dismissal in any case where the trustee of the institution is a matadhipaty, but shall be able to take away from the trustee the management and control of all moneys and property attached to the institution. We hope by this means that the Central Board will find it possible to maintain effectual control over this class of trustee, without offending the religious susceptibilities of those who may be attached to him as their spiritual teacher and authority. We have further provided in sections 99, 100 and 103, that the consent of the District Board shall be necessary before the lands belonging to any institution are alienated, and before the surplus funds of any institution are invested or disposed of in any manner. In section 109, we have also provided that the consent of the District Board shall be obtained before any funds belonging to any institution are devoted, contrary to the intention of the founder, to any educational or charitable purpose. We have not made any further changes in the Bill of 1878.

23. In conclusion, we would earnestly recommend that the subject upon which our opinion was called for may receive early attention at the hands of Government. The matter has been under constant discussion for many years, and we have, after very careful examination of the question, arrived at the conclusion that, with the modification suggested above, the most satisfactory method of dealing with the question is to be found in the Bill of 1878, which it will be remembered was drafted after the subject had been most exhaustively considered by an able committee. The faults we consider in that Bill were (1) the close connection which it proposed to establish between Government and these religious institutions, and (2) the absence of all local agency in the control. Our efforts have been directed to the correction of these errors, and while we should not be sorry to see the future management of these institutions still further separated from Government control and still further placed in the hands of local independent bodies, we have not thought it safe at present to recommend any more radical change than that now sketched out in the report.

24. We commend the Bill for early and favorable consideration.

We have the honor to be,
Sir,

Your most obedient servants,

H. E. SULLIVAN,
T. MUTHUSWAMI AIYAR,
T. RAMA RAO,
P. CHENTSAL RAO,
R. RAGOONATH RAO,
T. V. PONNOOSWAMI PILLAI,
C. SANKARAN NAYAR,

MADRAS,
15th March 1886.

Members of the Hindu Religious
Endowments Committee.

MINUTE BY M.R.Ry. R. RAGOONATH RAO.

I agree with the Honorable the President and Members of the Committee in considering that there need be no further delay in bringing the matter before the Legislative Department, and that our best thanks are due to Mr. Hammick for the very valuable aid received from him and for the able and lucid report drafted by him.

2. I regret that I am not able to agree with the views contained in sections 4, 10, 14 and 94 of the draft Bill.

3. I am of opinion that the number of the members of the Central Board should not be, at the least, less than 16, of which three-fourths should be elected and one-fourth nominated by the High Court. If considered necessary all these may, in the first instance, be named by the Legislature. These should be ordinary members entitled to their travelling allowances when they travel on business connected with the discharge of the duties of the board, the Secretary being paid the salary mentioned in section 12.

4. Instead of the High Court, I would leave the Central Board to grant any leave, &c., provided for in section 14.

5. The first proviso to section 94 is not at all clear to me. I would omit it altogether.

6. Having thus pointed out where I differ from the majority of the committee, I shall now add some of the reasons which compelled me to differ from them, as also what I propose to substitute for the provisions dissented from.

7. The Central Board is intended to discharge the duties which our Rajahs of old times used to perform, and which the British Government actually performed during the first fifty years of their rule. These duties will involve the consideration of diverse interests requiring the knowledge or facts of various localities, customs, religious feelings of various sects of very crotchety people. The determined policy of British Government is not to interfere with them so long as they do not jar with the fundamental principles of good government of the country. The community concerned consist of Brahmins, Kshatryas, Vysyas, Sudras, these being divided into Smartas, Vaishnavas, Shaivas, and others. The Vaishnavas are again sub-divided into Madhwas, Ramanujas, and others. The Ramanujas are divided into Tengalays and Vadagalays, ever in deadly opposition to one another. In these circumstances, it is right and proper that on the Central Board there ought to be at least one of each sect. I therefore think that the Central Board should consist of at least 16 persons. Of these the High Court may nominate one-fourth choosing one from each of the four castes, and the remaining three-fourths may be elected by people. Under the provisions of the Municipal Acts, the members of these institutions are allowed to be nominated and elected in this proportion. These institutions are semi-Governmental ones. If Government have thought fit to entrust the people with so much power on semi-Governmental institutions, it cannot with reason withhold similar power from them in matters with which the Government do not wish to interfere at all and in which people alone are interested. It may be said that people may fail to exercise their right to elect competent men. If so, there is always the remedy at hand by Government filling up such vacancies after the failure of the people is announced. This is a provision of the law as regards municipalities. Why the same provision should not be extended to the management of purely religious and charitable institutions, I cannot see. For the present each District Board or its electors may be allowed to elect one member for the Central Board, and one-third of the total number thus elected may be nominated and added to it by the High Court. If this system be adopted, it would not be possible nor desirable to pay the members of the Central Board any salary. The Central Board members need require no leave nor it be sanctioned by any authority, as the last proviso of section 14 provides sufficiently for the punishment of the defaulting members. It is perhaps too severe. Default to attend for two consecutive months may be substituted for two weeks.

8. The first proviso of section 94 speaks of "a trustee" being a mattadhipathi in control of any mattam. It is not clear what is meant by this phraseology. Mattadhipathi means a trustee to the endowments made to some deity or other for its worship among those who are attached to that system. None can be a mattadhipathi without being a trustee to such endowments. It being so, how the Central Board can take over the management and control of all moneys and property attached to the mattam without dismissing him as a trustee, I cannot understand. I therefore think that either mattams should be excluded from the control of the Central Board, or treated like other classes of trustees. If the latter course be adopted these mattadhipathis should be allowed certain exemptions from the control of the Central Board with a view to prevent unnecessary unpopularity to the Bill. Such as, the Central Board should not interfere with rituals of worship in the mattams and with their dittams, with the mode of spending the incomes provided any expenditure does not amount to criminal breach of trust under the penal law of the land, &c.

9. With these remarks, I beg to join in commending the Bill for early and favorable consideration of Government.

MYLAPORE,
5th March 1886.

R. RAGOONATH RAO.

Order—dated 17th April 1886, No. 814, Public.

The Right Honorable the Governor in Council has much pleasure in thanking the committee for the pains taken by them in dealing with this important subject.

2. The Bill will be referred for the opinion of the Advocate-General, the Honorable the Judges of the High Court and the Board of Revenue.

(True Extract.)

(Signed) E. F. WEBSTER,
Chief Secretary..

To the Secretary, Hindu Religious Endowments Committee, }
" Government Solicitor, } with copy of Bill.
" Honorable the Judges of the High Court, }
" Board of Revenue, }
" Legislative Department, }

Resolution—dated 1st June 1886, No. 1211.

The chief question is whether there should be a small Central Board of paid members, or a large one of unpaid but representative members. One of the members of the committee has expressed dissent from their conclusion in favor of a small paid Board. A Board such as he wishes would have to consist of a very large number of members, fifteen or sixteen at least, to be properly representative. Every one of them would have his livelihood to gain in some other way and would have but little time left for this work. The responsibility for each act would be divided by fifteen or sixteen and would be very light in the case of each member. Unanimity amongst so many would often fail, and dissensions and perhaps quarrels would be the result. The papers contained in Government Proceedings, dated 10th January 1879, No. 33, J.D., show that the Board will have to do a vast amount of work, and that the work will be of a kind which will excite the intensest watchfulness and the keenest opposition in all parts of the presidency. It seems to the Board to follow that the Board must consist of a few members only who will each feel fully responsible for every act, and who will be able to give their whole time to these duties. This condition will be satisfied only if there is a Board like that proposed in the draft consisting of three well-paid members. It will probably be unpopular but this unpopularity must be faced, and the people will soon see that impartiality and attention to particular institutions are attained in this way at least as well as by having a large number of representative members. It is notorious that in such a position a small committee is likely to act with greater speed and more fairness than a large one. The consensus of opinion—the Government of India, Sir W. Robinson and his committee, and this committee—is in favor of the small Board, though the arguments in favor of a large Board have been well known from the beginning. The difficulties of appointing the first large Board would be immense. Mr. Raghunadha Row seems to think that part of it might be elected by the District Boards; but a Central Board must be in existence first (section 36). Obviously a really representative Board could not be constituted in this way. Altogether the Board consider that they must accept the proposal to have a paid Board of three members.

The draft creates district committees which were not proposed in Sir W. Robinson's Bill. They add a popular and local element which is much wanted, but the draft is not complete with regard to them as is shown further on.

The Board will now notice section by section the sections in which they think alterations should be made.

Section 5.—No one knows what "5 per cent." will amount to; but the calculation of Mr. Chentsal Row, that the annual income of the pagodas is Rs. 54,34,000, shows that it will be in all probability an unnecessarily large sum. It may be provided that the percentage may be reduced by the High Court, on motion from the Advocate-General when it appears clear that a smaller percentage will be sufficient to meet all expenses. There should be a proviso to section 6 stating what the Central Board should do with any surplus. They might assign it to educational or charitable institutions subject to the orders of the High Court.

There is a proviso to this section (section 5) stating that the Central Board *may* exempt from payment institutions whose gross annual income does not exceed Rs. 100; but the Board think these institutions should be absolutely exempted by the Act itself.

Section 10.—It should be provided that members of the Board deputed by the Board to proceed up-country on inquiries instituted by the Board should have travelling allowance. If these deputations are allowed and the Secretaries of the District Boards are paid, &c., as is proposed hereafter, there will be little need of inspectors.

Section 13.—The Board think that well-paid permanent Secretaries of the District Boards will make the best inspectors, and that power should be given to the Central Board not to entertain permanent inspectors at all but to entertain temporary inspectors only when necessary.

Section 18.—The wording of the section seems to leave the question, whether the establishment the Board consider necessary is really necessary or not, a matter for argument—perhaps before the courts. It would be better to say “as may seem to them to be necessary.”

Section 27.—The Board do not think that absentees should be able to serve on the District Committee, and would leave out the words “or owning or renting lands in the district.”

The income-qualification of members should, in the opinion of the Board, be Rs. 1,000 not Rs. 600. Under section 28 the income-qualification of electors is Rs. 500.

Section 29.—Collectors should draw up the lists in the first place. They have much better means of obtaining the required information than the Judges.

Section 34.—If this is done “the District Judge” (to whom objections should lie) should be inserted instead of “the said authority.”

Section 35.—After this section and section 37, some rules must be laid down as to how candidates shall signify their intention, and as to how and where the election shall be held. As regards the first point, it might be provided that all candidates are to send their names to the District Judge, and that he is to send lists of such of them as are duly qualified to the polling places. As regards the second point, it might be provided that the District Munsifs shall be the polling officers; that they shall notify the day or days in which the election will be held; that, on the appointed days, the electors, after identification and being pronounced qualified by the District Munsif, shall drop their voting papers into a closed box; that at the end of the time fixed for polling, the District Munsif shall seal up the box and send it to the District Judge; that the District Judge shall open all the boxes in public on a previously notified day; that in case two or more men have an equal number of votes at the end of the list of elected candidates, the District Judge shall choose which he likes as the elected man; and that the Judge should there and then publish the names of the elected candidates in order according to the number of votes for each.

Section 39.—No appeal is, in the opinion of the Board, necessary.

Section 40.—It should be provided more in detail what the District Board are to do and what powers they are to have. As the Act says, they are to be agents of the Central Board. They should further be bound to report all cases in which they consider interference is necessary, and empowered to institute inquiries or issue orders to trustees in cases of emergency at once reporting that they have done so to the Central Board. It should be distinctly stated also that they are bound to carry out all the orders of the Central Board. Under section 67 and other sections, they are to issue orders to the trustees (or orders of their own, not merely orders passed on for the Central Board), but nothing is said in section 40 about this.

Section 50.—Each District Board should have a well-paid Secretary, who should have the power given to inspectors by the Act. His pay should be fixed by the Central Board, but should not be less than Rs. 100 a-month. He should be appointed or removed by the District Board and Central Board acting in unison, and if this is impossible, a reference may be made to the District Court.

Section 79.—The Board, &c., conducting an inquiry should be bound to record a note of the evidence and not merely told that they may do so if they like.

Section 86.—In clause (d), “if appointed” should be inserted before “by.”

Section 93.—The Board think that something stronger is wanted than a mere assertion of competency in this case. The duty is a very important one, and the Board should be bound to do it. The words “the duty of,” may be substituted for “competent.”

Section 96.—There is a printer's error here—“trustees, successor,” should be “trustee's successor.”

(True Copies and Extract.)

(Signed) M. HAMMICK,
Acting Secretary.

To the Chief Secretary to Government, Public Department.

From the Hon. H. H. SHEPHARD, Acting Advocate-General, to the Chief Secretary to Government, dated Madras, 20th July 1886.

With reference to the order of Government, dated 17th April 1886, No. 814, Public Department, I have the honor to forward herewith my opinion on the Hindu Religious and Charitable Institutions Bill, and a copy of the Bill on which I have made alterations.

ENCLOSURE.

OPINION.

In observing upon this draft Bill I propose to deal first with the provisions relating to the district board, as it is in respect of those provisions that I think the Bill most open to criticism. In the report of the committee it is said that “the immediate supervision of the trustees and the endowments and of the administration will rest with the district boards” (section 17), and the committee express themselves as inclined to the opinion that the management of religious institutions should be “still further placed in the hands of local independent bodies” (section 23).

The Bill, too, makes elaborate provisions, covering 26 sections, for the constitution of these boards and other formal requirements relating to them. But when it comes to the question what actual duties the boards are to discharge, it will be found that the answer afforded by the Bill is very vague, and that the position accorded to them is at once uncertain and dependent. There is no separate chapter treating of the duties and powers of the district board, and the only sections, besides those already mentioned, which make reference to them are sections 53, 62, 65, 66, 67, 70, 71, 77, 79, 80, 85, 87, 88, 99, 100, 103, 109 and 139. In not one of these sections is any duty imposed on the district board in affirmative terms, and it is only inferentially that one can learn what matters the board is to discuss and dispose of. The most important are those mentioned in sections 99, 100, 103 and 109. In the cases there dealt with, the board is to have an independent voice and is not to be a mere agent of the central board. From section 62 it would seem that they are to consider the question of investment of funds, and from sections 66 and 67 that they may, in certain unspecified cases, give orders or advice to the trustees. In the rest of the sections the district board is nothing more than the agent of the central board. At any rate there is in those sections no duty cast upon the district board, independent of the central board. For instance, in the group of sections beginning with section 72 it is under the orders of the central board only that the district boards are to act.

It appears to me that a board existing under these conditions has very little chance of realizing the hopes of the committee as a “local independent body” having the immediate supervision of religious endowments. Placed in the anomalous position of elected representatives of the community, yet mere servants of the central board, without power, without responsibility, and without any title to command respect, the members of the board would have little encouragement to diligence in the administration of devasthanam affairs. They could not fail to see that the work assigned to them to do could, with some small exceptions, be equally well done by paid inspectors. The committee have apparently followed the analogy presented by the panchayats under the Local Boards Act in making the district board the agent of the central board. It seems to me that a body supposed to represent the Hindus in a whole district would be more fitly placed in a position analogous to that of the district board under the same Act. If any good work is to be expected of it as a representative body, it must, I venture to think, have some measure of independence and power accorded to it, care being taken at the same time to give the central board powers of supervision and, on occasion requiring, of active interference in the same way that such powers are given to Government over the local boards, but if necessary in a greater degree. Under a semblance of local self-government, the Bill, as it seems to me in reality, centralizes the whole administration of religious endowments in a board sitting in Madras, and thus gives effect to a policy which, if it is to be adopted, may be carried on at least as effectively by the aid of paid inspectors.

If I may venture to express an opinion, I should say that the relations of the district board to the central board ought to be somewhat of the following nature.

Let the general rule in the normal state of things be for the district board to have complete control over the trustees within their district, subject only to the duty of transmitting to the central board periodically the accounts kept by the trustees in a form approved by the central board (sections 111—119 of draft Bill). As long as no disputes or complaints arise about the property of the temple, the succession of trustees or about ritual, let the central board refrain from interfering; but let it be accessible to such complaints and let it have full power to settle such disputes when called upon to do so by any member of the district board, by any trustee or by any other person interested in the temple. Surely it would be to somebody's interest to complain and set the central board in motion if temple property were squandered. The inaction of the committees under the present Act arises, I believe, in great part from the fact that there is often a nearly equal division of parties in the committee, the result of which is that neither party can obtain a majority sufficient to ensure active measures. In this state of things the party desirous of taking steps to secure temple property would, when defeated at the board meeting, have recourse to the central board, and I would give the latter board power to file suits in the name of trustees or other persons as provided in the draft Bill and further the general control over such suits. And similarly with regard to suits against trustees, the central board, if moved to do so, should either compromise or defend such suits. There might be added with regard to suits by trustees, without the cognizance of the central board, a power in the latter to prevent their institution or to compromise them.

I can hardly believe that the central board would not from one quarter or another receive intimation of the waste or endangering of property, and would not be invited to take protective measures on default being made by the district board. But if I am wrong, there is no reason why the central board should not have power to employ its own inspectors and to take action in the way of suits or otherwise on their information only. In the last resort, the central board might be empowered to take the reins of administration out of the hands of the district board altogether. In a word, I would bring about relations between the central board and the district board similar to those existing between a local board and Government under Act V of 1884 (section 40).

Besides matters relating to property, there might also come before the central board (1) disputes with regard to the succession of trustees or their misconduct, (2) disputes about ceremonies and ritual, and finally (3) questions with regard to schemes of administration and the disposal of funds no longer required for the purposes to which they were dedicated.

As to disputes of the first and second kind, there is probably even less risk than there is with regard to property of their not being voluntarily brought to the notice of the central board. Against any order of the district board, in whom I would in the first instance vest the power of dealing with such matters, I would allow an appeal to the central board. With reference to the third class of questions, dealt with in the draft Bill in sections 103, 109, 125—127, I would prefer to see such questions dealt with in the first instance by the district board, a power of veto, of revision or appeal, being reserved to the central board. In the event of the district board failing to take action under the powers given to them with regard to these matters, the central board should have power to intervene as Government has with reference to a local board (see section 40, Local Boards' Act).

What the precise relation of the district board to the central board should be in particular matters, whether the power of the latter should be exercised by way of appeal or veto, and how it should be set in motion, are, however, rather questions of detail. The main point I wish to urge is that unless the district board has distinct functions assigned it and distinct responsibilities with corresponding powers, the notion of superintending religious institutions by local elective bodies had better be abandoned.

Adverting now to the provisions of the draft Bill in detail, I have the following observations to make.

For facility of reference, I enclose herewith a copy of the Bill on which I have made alterations, many of which do not seem to call for special remark.

Section 3—Religious or Charitable Institution.—This clause is so worded as to make the term include trusts of a purely private nature, e.g., cases in which a Hindu testator makes provision for the family god. This result can hardly have been intended.

Trustee.—If I am right in supposing that there is grave reason for doubting whether the heads of mattsams are as such trustees, it must follow that they ought not to be included in the Act. The remarks of the committee are not directly addressed to this point, and, in face of the doubt which exists, I would submit that these persons ought not to be treated as trustees. In their capacity of trustees for temples or for definite charitable purposes, they would come within the Act, although not specially named.

CHAPTER II.

It seems to me that the arrangement of the provisions of this chapter is capable of improvement, and I would suggest a division into four parts—the first dealing with the constitution of the central board, the second with the mode of transacting business, the third appointment, the fourth with the funds of the central board.

The first part would include the following sections of the draft Bill, viz., sections 4, 11, 10, 14, 24.

The second part would include sections 15, 16, 17, 20, 21, 22, 23; the third part sections 12, 13, 18, 19; the fourth part sections 5, 6, 7, 8, 9. The further amendments which I would suggest, and which will be found in the copy of the Bill forwarded herewith, are mostly of a verbal character. I have followed the phraseology of the District Municipalities Act.

From section 25 to section 51 the Bill deals with the district board in the same way as the previous sections deal with the central board, and those sections ought, I should say, to form a separate chapter and be divided into three parts. The sections 25 to 45 should constitute the part relating to the constitution of the board. The minor headings, "Rules for the first election," "Rules for the subsequent election," the district board, I would omit, as at any rate unnecessary. It does not appear that any special mode of election is to be adopted for the first election and many of the provisions coming under the heading "Rules for the first election" are applicable to elections generally. I would also recommend a re-arrangement of these sections, and it will be seen that I have adopted the order followed in Act I of 1884. The order in which I place the sections is as follows: Sections 25, 26, 27, 28, 37, 38, 29, 31, 32, 33, 34, 35, 36, 42, 44, 43, 45, 41, 40.

Section 25.—The name is surely inconvenient, there being already a district board constituted under Act V of 1884. I would suggest Devasthanam board.

Section 26.—Nothing is said as to the qualifications of the members to be appointed by the central board.

Section 27.—It ought to be made clear that women cannot become members of district boards.

(4) How is the amount of the income to be ascertained? A reference to land revenue or income tax payable would, I should think, be preferable.

Section 34.—What the applicant desires is to have his name inserted in the list, and the reason for reference to the District Gazette is not apparent. A certain interval of time should, I think, be fixed. In the draft it is not explained how the appellate authority is to be ascertained or whether by reference to criminal or civil procedure. I would suggest the substitution of the High Court as the appellate authority from decisions of the District Judge, in other cases the District Judge himself (see section 30 of my draft).

Section 38.—"As prescribed above." This seems to me obscure. I presume the reference is to section 32.

A section giving the central board power to make rules for the conduct of elections might probably be found convenient. Compare section 11, Act I of 1884.

Sections 42 to 44.—The chairman is a member of the board, and therefore any reference to members must equally apply to the chairman.

CHAPTER III.

Sections 52 to 70 seem to me to be arranged in no very intelligible order, and I think it would conduce to clearness if they were arranged somewhat as follows:—1st, under the head of "duties," sections 53, 54, 55, 59, 60, 65, 67, 66; 2nd, under the head of "Property," 52, 57, 64, 58, 61, 62, 63; 3rd, under head "Servants," sections 56, 68, 69, 70.

Dealing with the sections in the above order, I have the following observations to make on them:—

Section 59.—Neither in this section nor in section 125 are any duties imposed on the district board, nor is it explained what course that body is to adopt.

Section 67.—What is required is a group of sections declaring what orders a district board may give. The present provision seems to me useless in the absence of such other sections.

Section 66.—See observations on section 123.

Section 64.—As the section is framed in the permissive form, it is difficult to see what object it serves. Why should the trustees consult the central board as to the place of deposit if they are not to secure themselves by so doing? And further, why should obedience to orders of the district board (section 66) have consequences which action taken on the approval of the central board does not entail?

If the district board is competent to act under section 62, I should have thought that their discretion might equally be trusted when section 64 is in question.

Section 56.—This section may be compared with section 67. Given a servant "belonging to any institution," I suppose there would be no doubt that he would be bound to obey the trustees' lawful orders, and that, whether he was remunerated by fixed pay or otherwise. In the absence of words showing who are intended by the words "servants, &c.," I fail to see what effect can be given to the section.

It seems to me that all that is material in the three sections, 56, 68 and 69, might be embodied in one framed as follows, viz.: "It shall be lawful for the trustees of any institution to exercise control over the servants thereof and other persons receiving emoluments or other benefits therefrom, to punish them by fine or otherwise, to dismiss or suspend them from their office, and on vacancies occurring to make the necessary appointments in like manner as if this Act had not been passed; provided that in case of the trustees deciding to punish, dismiss or suspend any such servant or other person, he may appeal against their decision to the central board."

I cannot but think that the right of appeal will unduly weaken the hands of the trustees, and I would suggest that it should be, at any rate, confined to cases of dismissal. It might be

extremely inconvenient not to have the power of suspending a servant. Moreover, under sections 134 and 138, a further appeal is allowed from the decision of the central board to the Civil Court and to the High Court.

CHAPTER IV.

Section 71.—As the duties of the central board are declared in detail, this summary of them may well be omitted. If it is to stand, the duties should, at any rate, be enumerated in the order in which they are afterwards treated.

The part relating to "Inquiries," being of an adjective character, would more appropriately come last in order. If, as would seem to be the case, it is intended that the central board may delegate its powers under these sections 72 to 81 to a member of the district board or an inspector, a section to that effect such as I have framed should be added, and the words "or any district board, &c.," can then be omitted (See draft section at end of Part A).

PART B.

Section 82.—By section 53 it has been made part of the duty of trustees to furnish the district board with the particulars which under section 82 the central board is required to collect. Although the language of section 53 is not identical with that of section 82, I presume that no distinction is intended between the account given to the district board and the particulars which are to be included in the register. This being so, it would be sufficient in the present section to refer to section 53, or, if that is preferred, section 53 might be omitted, for the power on the part of the central board to obtain information is already given by section 73. If the two sections, 53 and 82, are to stand, the language of the two should be made to correspond exactly.

PART C.

Section 85.—It is doubtless intended that the surviving trustee, chief servant or inspector shall, as a matter of imperative duty, report the fact of a vacancy. "Any person interested" may do so, but he is out of place in a section otherwise intended to be imperative. I would omit clause (3).

Section 86.—If by clause (d) of this section, it is meant that under certain circumstances the central board may appoint a trustee, what are those circumstances? There should be provision for the appointment in cases where, hereditary succession being the rule, there is no heir to succeed [clause (a)], and again in cases under clause (c) where no appointment is made in accordance with the scheme, unless it is meant to leave such cases to the Civil Courts.

Section 91.—This section seems wholly superfluous.

Sections 92—94.—These sections may be simplified in the manner suggested in the copy draft Bill.

Section 94, 1st Proviso.—I am disposed to agree with Mr. Ragoonath Rao's remarks on this proviso. If the management and control of trust property are taken away from the head of a muttam, *qua* trustee he is dismissed. It may be that the religious susceptibilities of his disciples would be wounded by such deprivation, though in his character of teacher he would not really be affected, but I do not see that they would be any the more offended if different language were used and it plainly said that he was dismissed from his office of trustee. Perhaps a proviso allowing such a trustee, though dismissed, still to remain in the muttam, might meet the exigencies of the case.

2nd Proviso.—Unless the report to be made by the central board under the terms of the 2nd proviso is to be admissible in evidence, the object of this proviso is not apparent. Without it the central board would, of course, make an investigation, or rather they would have made it before bringing the suit. I would omit the proviso.

Section 96.—I think it would be better to make section 97 a part of section 96. The last paragraph of section 97 may either be made part of the same one section or a separate section by itself.

Section 97.—It is only the order, I apprehend, not the application, that it is desired to make evidence. The fact of refusal to deliver possession must surely be proved in the ordinary way.

Section 98.—I would omit this section here, making the prohibition a proviso to a section declaring the duty of trustees with regard to land (see my draft section 63).

Section 99.—Leases included within the above prohibition ought to be mentioned in this section.

Section 101.—This section ought to be expressed in the form in which the preceding sections are expressed.

Sections 104 and 105.—The phraseology of these two sections should be the same, 105 (c) "grossly" is the word used in the Specific Relief Act, section 29.

(d) It is not clear what this means but it would seem to be covered by (a).

Sections 107—110.—The order needs to be modified. I would put sections 109 and 110 first, then, as referring to special new matter, sections 107 and 108.

Section 109.—This provision, it seems to me, requires more elaboration. Surely a scheme ought to be settled, in accordance with which the funds should be disposed and power should be reserved to the central board to modify such scheme as in Part C.

Section 110.—The policy of this section seems to be open to discussion, but the report is silent as to it.

PART E.

Sections 111—119.—Of these sections, 113 and 114 might conveniently be relegated to the part dealing with trustees, and the rest might be arranged as follows: viz., 115, 116, 117, 112, 118, 119. The auditing must necessarily precede the review.

PART F.

Section 120.—An attempt should, I think, be made to enumerate the matters in which the central board may give their opinion, and disputes concerning ritual should be mentioned specially. Presumably the central board have the option of giving advice or downright orders.

Section 121.—I confess I do not understand what is meant by "depositing a report for local inspection," or what is the object of the process.

Section 123.—The relations of the trustees to the district board on the one hand and the central board on the other hand do not seem to me sufficiently defined. They are bound to obey the lawful orders of the district board (section 67). No similar duty is imposed on them in respect of the orders of the central board. If it is meant that orders of the central board are to be given through the district board, what occasion is there for section 123? If otherwise, the trustees may have contradictory orders from the two boards. Further, if the two sections, 66 and 123, must both stand, there seems no reason for the difference of language now observable.

Section 124.—As in section 120, the matters which may be submitted should, I think, be more clearly defined.

Considering the extreme difficulty of forming a central board competent to deal with abstruse questions of ceremony from all parts of the presidency, I should have thought that instead of their giving orders on such matters—in this case final orders—and instead of arbitrating themselves, it would have been better to give them power to refer such matters to local punchayats whose decision should be made final.

PART H.

Section 128.—This prohibition finds a more convenient place in section 63. Suits must generally be in the name of trustees and what the central board requires is to have the conduct of them, the full control over them as if they themselves were parties, and the central board should have a similar control over suits instituted against trustees.

Sections 128 and 129.—The references to the Secretary could be dispensed with by a general section inserted in chapter II.

Section 132.—This would hardly be necessary if my suggestion is adopted and the conduct of suits is vested in the central board. And anyhow some provision ought to be made for suits against trustees.

Section 133.—This provision should, in my view, be extended to suits in which trustees are defendants.

CHAPTER V.

Section 134.—The expediency of this general liberty to appeal against orders of the central board seems to me very questionable, and the report is silent as to it.

Orders made in respect of trustees and servants (Part C), under sections 103 and 109 and under Part G would appear to be the chief orders against which appeals might be laid. It seems to me that much of the good which the central board might do will be neutralized by subjecting all these orders to a re-investigation by the Civil Court with an appeal to the High Court. Practically the courts would probably regard the matter dealt with by the order as *res integra*, and would proceed to investigate it regardless of the order passed, as is the case with regard to decisions passed under Act 28 of 1860 (Boundaries Act). But even if this is not so and the question is taken up by the District Judge as if it arose on an appeal, what reason is there for holding that a District Judge is better fitted to decide questions arising under the Act than the central board? The central board, if properly manned, ought to be the more competent tribunal. If there must be an appeal, I would suggest that it should be restricted to questions of law and be made to the High Court only.

Instead of this proviso, which I think is likely to cause difficulties, I would suggest appending to the section, giving power to make such orders, a declaration that the order should be final.

If the appeal is to be heard as a suit, and no new powers are conferred on Civil Courts, there is no occasion to enact that they cannot try questions of ritual, for except incidentally they cannot do so under the present law. The chapter seems deficient in not providing what form the appeal should take. If it is to be instituted and heard like a suit under the Civil Procedure Code, provision to that effect should be made.

CHAPTER VII.

Section 140.—This provision, being apparently intended to take cases out of the operation of the Court Fees Act, is one which it would not be competent to the local Legislature to pass. I fail to see why religious institutions should be favored in the matter of court fees.

From the Registrar of the High Court of Judicature, Madras, to the Chief Secretary to Government, dated Madras, 20th August 1886, No. 2392.

Adverting to G.O., dated 17th April last, No. 814, Public, referring, for the opinion of the Honorable the Judges, the Madras Hindu Religious and Charitable Institutions Bill, I am directed to submit, herewith, a transcript of the minute recorded by the Honorable Mr. Justice Brandt, and to state that the other Honorable Judges have not as yet had time to consider the provisions of the Bill.

Any minutes hereafter recorded will be duly forwarded.

(Signed) H. T. ROSS,
Registrar, Appellate Side.

ENCLOSURE.

MINUTES.

Mr. Justice Brandt :—That Act XX of 1863 is a "complete failure," and that the proposals now made for the administration and control of Hindu religious endowments cannot fail to bring about an improvement upon the existing state of things, I entertain no doubt, and the principle of the Bill as to the administrative machinery to be provided, viz., the appointment of a central board of paid commissioners, the chief executive power of administration being vested in district boards as agents of the central board may, I think, safely be accepted on the recommendation of the committee.

The appointment of the first members of the central board in the manner and by the authority determined on must also, I think, be accepted as the best which, in the circumstances, the committee reporting on the Bill consider practicable.

Section 4 provides that the central board shall consist of not less than three members. I do not see that the number which it is proposed to appoint is mentioned. I am decidedly of opinion that three will not be sufficient.

The dissenting member of the committee advances good reasons for the board consisting of a large number of members, but the principle of paying the members and paying them well being adopted it would be out of the question to have so many as 16 members. I incline to think that the board should consist of five members at least and more if funds will permit of it. In that case, I agree with the dissenting member that they would not require leave; the provisions as to regular attendance might be made somewhat less stringent.

I entirely concur with the dissenting member that it should not be made any part of the business of the High Court to grant leave to members of the board. It might, as suggested by him, be left to the members of the board to allow one or more of their members to be absent for limited periods under certain restrictions on good cause shown and subject to its being possible to grant leave without serious detriment to the business of the board.

Section 25.—I doubt if it is desirable to make it a fixed rule that there shall be a district board for each revenue district. Such districts vary much in size and importance, and in some there are so many religious institutions, or institutions of such importance, and in some temples, &c., are so few and comparatively insignificant, that it might be found expedient to have more than one board in some revenue districts, and only one board for more than one revenue district in other cases.

It might then be desirable to provide that there shall be ordinarily, and unless otherwise specially ordained, on the recommendation of the central board, a district board for each district in the presidency. Question would then arise by whom the number of district boards to be created should ultimately be determined. It is determined in the first instance, and as the Bill at present stands, by Government in the Legislative Department, and I see no reason why the decision should not be left in the hands of Government ultimately, seeing that any deviation from the rule would be made only on the recommendation of the central board.

As to the preparation of lists of electors (*section 29 et seq.*), it appears to me that the district court has not at its command the best machinery available for the preparation of the lists of electors. No doubt section 29 provides that the lists shall be prepared by the District Judge "or any other authority the High Court may appoint;" this gives the High Court the power of calling on the Collector of the district to cause the lists to be prepared. But I imagine it is considered desirable that, as a rule, the chief executive officer in the district should have, as far as possible, no concern in the working of the Act.

The principle is no doubt right, but I think it could do no harm to provide that the Collector shall afford to the District Judge or other authority appointed by the High Court all reasonable assistance in preparing the lists.

From being concerned in preparation of other lists of a similar character, and from their acquaintance with the means, &c., of the people, the local revenue officers will be in a position to afford very valuable aid in this direction, which, after all, would be limited to the production of the most complete and trustworthy list.

I do not see the difficulty apprehended by the dissenting member as to section 94. The intention of the committee in this respect is explained in their covering letter. There will be no interference with the holder of the office personally, nor with the succession or internal management of the institution nor over the offerings made to the individual, but the interference will be limited to the management and control of the moneys and property belonging to the institution: a further proviso might be added that the power given under section 94 shall not be exercised in any case by the central board in the case of mattam, except under or in pursuance of an order of a civil court.

Section 40 provides that the central board and not the district board shall sue and be sued in respect of any act or omission of the district board giving rise to any cause of action. It might be as well to provide in the Act that suits or causes of action arising within the jurisdiction in which the district boards are the agents of the central board shall or shall not be cognizable by the courts having jurisdiction within such areas.

(True Copy.)

(Signed) H. T. ROSS,
Registrar, Appellate Side.

From M.R.Ry. M. RAMANNAH, Chairman, Native Chamber of Commerce, Cocanada, to the Assistant Secretary, Legislative Department, dated Cocanada, 7th September 1886, No. 28.

Kindly allow me to thank you for the Bills Nos. 2 and 3 of 1886 received through the Superintendent of the Government Press.

2. I humbly beg to inform you that the committee of the chamber have nothing to say on the Local Authorities Loan Bill (Bill No. 2.)

3. I further beg to communicate to you that the Madras Hindu Religious and Charitable Institutions' Bill has been discussed by the members of the chamber who were of an unanimous opinion that the central board, to be formed under the Bill in view, should be assisted by ten honorary members and that they should be appointed by the High Court.

4. This important modification and a few others connected with the same subject are annexed hereto, which, if added in the Bill in question, would, in the opinion of the committee, be of a great use in the future interests of the people concerned.

5. Believing that the said suggestions will meet with the approval of the Government in the Legislative Council, the committee leave the Bill to the consideration of the able officers such as the Honorable Judges of the High Court and the Board of Revenue, &c., for whose opinions it has been referred.

ENCLOSURE.

SUGGESTIONS.

Section 4.—Paragraph 4 shall be substituted as follows:—

"The board shall consist of not less than three salaried members and ten honorary members. The latter to be appointed by the High Court from among the respectable Hindu community of Madras. They shall belong to the different sects of the Hindu religion."

Section 11.—The words "they shall" in line 7 shall be substituted by "the salaried members shall attend the office every day and," and add "the honorary members upon their consent may be deputed for conducting inspection or inquiries out of Madras if necessary, and on such occasions travelling allowance shall be granted to them in the same manner as the salaried members are paid."

Section 14.—Add "the above paragraphs shall apply to the salaried members. Any honorary member failing to attend the meetings of the board during two consecutive months without sufficient excuse shall be held to have vacated his appointment, but he shall be eligible for reappointment."

Section 16.—Line 5 shall be substituted as "at any meeting unless at least two salaried members and three honorary members."

No. 178.

Transferred to the Public Department, where the Bill is now under consideration.

(By Order.)

18th September 1886.

(Signed) A. G. CARDEW,
Ag. Asst. Secy. to Govt.

To HIS EXCELLENCY THE RIGHT HONORABLE THE GOVERNOR IN COUNCIL,

Fort St. George, Madras.

The humble petition of the inhabitants of the various parts of India that visited Tirupati during the present festival.

MOST RESPECTFULLY SHEWETH,—That on learning that the Government contemplate the passing of an Act for a better supervision of, and control over, all the devastanams of the presidency, and in consequence thereof the devastanam of Tirupati has to be brought under the operation of that Act, the petitioners, being pilgrims to Upper Tirupati during the festival now in progress, beg to approach Your Excellency with the following representations, in view to Your Excellency giving them the consideration they deserve before having the said Act passed.

2. That in 1842 and 1843 the Government, till then in charge of all the devastanams of all the country, made them over to trustees in view of the policy of non-intervention with our religious institutions, reserving in their own hands the power of calling for accounts and checking them if need be.

3. That subsequently Act No. XX of 1863 was brought into operation for a better check and control on the said devastanams. That in virtue of that Act, committees were appointed for many devastanams, and for cogent reasons other large devastanams were exempted from the operation of the same.

4. That the affairs of the so-exempted devastanams have been better conducted and have run on more smoothly than those of the devastanams over which committees were appointed. That in the devastanams under the said committees, our experience is, that there has been a constant friction between the trustees and the committees, in consequence of unnecessary interference in rituals, &c., connected with the temples on the part of the committees, which friction has led to unnecessary waste of time, trouble, and money in law-suits without any practical good.

5. That as a natural consequence of such disturbances, many devastanams have been faring worse than expected.

6. That the petitioners believe the said Act was intended to provide a check on the affairs and accounts of devastanams having dustigs or money-allowances from Government, maniams and other fixed revenue from other sources.

7. That while the said Act XX of 1863 has been productive of many unnecessary evils, it is the opinion and belief of the petitioners that the Act now in contemplation for the purpose of providing a still better check on the accounts of the devastanams and a better regulation of rituals thereof, will only aggravate those evils instead of producing the desired object.

8. That the Hindu religion, not being a uniform one, but consisting of multifarious sects and creeds, it is impossible to constitute boards that can ensure an unanimity of feeling and opinions on the part of the members in respect of the devastanam affairs.

9. That the Act now in contemplation is, as alleged, intended to check some supposed maladministration in temples, that to do this we fail to see how that Act will be more effectual than the Indian Penal Code and Civil Law which will even, after the passing of that Act, be in full force and effect, however that Act may have the outward appearance of securing the desired object.

10. That whatever legislation may be made by Government for checking the supposed maladministration in temples, the Penal Code and Civil Law were, have been, and ever will be, the only source of remedying the evil if such evil exists at all.

11. That under such circumstances, we cannot see what occasion there is for Government to make a new legislation for remedying an evil for which there already exists a more than adequate remedy.

12. That in our humble opinion, the only result to which the Act under contemplation will tend, will be to divert a portion of the revenues of the temples for the maintenance of the central and district boards to be created and the large establishments to be attached thereto, not to speak of the mere outward display of formalities that will be brought about by the Act.

13. Even allowing that the Act may apply to endowed devastanams under married trustees, certainly it must not be applied to those under mathadhipathies and mahants who observe celibacy.

14. That there is no room for misappropriation in the case of the temples under unmarried mathadhipathies and sanyasis, such, for instance, as Tirupati.

15. That the devastanam at Tirupati is important to all Hindus of all castes and creeds from Cashmere to Cape Comorin.

16. That it is under the management of the mahants of Tirupati, who are Byragies by birth, bachelors for life, fully God-fearing, having no relations of any kind anywhere that can expect to be profited by them, and having therefore no occasion to misappropriate the temple funds. That they have a position which is revered and respected by all classes of the community.

17. That since the transfer to them of the Tirupati devastanam, the revenue thereof has evidently increased under their management, that accounts are kept in the form prescribed by Government, not by mahants only, but by jheeyangars also, who are sanyasis as well; which accounts are open to inspection by any officers of Government at any time. That for some very good reasons, this devastanam was exempted from the operation of Act XX of 1863.

18. That whether the said increase of revenue is due to the respect commanded by the position of the mahants and by their efforts or otherwise, it is for the Government to judge.

19. That the mahants have disciples consisting of wealthy Marvadis, Goshayies, Gugeraties, &c., all over the northern parts of India, who contribute appreciably to the revenue of the devastanam.

20. That the bringing up of this devastanam under the operation of the said Act cannot but detract from the honor and respect due to the position of the mahants, diminish their zeal in increasing the revenue of the temple, and cannot but therefore substantially affect that revenue.

21. That in conclusion, the petitioners beg to state that, for the reasons mentioned above, there is absolutely no necessity for a fresh legislation in the matter, and should the Government not share with their opinion and in consequence the Act in contemplation be passed at all, they submit that the bringing in of this devastanam of Tirupati under the Act will give a death blow to its material prosperity, inasmuch as it has neither a pie of money-grant from Government nor an inch of maniam-land for its rituals, &c., but purely dependent on the gifts of pilgrims, and its exemption from the operation of that Act will, on the contrary, maintain and even enhance its prosperity, and they therefore earnestly request that the Government will be pleased to exempt this Tirupati and similar devastanams from the operation of the said Act for the same reasons for which they were exempted from Act XX of 1863, and thus redeem the pledge the Government have given that they will not interfere with the religious institutions of the people.

2nd November 1886.

From H. T. ROSS, Esq., Registrar of the High Court of Judicature at Madras, Appellate Side, to the Chief Secretary to Government, dated Madras, 10th November 1886, No. 3031.

Referring to the Acting Assistant Secretary's official memorandum, dated the 5th instant, No. 1849-C., Public, I have the honor to state that the Honorable the Chief Justice and Justices Kernan and Parker have not recorded any observations on the Madras Hindu Religious and Charitable Institutions Bill.

2. The Honorable Mr. Justice Muttusami Aiyar, having been a member of the Committee, intimated that he had only to reiterate his approval of the provisions of the Bill.

Exd. A. Aubert.

B 2P

Public

P.S.

No 543.

Order 15th/87

Ordered that the foregoing
papers be transferred to the
Legislative Department in
view to early steps being
taken for the introduction
of the Bill in the Chamber
into which it ~~has~~ has been
submitted by the Committee.
It appears to be the most con-
venient course that the
numerous alterations pro-
posed by the Late Acting
Advocate General shall be
~~considered~~ considered by a
select Committee of the
Legislative Council.

P

W.C.

To the Leg. Secy. 6. Desf. 2/5

13-8-54 - H.

ORDINARY, PRINTED.

Public DEPARTMENT.
G.O., DATED 15 April 87
No. 543

First copy sent to Press. 17/4/87

Returned for signature. 26/4

Despatched in print. 2/5

[Despatch Abstract.]

*Both signatures. To be
to the Legislative Dept
for further consideration paper
connected with the Hindu
Religious Endowments bill
now to stop being
for the introduction*

15TH APRIL 1887, No. 543, PUBLIC.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following papers :—

Proceedings of the Board of Revenue, dated 1st June 1886, No. 1211.

Read—the following G.O., dated 17th April 1886, No. 814, Public :—

Read—the following letter from M. HAMMICK, Esq., Secretary to the Hindu Religious Endowments Committee, to the Chief Secretary to Government, dated Madras, 19th March 1886 :—

With reference to G.O., dated the 5th February 1884, No. 58, Legislative, appointing a committee to report upon the administration of Hindu Religious Endowments in this presidency, I am desired by that committee to submit, for the consideration of His Excellency the Governor in Council, their report upon the reforms which they consider necessary in the management of those endowments, together with a draft Bill upon the subject.

2. A minute of dissent recorded by Mr. Ragoonath Rao, one of the members of the committee, is annexed to the report.

ENCLOSURE.

From the Hindu Religious Endowments Committee, to the Chief Secretary to Government, dated Madras, 15th March 1886.

In accordance with the instructions communicated to us in G.O., 5th February 1884, No. 58, Legislative, we have the honor to submit our report upon the reforms which we consider necessary with regard to the administration of Hindu Religious Endowments in this presidency, together with a draft Bill upon the subject.

2. The original intention was to take both Hindu and Muhammadan endowments under consideration, and for this purpose the Hon. Mir Humayun Jah Bahadur was appointed a member of the committee, but after one or two sittings it became clear (1) that, owing to the comparatively small number of Muhammadan institutions in this presidency and to the fact that there was no widespread complaint as to their mismanagement, there was no such urgent need for legislative interference as the circumstances of Hindu endowments called for ; (2) that, owing to the difference of the conditions, social and religious, of the two sets of institutions, it would be impossible to control them by a mixed central authority composed partly of Muhammadans and partly of Hindus. These obstacles, to bringing the endowed institutions of the two religions within the scope of one legislative enactment, having been prominently urged by the influential member of the Muhammadan community, who was associated with the committee, it was decided that, for the present, legislative action, in connection with Muhammadan endowments, was not called for, and the Honorable Mir Humayun Jah Bahadur retired from the committee.

3. The following gives briefly the various proposals and recommendations which have from time to time been made upon the subject :—

In 1871 the Government of India referred certain papers in regard to the amendment of the law regulating the administration of religious endowments to the Government of Madras, alluded to certain

5th January 1871.

evils connected with the management of these endowments commented on by the

Government of Bengal, which were apprehended to exist all over India, and requested the opinion of this Government as to the remedial measures that might be adopted without deviating from the policy of Act XX of 1863, viz., the withdrawal of Government from any active concern in the management of those endowments.

The Government of India were informed that Act XX of 1863 had, according to public opinion, proved a complete failure; that the matter had engaged the attention of this Government; that a draft Bill to remedy the evil prepared by the Hon. V. Ramiengar, an Additional Member of the Council for making Laws and Regulations, was under the consideration of Government and the High Court; that they would address the Government of India on the subject as soon as opinions on the measure were collected; and that they were of opinion that Madras should have a separate enactment on the subject. This detailed report was submitted in 1874. The attention of the Government of India was invited to the remarks of the Advocate-General on an outline of a Bill which that officer proposed for securing (1) a systematic control exercised from a single centre over all religious trusts, and (2) an inexpensive and expeditious remedy for misfeasance or non-feasance on the part of the trustees, and which the Governor in Council approved as a mere outline of a Bill. It was suggested to the Government of India that in consideration of the requirements of sections 42 and 43 of the Indian Councils Act, an enactment might be passed by them declaring that Act XX of 1863 shall cease to have effect in the Presidency of Fort St. George as soon as any Act passed by the local Council on the subject received the assent of the Viceroy and Governor-General. A copy of the correspondence up to this stage was submitted to the Secretary of State for his information. The Government of India referred, for the opinion of the Lieutenant-Governor of Bengal that the minor legislatures should be empowered to amend or repeal, with the previous sanction of the Governor-General, any Acts passed by the Supreme legislature after the Indian Councils Act of 1861 came into operation, and requested this Government to specify the Acts which they would so amend. The enactments the local Government would like to deal with; among these was India Act XX of 1863.

23rd October 1874, No. 1975-A.

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6th November 1874, No. 34.

of this Government, a proposal from the Lieutenant-Governor of Bengal that the minor legislatures should be empowered to amend or repeal, with the previous sanction of the Governor-General, any Acts passed by the Supreme legislature after the Indian Councils Act of 1861 came into operation, and requested this Government to specify the Acts which they would so amend. The enactments the local Government would like to deal with; among these was India Act XX of 1863.

19th June 1875, No. 931.

This Government agreed with the Lieutenant-Governor and submitted a list of the enactments the local Government would like to deal with; among these was India Act XX of 1863.

This Government requested the Government of India to pass early orders on the subject of their letter, dated 23rd October 1874, No. 1975-A. The Government of India intimated—

- (1) that the policy of Act XX of 1863 should be maintained;
- (2) that the proposals of Sir William Robinson, which involved no direct interference in the administration of the endowments by the European officers of the State, but provided that the duty should be entrusted to a strong Native Board exclusively devoted to the work and armed with full powers to inquire into and obtain redress for abuses of their authority by the local managers of the trusts, appeared to the Government of India to be calculated to meet with greater success than any other of the proposals that had been submitted;
- (3) that for the work to be done well the members of the Board and their staff should be well paid, that their salaries should come from the Endowment funds, and that the members should be appointed and removed by Government;
- (4) that the trustees for the management of individual endowments should be appointed by the Board, and that their number might vary according to the circumstances and past history of such trusts;

- (5) that there was no objection to the application of any surplus funds to any charitable and beneficial object; and
- (6) that steps would be taken to repeal Act XX of 1863 at the proper time as regards Madras;

and in conclusion they requested that a Bill based on the above suggestions might be submitted to the Government of India for sanction under section 43 of the Indian Councils Act and for transmission to the Secretary of State.

29th February 1876, No. 306.

4th April 1876, No. 639, Judicial.

12th November 1877.

This Bill was the subject of considerable discussion, and it was finally resolved that all the papers connected with the subject and a draft Bill, as suggested by His Grace the Governor of Madras, should

be transmitted to the Government of India.

The Government of India intimated that they saw no objection to this Government proceeding with any one of the Bills that accompanied letter No. 34 after taking into consideration any objection urged against the Bill. The Government desired to proceed with the last of the three Bills, and submitted the same (with annexure) for the approval of the Secretary of State. The matter was subsequently dropped at the wish of the Government of India, and finally raised again by the Hon. Mr. Carmichael, who wrote a minute and submitted a draft Bill on the subject almost immediately before leaving for England in 1883.

4. We had thus before us, when we first approached the subject, two Bills, each designed to attain the same end, but in different ways, and the first point we had to decide was, which of the two draft Bills was the most likely to prove practically useful. The first of these Bills had been drafted in 1877 by the committee which sat with the Hon. Sir William Robinson as President, the second had been drawn up by the Hon. Mr. Carmichael almost immediately previous to his leaving this presidency for Europe. 1883

5. The main points of difference between the two measures were to be found (1) in their proposed scope, and (2) in the administrative machinery provided for giving effect to the measure.

6. The committee of 1876 intended all religious institutions of whatever kind to be brought within the operation of their Bill, believing that they all alike required protection and control. The Hon. Mr. Carmichael on the other hand desired that the larger national temples only should be supervised by authority outside the temples, thinking the scheme proposed, under which all religious institutions should be brought under control, unworkable and undesirable.

7. As regards the machinery to be employed, the Bill of 1876 contemplates the appointment of a Central Board of Commissioners to control and to regulate the administration of devasthanam endowments throughout the country, the executive power being vested in local trustees and managers to be appointed by the Board, with whom also, subject to appeal to the Civil Courts, rested the power of removing such trustees and managers from office. The Central Board were to hold their sittings in Madras, and to devote their whole time to the discharge of their official duties. They were to be remunerated by salaries not exceeding the limits defined in the Bill. The Hon. Mr. Carmichael was, on the other hand, entirely opposed to the idea of a Central Board of salaried commissioners, and the Bill drafted by him, following so far Act XX of 1863, divided religious establishments into two classes—those under the management of trustees and those which are not. In the former case, the management was to continue to vest in the trustees, their heirs and successors, and in the event of disputed succession, the right to succeed was to be determined by a suit. For the management of religious establishments of the second class, the committees appointed under Act XX of 1863 were to cease to exist from the coming into operation of the

draft Bill, and provision was made for the election of a new committee of management by persons professing the religion for the purposes of which the religious establishment in question was founded or maintained. According to the Bill, the powers of control over trustees and elected committees were to be vested in the Board created under the District Boards Act. These powers comprised the regulation of the procedure to be observed in the conduct of business by the trustees or committees, as the case may be, and, in the case of the latter, of the mode of election of the members.

8. In the District Board was to be vested the authority to inspect the property and premises of any religious institution and to satisfy themselves by inquiry how a trust is being administered, and in the event of default on the part of the trustees or committees in the performance of any duty connected with the trust, they were to be authorized to arrange for the same being performed by other agency, and they were further to be empowered to remove any trustee or member of committee for grave misconduct or neglect of duty, their action being subject to an appeal to the District Court and subsequently to the highest appellate tribunal. Failing resignation or removal, the term of office of trustees and members of the various committees is declared in the Bill to be for life.

9. In considering whether we should advise that the measure proposed by Mr. Carmichael should be adopted in preference to a measure drawn on the lines of the measure drawn in 1876, we recognized that that measure had much to commend it. It involved the least disturbance to existing arrangements, and it proposed to make use of existing local institutions and would thus probably result in a wider appreciation of the value of local government by elected representatives of the people. It met the great defect in the Bill of 1878, in that it substituted local for the central authority proposed under that Bill. On the other hand, we felt that the present state of the Hindu religious institutions and their endowments demanded greater and more efficient control and supervision than they were likely to receive at the hands of unpaid bodies of men, many of them in a little or no way interested in their improvement, and the more we considered the question, the more clearly it appeared to us necessary to place the ultimate control of these endowments in the hands of a highly-paid body of officials, with large central authority. Their present unsatisfactory condition has in a great measure been the result of the want of local interest in their welfare, and the correction for this is not to be found in any increased local powers, but in the institution of a strong, small central body which shall possess real power and real responsibility in the management of the endowments entrusted to their care.

For these reasons we felt that the lines upon which reform should proceed were to be found in the Bill drafted in 1876 by Sir William Robinson's committee, and we therefore proceeded to carefully consider that Bill, section by section, with the object of throwing as much power as possible upon the local authorities acting under the control of the Central Board. We now submit the result of our considerations and devote the rest of the report to brief explanations of the reasons which have caused us here and there to depart from the provisions of the Bill of 1876, premising that the one great change we have made is the addition of certain local committees to the agency of control existing in the Sir William Robinson's Bill.

10. In section 3 of the Bill (the Interpretation clause) we have introduced a definition of the "District Board" which we propose should be constituted under this Act.

11. In section 4 of the Bill, we have made a radical alteration. One of the provisions, which in our opinion constituted a grave objection to the Bill of 1878, was that under which the central body of commissioners was nominated by the Governor in Council. In any measure which may eventually be passed upon the subject, it appears to us desirable that all the machinery by which the management of the Hindu religious institutions will be conducted shall be removed as far as possible from any immediate direct control by Government. We had much discussion as to the mode of appointing the central committee, being only unanimous in our disapproval of the method followed in the Bill of 1878. Several methods suggested themselves, and if we could have seen our way to any practical method of election, that method would have

seemed to us the most suitable. But the majority of the committee could not but foresee great practical difficulties in the way. The body of electors would either be taken from the general mass of the people, or might be found among the members of the existing District Boards. It would, in our opinion, probably result in failure, if any attempt were made to select on property or other qualifications any general body of electors throughout the presidency, for the purpose required. The country is by no means yet ready for such a vast experiment; on the other hand, any conference of elective powers on the members of the existing District Boards, for the purpose of forming a Central Board at Madras for controlling Hindu religious institutions, would be very unpopular. These District Boards, none of them yet elective in their constitution, were appointed for objects very different from those for which a Central Board at Madras is now required, and there is no guarantee that the members of these Boards are in any way fit to take part in the election of a Board to control religious institutions. These and other reasons led us to abandon the idea of constituting the Central Board an elective body. We finally resolved to suggest that the Government, in its legislative capacity, should appoint by name the first members of the central committee and that subsequent vacancies should be filled up by the High Court. We apprehend that before the lapse of any considerable period, the work of the central committee will chiefly consist in the audit and check of accounts and in the management of educational institutions connected with the various religious Hindu endowments scattered over the presidency. It will not therefore be out of order nor giving them work apart from their proper function to confer on the High Court the power of appointing the central committee managing these affairs. The Judges of the High Court have much opportunity of finding suitable men for appointment to the central committee, and we consider that the probability of obtaining an efficient committee will be best secured by leaving the subsequent appointment of members in their hands.

12. In section 9, in which provision is made for giving power to the Central Board to raise loans to meet necessary expenditure, we have omitted the proviso under which the previous sanction of the Governor in Council was declared to be necessary, considering that the Board may be given absolute power to raise loans to meet not more than the estimated expenditure for one year.

13. We have provided that the officers of the Central Board shall hold offices for 5 years absolutely, and shall then be eligible for reappointment. The Bill of 1878 provided that the commissioners under that Bill should only hold office during the pleasure of Government, which we do not consider advisable. The Board should be given complete independent authority over all the endowments under their charge, and not hampered in any way by any fear of the loss of their appointments. We look forward to the offices in the Board being held generally by men who have made a reputation in the service of the State and we do not consider that it will tend to improve the working of the Board to render the office tenable only during the pleasure of Government.

14. In section 13, we have given to the Central Board the power of appointing the inspectors to be employed under the Board—a power reserved in the Bill of 1878 to the Governor in Council.

15. In section 14, we have given to the High Court the powers reserved to Government in the former Bill of granting leave to officers of the Central Board.

16. We have, in section 24 of the Bill, granted to the High Court the power of dismissal of the members of the Central Board, for clearly specified reasons laid down in the section. It is clear that some power must be reserved, to the authority which appoints the Central Board, to remove the members appointed, and we do not apprehend, under the section as drafted in the Bill, that any difficulty or friction will arise in consequence.

17. We have arranged, in the next sections of the Bill, 24—50, for the formation of District Boards, with whom will lie the chief executive power of administration. Their constitution and method of working may be described in a few words. One Board will be constituted for each Revenue district; it will consist of not less than nine members, of whom one-third will be nominated, if so thought necessary, by the Central Board, and the remaining two-thirds will be elected by the electors resident in the district. We have laid down the qualifications of the members and of the electors

in the Bill, preferring that course to the method of the existing Local Government Acts, under which these qualifications are laid down in rules issued from time to time. Full rules for the conduct of elections and the revision of the registration lists are laid down in the Bill. The immediate supervision of the trustees and the endowments, and of the administration will rest with the District Boards, and the Central Board will have authority to delegate to any District Board any powers or duties it may think advisable. The District Board will appoint the necessary servants required for carrying out the work of the Board, and will have at its disposal any funds allotted to it by the Central Board.

18. In section 52, corresponding to section 26 of the 1878 Bill, we have inserted a clause giving the District Board power to call for full information from the trustees as to the endowments, the nature and the extent of the immovable property of such institution.

19. In section 71 of the Bill, corresponding to section 45 of the Bill of 1878, we have introduced a few alterations. We have given the Central Board distinct authority to appoint trustees whenever a vacancy in the office may occur, and we have generally given the same Board control over the financial administration of the trusts.

20. We have given the Central Board the power to hear and decide appeals from decisions of the District Board and trustees where provision is made for such appeals in the Act.

21. Sections 49 and 50 of the Bill of 1878 have been omitted in the Bill now submitted, as we did not see reason for the grant of the very large powers proposed to be conferred by the former Bill on the Board with regard to documents. It is not necessary that the Boards should have any of the powers of a Civil Court as far as concerns the production of records and other documents. We have also struck out sections 53 and 54 of the Bill of 1878, under which the inspectors were authorised to summon any trustees to attend before them and to produce documents before them. We hope that under the Bill as now submitted, it may be found possible to inspect the local institutions by means of the members on the District Boards, who will be able on the spot to conduct such investigation as may be necessary.

22. The next important alteration which we have made in the Bill of 1878 will be found in the second paragraph of section 94 of the Bill now submitted. We had considerable discussion as to the amount of control which should be exercised by the Central Board over those institutions now in charge and under the control of the spiritual heads or matadhipaties. We asked by letter the opinions of some of the most representative Hindu gentlemen in the presidency upon this subject, and received from them various replies showing considerable divergence of opinion upon the subject under consideration. The opinions we received may be formulated into the following propositions:—

- (1) The Bill, if it sanctions the appointment of a central committee of paid members not elected, will be so unpopular that no control of matadhipaties should be permitted under it; the action of such a committee should be as limited as possible.
- (2) Mattams, both Brahmin and Sudra, may be brought under the Bill, being the religious establishments in which there is most fraud and misappropriation.
- (3) Mattams may be brought under the Bill so far as the control of their funds is concerned, but no power should be given to the committees under the Act to interfere with the succession or the internal management of mattams.
- (4) Some lesser mattams may be brought under control, but not the great mattams at Tirupati and Conjeeveram, &c., which should be left independent as now.
- (5) Mattams should be brought under control only so far as the actual mattam property is concerned; no control should be given over the individual offerings made to the matadhipaties.

The above will show the great difficulty that exists in dealing with this question in any manner that will meet with the approval of any considerable number of those

interested. We have provided in the Bill, that the Central Board shall not have any power of dismissal in any case where the trustee of the institution is a matadhipaty, but shall be able to take away from the trustee the management and control of all moneys and property attached to the institution. We hope by this means that the Central Board will find it possible to maintain effectual control over this class of trustee, without offending the religious susceptibilities of those who may be attached to him as their spiritual teacher and authority. We have further provided in sections 99, 100 and 103, that the consent of the District Board shall be necessary before the lands belonging to any institution are alienated, and before the surplus funds of any institution are invested or disposed of in any manner. In section 109, we have also provided that the consent of the District Board shall be obtained before any funds belonging to any institution are devoted, contrary to the intention of the founder, to any educational or charitable purpose. We have not made any further changes in the Bill of 1878.

23. In conclusion, we would earnestly recommend that the subject upon which our opinion was called for may receive early attention at the hands of Government. The matter has been under constant discussion for many years, and we have, after very careful examination of the question, arrived at the conclusion that, with the modification suggested above, the most satisfactory method of dealing with the question is to be found in the Bill of 1878, which it will be remembered was drafted after the subject had been most exhaustively considered by an able committee. The faults we consider in that Bill were (1) the close connection which it proposed to establish between Government and these religious institutions, and (2) the absence of all local agency in the control. Our efforts have been directed to the correction of these errors, and while we should not be sorry to see the future management of these institutions still further separated from Government control and still further placed in the hands of local independent bodies, we have not thought it safe at present to recommend any more radical change than that now sketched out in the report.

24. We commend the Bill for early and favorable consideration.

We have the honor to be,
Sir,

Your most obedient servants,

H. E. SULLIVAN,
T. MUTHUSWAMI AIYAR,
T. RAMA RAO,
P. CHENTSAL RAO,
R. RAGOONATH RAO,
T. V. PONNOOSWAMI PILLAI,
C. SANKARAN NAYAR,

Members of the Hindu Religious
Endowments Committee.

MADRAS,
15th March 1886.

MINUTE BY M.R.Ry. R. RAGOONATH RAO.

I agree with the Honorable the President and Members of the Committee in considering that there need be no further delay in bringing the matter before the Legislative Department, and that our best thanks are due to Mr. Hammick for the very valuable aid received from him and for the able and lucid report drafted by him.

2. I regret that I am not able to agree with the views contained in sections 4, 10, 14 and 94 of the draft Bill.

3. I am of opinion that the number of the members of the Central Board should not be, at the least, less than 16, of which three-fourths should be elected and one-fourth nominated by the High Court. If considered necessary all these may, in the first instance, be named by the Legislature. These should be honorary members entitled to their travelling allowances when they travel on business connected with the discharge of the duties of the board, the Secretary alone being paid the salary mentioned in section 12.

4. Instead of the High Court, I would leave the Central Board to grant any leave, &c., provided for in section 14.

5. The first proviso to section 94 is not at all clear to me. I would omit it altogether.

6. Having thus pointed out where I differ from the majority of the committee, I shall now add some of the reasons which compelled me to differ from them, as also what I propose to substitute for the provisions dissented from.

7. The Central Board is intended to discharge the duties which our Rajahs of old times used to perform, and which the British Government actually performed during diverse interests requiring the knowledge or facts of various localities, customs, of British Government is not to interfere with them so long as they do not jar with the fundamental principles of good government of the country. The community concerned consist of Brahmins, Kshatryas, Vysyas, Sudras, these being divided into Smartas, Vaishnavas, Shaivas, and others. The Vaishnavas are again sub-divided into Madhwās, Ramanujas, and others. The Ramanujas are divided into Tengalays and Vadagalays, ever in deadly opposition to one another. In these circumstances, it is right and proper that on the Central Board there ought to be at least one of each sect. I therefore think that the Central Board should consist of at least 16 persons. Of these the High Court may nominate one-fourth choosing one from each of the four castes, and the remaining three-fourths may be elected by people. Under the provisions of the Municipal Acts, the members of these institutions are allowed to be nominated and elected in this proportion. These institutions are semi-Governmental. If Government have thought fit to entrust the people with so much power on them in matters with which the Government do not wish to interfere at all and in their right to elect competent men. It may be said that people may fail to exercise Government filling up such vacancies after the failure of the people is announced. This is a provision of the law as regards municipalities. Why the same provision should not be extended to the management of purely religious and charitable institutions, I cannot see. For the present each District Board or its electors may be allowed to elect one member for the Central Board, and one-third of the total number be thus elected may be nominated and added to it by the High Court. If this system be adopted, it would not be possible nor desirable to pay the members of the Central Board any salary. The Central Board members need require no leave nor it be sanctioned by any authority, as the last proviso of section 14 provides sufficiently for the punishment of the defaulting members. It is perhaps too severe. Default to attend for two consecutive months may be substituted for two weeks.

8. The first proviso of section 94 speaks of "a trustee" being a mattadhipathi in control of any mattam. It is not clear what is meant by this phraseology. Mattadhipathi means a trustee to the endowments made to some deity or other for its worship among those who are attached to that system. None can be a mattadhipathi without being a trustee to such endowments. It being so, how the Central Board can take over the management and control of all moneys and property attached to the mattam without dismissing him as a trustee, I cannot understand. I therefore think that either mattams should be excluded from the control of the Central Board, or treated like other classes of trustees. If the latter course be adopted these mattadhipathis should be allowed certain exemptions from the control of the Central Board with a view to prevent unnecessary unpopularity to the Bill. Such as, the Central Board should not interfere with rituals of worship in the mattams and with their dittams, criminal breach of trust under the penal law of the land, &c.

9. With these remarks, I beg to join in commending the Bill for early and favorable consideration of Government.

MYLAPORE,
5th March 1886.

R. RAGOONATH RAO.

Order—dated 17th April 1886, No. 814, Public.

The Right Honorable the Governor in Council has much pleasure in thanking the committee for the pains taken by them in dealing with this important subject.

2. The Bill will be referred for the opinion of the Advocate-General, the Honorable the Judges of the High Court and the Board of Revenue.

(True Extract.)

(Signed) E. F. WEBSTER,
Chief Secretary.

To the Secretary, Hindu Religious Endowments Committee, }
" Government Solicitor, } with copy of Bill.
" Honorable the Judges of the High Court,
" Board of Revenue,
" Legislative Department,

Resolution—dated 1st June 1886, No. 1211.

The chief question is whether there should be a small Central Board of paid members, or a large one of unpaid but representative members. One of the members of the committee has expressed dissent from their conclusion in favor of a small paid Board. A Board such as he wishes would have to consist of a very large number of members, fifteen or sixteen at least, to be properly representative. Every one of them would have his livelihood to gain in some other way and would have but little time left for this work. The responsibility for each act would be divided by fifteen or sixteen and would be very light in the case of each member. Unanimity amongst so many would often fail, and dissensions and perhaps quarrels would be the result. The papers contained in Government Proceedings, dated 10th January 1879, No. 33, J.D., show that the Board will have to do a vast amount of work, and that the work will be of a kind which will excite the intensest watchfulness and the keenest opposition in all parts of the presidency. It seems to the Board to follow that the Board must consist of a few members only who will each feel fully responsible for every act, and who will be able to give their whole time to these duties. This condition will be satisfied only if there is a Board like that proposed in the draft consisting of three well-paid members. It will probably be unpopular but this unpopularity must be faced, and the people will soon see that impartiality and attention to particular institutions are attained in this way at least as well as by having a large number of representative members. It is notorious that in such a position a small committee is likely to act with greater speed and more fairness than a large one. The consensus of opinion—the Government of India, Sir W. Robinson and his committee, and this committee—is in favor of the small Board, though the arguments in favor of a large Board have been well known from the beginning. The difficulties of appointing the first large Board would be immense. Mr. Raghunadha Row seems to think that part of it might be elected by the District Boards; but a Central Board must be in existence first (section 36). Obviously a really representative Board could not be constituted in this way. Altogether the Board consider that they must accept the proposal to have a paid Board of three members.

The draft creates district committees which were not proposed in Sir W. Robinson's Bill. They add a popular and local element which is much wanted, but the draft is not complete with regard to them as is shown further on.

The Board will now notice section by section the sections in which they think alterations should be made.

Section 5.—No one knows what "5 per cent." will amount to; but the calculation of Mr. Chentsal Row, that the annual income of the pagodas is Rs. 54,34,000, shows that it will be in all probability an unnecessarily large sum. It may be provided that the percentage may be reduced by the High Court, on motion from the Advocate-General when it appears clear that a smaller percentage will be sufficient to meet all expenses. There should be a proviso to section 6 stating what the Central Board should do with any surplus. They might assign it to educational or charitable institutions subject to the orders of the High Court.

There is a proviso to this section (section 5) stating that the Central Board *may* exempt from payment institutions whose gross annual income does not exceed Rs. 100; but the Board think these institutions should be absolutely exempted by the Act itself.

Section 10.—It should be provided that members of the Board deputed by the Board to proceed up-country on inquiries instituted by the Board should have travelling allowance. If these deputations are allowed and the Secretaries of the District Boards are paid, &c., as is proposed hereafter, there will be little need of inspectors.

Section 13.—The Board think that well-paid permanent Secretaries of the District Boards will make the best inspectors, and that power should be given to the Central Board not to entertain permanent inspectors at all but to entertain temporary inspectors only when necessary.

Section 18.—The wording of the section seems to leave the question, whether the establishment the Board consider necessary is really necessary or not, a matter for argument—perhaps before the courts. It would be better to say “as may seem to them to be necessary.”

Section 27.—The Board do not think that absentees should be able to serve on the District Committee, and would leave out the words “or owning or renting lands in the district.”

The income-qualification of members should, in the opinion of the Board, be Rs. 1,000 not Rs. 600. Under section 28 the income-qualification of electors is Rs. 500.

Section 29.—Collectors should draw up the lists in the first place. They have much better means of obtaining the required information than the Judges.

Section 34.—If this is done “the District Judge” (to whom objections should lie) should be inserted instead of “the said authority.”

Section 35.—After this section and section 37, some rules must be laid down as to how candidates shall signify their intention, and as to how and where the election shall be held. As regards the first point, it might be provided that all candidates are to send their names to the District Judge, and that he is to send lists of such of them as are duly qualified to the polling places. As regards the second point, it might be provided that the District Munsifs shall be the polling officers; that they shall notify the day or days in which the election will be held; that, on the appointed days, the electors, after identification and being pronounced qualified by the District Munsif, shall drop their voting papers into a closed box; that at the end of the time fixed for polling, the District Munsif shall seal up the box and send it to the District Judge; that the District Judge shall open all the boxes in public on a previously notified day; that in case two or more men have an equal number of votes at the end of the list of elected candidates, the District Judge shall choose which he likes as the elected man; and that the Judge should there and then publish the names of the elected candidates in order according to the number of votes for each.

Section 39.—No appeal is, in the opinion of the Board, necessary.

Section 40.—It should be provided more in detail what the District Board are to do and what powers they are to have. As the Act says, they are to be agents of the Central Board. They should further be bound to report all cases in which they consider interference is necessary, and empowered to institute inquiries or issue orders to trustees in cases of emergency at once reporting that they have done so to the Central Board. It should be distinctly stated also that they are bound to carry out all the orders of the Central Board. Under section 67 and other sections, they are to issue orders to the trustees (or orders of their own, not merely orders passed on for the Central Board), but nothing is said in section 40 about this.

Section 50.—Each District Board should have a well-paid Secretary, who should have the power given to inspectors by the Act. His pay should be fixed by the Central Board, but should not be less than Rs. 100 a-month. He should be appointed or removed by the District Board and Central Board acting in unison, and if this is impossible, a reference may be made to the District Court.

Section 79.—The Board, &c., conducting an inquiry should be bound to record a note of the evidence and not merely told that they may do so if they like.

Section 86.—In clause (d), “if appointed” should be inserted before “by.”

Section 93.—The Board think that something stronger is wanted than a mere assertion of competency in this case. The duty is a very important one, and the Board should be *bound* to do it. The words “the duty of,” may be substituted for “competent.”

Section 96.—There is a printer's error here—“trustees, successor,” should be “trustee's successor.”

(True Copies and Extract.)

(Signed) M. HAMMICK,
Acting Secretary.

To the Chief Secretary to Government, Public Department.

From the Hon. H. H. SHEPARD, Acting Advocate-General, to the Chief Secretary to Government, dated Madras, 20th July 1886.

With reference to the order of Government, dated 17th April 1886, No. 814, Public Department, I have the honor to forward herewith my opinion on the Hindu Religious and Charitable Institutions Bill, and a copy of the Bill on which I have made alterations.

ENCLOSURE.

OPINION.

In observing upon this draft Bill I propose to deal first with the provisions relating to the district board, as it is in respect of those provisions that I think the Bill most open to criticism. In the report of the committee it is said that “the immediate supervision of the trustees and the endowments and of the administration will rest with the district boards” (section 17), and the committee express themselves as inclined to the opinion that the management of religious institutions should be “still further placed in the hands of local independent bodies” (section 23).

The Bill, too, makes elaborate provisions, covering 26 sections, for the constitution of these boards and other formal requirements relating to them. But when it comes to the question what actual duties the boards are to discharge, it will be found that the answer afforded by the Bill is very vague, and that the position accorded to them is at once uncertain and dependent. There is no separate chapter treating of the duties and powers of the district board, and the only sections, besides those already mentioned, which make reference to them are sections 53, 62, 65, 66, 67, 70, 71, 77, 79, 80, 85, 87, 88, 99, 100, 103, 109 and 139. In not one of these sections is any duty imposed on the district board in affirmative terms, and it is only inferentially that one can learn what matters the board is to discuss and dispose of. The most important are those mentioned in sections 99, 100, 103 and 109. In the cases there dealt with, the board is to have an independent voice and is not to be a mere agent of the central board. From section 62 it would seem that they are to consider the question of investment of funds, and from sections 66 and 67 that they may, in certain unspecified cases, give orders or advice to the trustees. In the rest of the sections the district board is nothing more than the agent of the central board. At any rate there is in those sections no duty cast upon the district board, independent of the central board. For instance, in the group of sections beginning with section 72 it is under the orders of the central board only that the district boards are to act.

It appears to me that a board existing under these conditions has very little chance of realizing the hopes of the committee as a “local independent body” having the immediate supervision of religious endowments. Placed in the anomalous position of elected representatives of the community, yet mere servants of the central board, without power, without responsibility, and without any title to command respect, the members of the board would have little encouragement to diligence in the administration of devasthanam affairs. They could not fail to see that the work assigned to them to do could, with some small exceptions, be equally well done by paid inspectors. The committee have apparently followed the analogy presented by the panchayats under the Local Boards Act in making the district board the agent of the central board. It seems to me that a body supposed to represent the Hindus in a whole district would be more fitly placed in a position analogous to that of the district board under the same Act. If any good work is to be expected of it as a representative body, it must, I venture to think, have some measure of independence and power accorded to it, care being taken at the same time to give the central board powers of supervision and, on occasion requiring, of active interference in the same way that such powers are given to Government over the local boards, but if necessary in a greater degree. Under a semblance of local self-government, the Bill, as it seems to me in reality, centralizes the whole administration of religious endowments in a board sitting in Madras, and thus gives effect to a policy which, if it is to be adopted, may be carried on at least as effectively by the aid of paid inspectors.

If I may venture to express an opinion, I should say that the relations of the district board to the central board ought to be somewhat of the following nature.

Let the general rule in the normal state of things be for the district board to have complete control over the trustees within their district, subject only to the duty of transmitting to the central board periodically the accounts kept by the trustees in a form approved by the central board (sections 111—119 of draft Bill). As long as no disputes or complaints arise about the property of the temple, the succession of trustees or about ritual, let the central board refrain from interfering; but let it be accessible to such complaints and let it have full power to settle such disputes when called upon to do so by any member of the district board, by any trustee or by any other person interested in the temple. Surely it would be to somebody's interest to complain and set the central board in motion if temple property were squandered. The inaction of the committees under the present Act arises, I believe, in great part from the fact that there is often a nearly equal division of parties in the committee, the result of which is that neither party can obtain a majority sufficient to ensure active measures. In this state of things the party desirous of taking steps to secure temple property would, when defeated at the board meeting, have recourse to the central board, and I would give the latter board power to file suits in the name of trustees or other persons as provided in the draft Bill and further the general control over such suits. And similarly with regard to suits against trustees, the central board, if moved to do so, should either compromise or defend such suits. There might be added with regard to suits by trustees, without the cognizance of the central board, a power in the latter to prevent their institution or to compromise them.

I can hardly believe that the central board would not from one quarter or another receive intimation of the waste or endangering of property, and would not be invited to take protective measures on default being made by the district board. But if I am wrong, there is no reason why the central board should not have power to employ its own inspectors and to take action in the way of suits or otherwise on their information only. In the last resort, the central board might be empowered to take the reins of administration out of the hands of the district board altogether. In a word, I would bring about relations between the central board and the district board similar to those existing between a local board and Government under Act V of 1884 (section 40).

Besides matters relating to property, there might also come before the central board (1) disputes with regard to the succession of trustees or their misconduct, (2) disputes about ceremonies and ritual, and finally (3) questions with regard to schemes of administration and the disposal of funds no longer required for the purposes to which they were dedicated.

As to disputes of the first and second kind, there is probably even less risk than there is with regard to property of their not being voluntarily brought to the notice of the central board. Against any order of the district board, in whom I would in the first instance vest the power of dealing with such matters, I would allow an appeal to the central board. With reference to the third class of questions, dealt with in the draft Bill in sections 103, 109, 125—127, I would prefer to see such questions dealt with in the first instance by the district board, a power of veto, of revision or appeal, being reserved to the central board. In the event of the district board failing to take action under the powers given to them with regard to these matters, the central board should have power to intervene as Government has with reference to a local board (see section 40, Local Boards' Act).

What the precise relation of the district board to the central board should be in particular matters, whether the power of the latter should be exercised by way of appeal or veto, and how it should be set in motion, are, however, rather questions of detail. The main point I wish to urge is that unless the district board has distinct functions assigned it and distinct responsibilities with corresponding powers, the notion of superintending religious institutions by local elective bodies had better be abandoned.

Adverting now to the provisions of the draft Bill in detail, I have the following observations to make.

For facility of reference, I enclose herewith a copy of the Bill on which I have made alterations, many of which do not seem to call for special remark.

Section 3—Religious or Charitable Institution.—This clause is so worded as to make the term include trusts of a purely private nature, e.g., cases in which a Hindu testator makes provision for the family god. This result can hardly have been intended.

Trustee.—If I am right in supposing that there is grave reason for doubting whether the heads of mattams are as such trustees, it must follow that they ought not to be included in the Act. The remarks of the committee are not directly addressed to this point, and, in face of the doubt which exists, I would submit that these persons ought not to be treated as trustees. In their capacity of trustees for temples or for definite charitable purposes, they would come within the Act, although not specially named.

CHAPTER II.

It seems to me that the arrangement of the provisions of this chapter is capable of improvement, and I would suggest a division into four parts—the first dealing with the constitution of the central board, the second with the mode of transacting business, the third appointment, the fourth with the funds of the central board.

The first part would include the following sections of the draft Bill, viz., sections 4, 11, 10, 14, 24.

The second part would include sections 15, 16, 17, 20, 21, 22, 23; the third part sections 12, 13, 18, 19; the fourth part sections 5, 6, 7, 8, 9. The further amendments which I would suggest, and which will be found in the copy of the Bill forwarded herewith, are mostly of a verbal character. I have followed the phraseology of the District Municipalities Act.

From section 25 to section 51 the Bill deals with the district board in the same way as the previous sections deal with the central board, and those sections ought, I should say, to form a separate chapter and be divided into three parts. The sections 25 to 45 should constitute the part relating to the constitution of the board. The minor headings, "Rules for the first election," "Rules for the subsequent election," the district board, I would omit, as at any rate unnecessary. It does not appear that any special mode of election is to be adopted for the first election and many of the provisions coming under the heading "Rules for the first election" are applicable to elections generally. I would also recommend a re-arrangement of these sections, and it will be seen that I have adopted the order followed in Act I of 1884. The order in which I place the sections is as follows: Sections 25, 26, 27, 28, 37, 38, 29, 31, 32, 33, 34, 35, 36, 42, 44, 43, 45, 41, 40.

Section 25.—The name is surely inconvenient, there being already a district board constituted under Act V of 1884. I would suggest Devasthanam board.

Section 26.—Nothing is said as to the qualifications of the members to be appointed by the central board.

Section 27.—It ought to be made clear that women cannot become members of district boards. (4) How is the amount of the income to be ascertained? A reference to land revenue or income tax payable would, I should think, be preferable.

Section 34.—What the applicant desires is to have his name inserted in the list, and the reason for reference to the District Gazette is not apparent. A certain interval of time should, I think, be fixed. In the draft it is not explained how the appellate authority is to be ascertained or whether by reference to criminal or civil procedure. I would suggest the substitution of the High Court as the appellate authority from decisions of the District Judge, in other cases the District Judge himself (see section 30 of my draft).

Section 38.—"As prescribed above." This seems to me obscure. I presume the reference is to section 32.

A section giving the central board power to make rules for the conduct of elections might probably be found convenient. Compare section 11, Act I of 1884.

Sections 42 to 44.—The chairman is a member of the board, and therefore any reference to members must equally apply to the chairman.

CHAPTER III.

Sections 52 to 70 seem to me to be arranged in no very intelligible order, and I think it would conduce to clearness if they were arranged somewhat as follows:—1st, under the head of "duties," sections 53, 54, 55, 59, 60, 65, 67, 66; 2nd, under the head of "Property," 52, 57, 64, 58, 61, 62, 63; 3rd, under head "Servants," sections 56, 68, 69, 70.

Dealing with the sections in the above order, I have the following observations to make on them:—

Section 59.—Neither in this section nor in section 125 are any duties imposed on the district board, nor is it explained what course that body is to adopt.

Section 67.—What is required is a group of sections declaring what orders a district board may give. The present provision seems to me useless in the absence of such other sections.

Section 66.—See observations on section 123.

Section 64.—As the section is framed in the permissive form, it is difficult to see what object it serves. Why should the trustees consult the central board as to the place of deposit if they are not to secure themselves by so doing? And further, why should obedience to orders of the district board (section 66) have consequences which action taken on the approval of the central board does not entail?

If the district board is competent to act under section 62, I should have thought that their discretion might equally be trusted when section 64 is in question.

Section 56.—This section may be compared with section 67. Given a servant "belonging to any institution," I suppose there would be no doubt that he would be bound to obey the trustees' lawful orders, and that, whether he was remunerated by fixed pay or otherwise. In the absence of words showing who are intended by the words "servants, &c.," I fail to see what effect can be given to the section.

It seems to me that all that is material in the three sections, 56, 68 and 69, might be embodied in one framed as follows, viz.: "It shall be lawful for the trustees of any institution to exercise control over the servants thereof and other persons receiving emoluments or other benefits therefrom, to punish them by fine or otherwise, to dismiss or suspend them from their office, and on vacancies occurring to make the necessary appointments in like manner as if this Act had not been passed; provided that in case of the trustees deciding to punish, dismiss or suspend any such servant or other person, he may appeal against their decision to the central board."

I cannot but think that the right of appeal will unduly weaken the hands of the trustees, and I would suggest that it should be, at any rate, confined to cases of dismissal. It might be extremely inconvenient not to have the power of suspending a servant. Moreover, under sections 134 and 138, a further appeal is allowed from the decision of the central board to the Civil Court and to the High Court.

CHAPTER IV.

Section 71.—As the duties of the central board are declared in detail, this summary of them may well be omitted. If it is to stand, the duties should, at any rate, be enumerated in the order in which they are afterwards treated.

The part relating to "Inquiries," being of an adjective character, would more appropriately come last in order. If, as would seem to be the case, it is intended that the central board may delegate its powers under these sections 72 to 81 to a member of the district board or an inspector, a section to that effect such as I have framed should be added, and the words "or any district board, &c.," can then be omitted (See draft section at end of Part A).

PART B.

Section 82.—By section 53 it has been made part of the duty of trustees to furnish the district board with the particulars which under section 82 the central board is required to collect. Although the language of section 53 is not identical with that of section 82, I presume that no distinction is intended between the account given to the district board and the particulars which are to be included in the register. This being so, it would be sufficient in the present section to refer to section 53, or, if that is preferred, section 53 might be omitted, for the power on the part of the central board to obtain information is already given by section 73. If the two sections, 53 and 82, are to stand, the language of the two should be made to correspond exactly.

PART C.

Section 85.—It is doubtless intended that the surviving trustee, chief servant or inspector shall, as a matter of imperative duty, report the fact of a vacancy. "Any person interested" may do so, but he is out of place in a section otherwise intended to be imperative. I would omit clause (3).

Section 86.—If by clause (d) of this section, it is meant that under certain circumstances the central board may appoint a trustee, what are those circumstances? There should be provision for the appointment in cases where, hereditary succession being the rule, there is no heir to succeed [clause (a)], and again in cases under clause (c) where no appointment is made in accordance with the scheme, unless it is meant to leave such cases to the Civil Courts.

Section 91.—This section seems wholly superfluous.

Sections 92—94.—These sections may be simplified in the manner suggested in the copy draft Bill.

Section 94, 1st Proviso.—I am disposed to agree with Mr. Ragoonath Rao's remarks on this proviso. If the management and control of trust property are taken away from the head of a muttam, *qua* trustee he is dismissed. It may be that the religious susceptibilities of his disciples would be wounded by such deprivation, though in his character of teacher he would not really be affected, but I do not see that they would be any the more offended if different language were used and it plainly said that he was dismissed from his office of trustee. Perhaps a proviso allowing such a trustee, though dismissed, still to remain in the muttam, might meet the exigencies of the case.

2nd Proviso.—Unless the report to be made by the central board under the terms of the 2nd proviso is to be admissible in evidence, the object of this proviso is not apparent. Without it the central board would, of course, make an investigation, or rather they would have made it before bringing the suit. I would omit the proviso.

Section 96.—I think it would be better to make section 97 a part of section 96. The last paragraph of section 97 may either be made part of the same one section or a separate section by itself.

Section 97.—It is only the order, I apprehend, not the application, that it is desired to make evidence. The fact of refusal to deliver possession must surely be proved in the ordinary way.

Section 98.—I would omit this section here, making the prohibition a proviso to a section declaring the duty of trustees with regard to land (see my draft section 63).

Section 99.—Leases included within the above prohibition ought to be mentioned in this section.

Section 101.—This section ought to be expressed in the form in which the preceding sections are expressed.

Sections 104 and 105.—The phraseology of these two sections should be the same, 105 (c) "grossly" is the word used in the Specific Relief Act, section 28.

(d) It is not clear what this means but it would seem to be covered by (a).

Sections 107—110.—The order needs to be modified. I would put sections 109 and 110 first, then, as referring to special new matter, sections 107 and 108.

Section 109.—This provision, it seems to me, requires more elaboration. Surely a scheme ought to be settled, in accordance with which the funds should be disposed and power should be reserved to the central board to modify such scheme as in Part C.

Section 110.—The policy of this section seems to be open to discussion, but the report is silent as to it.

PART E.

Sections 111—119.—Of these sections, 113 and 114 might conveniently be relegated to the part dealing with trustees, and the rest might be arranged as follows: viz., 115, 116, 117, 112, 118, 119. The auditing must necessarily precede the review.

PART F.

Section 120.—An attempt should, I think, be made to enumerate the matters in which the central board may give their opinion, and disputes concerning ritual should be mentioned specially. Presumably the central board have the option of giving advice or downright orders.

Section 121.—I confess I do not understand what is meant by "deposing a report for local inspection," or what is the object of the process.

Section 123.—The relations of the trustees to the district board on the one hand and the central board on the other hand do not seem to me sufficiently defined. They are bound to obey the lawful orders of the district board (section 67). No similar duty is imposed on them in respect of the orders of the central board. If it is meant that orders of the central board are to be given through the district board, what occasion is there for section 123? If otherwise, the trustees may have contradictory orders from the two boards. Further, if the two sections, 66 and 123, must both stand, there seems no reason for the difference of language now observable.

Section 124.—As in section 120, the matters which may be submitted should, I think, be more clearly defined.

Considering the extreme difficulty of forming a central board competent to deal with abstruse questions of ceremony from all parts of the presidency, I should have thought that instead of their giving orders on such matters—in this case final orders—and instead of arbitrating themselves, it would have been better to give them power to refer such matters to local punchayats whose decision should be made final.

PART H.

Section 128.—This prohibition finds a more convenient place in section 63.

Suits must generally be in the name of trustees and what the central board requires is to have the conduct of them, the full control over them as if they themselves were parties, and the central board should have a similar control over suits instituted against trustees.

Sections 128 and 129.—The references to the Secretary could be dispensed with by a general section inserted in chapter II.

Section 132.—This would hardly be necessary if my suggestion is adopted and the conduct of suits is vested in the central board. And anyhow some provision ought to be made for suits against trustees.

Section 133.—This provision should, in my view, be extended to suits in which trustees are defendants.

CHAPTER V.

Section 134.—The expediency of this general liberty to appeal against orders of the central board seems to me very questionable, and the report is silent as to it.

Orders made in respect of trustees and servants (Part C) under sections 103 and 109 and under Part G would appear to be the chief orders against which appeals might be laid. It seems to me that much of the good which the central board might do will be neutralized by subjecting all these orders to a re-investigation by the Civil Court with an appeal to the High Court. Practically the courts would probably regard the matter dealt with by the order as *res integra*, and would proceed to investigate it regardless of the order passed, as is the case with regard to decisions passed under Act 28 of 1860 (Boundaries Act). But even if this is not so and the question is taken up by the District Judge as if it arose on an appeal, what reason is there for holding that a District Judge is better fitted to decide questions arising under the Act than the central board? The central board, if properly manned, ought to be the more competent tribunal. If there must be an appeal, I would suggest that it should be restricted to questions of law and be made to the High Court only.

Instead of this proviso, which I think is likely to cause difficulties, I would suggest appending to the section, giving power to make such orders, a declaration that the order should be final.

If the appeal is to be heard as a suit, and no new powers are conferred on Civil Courts, there is no occasion to enact that they cannot try questions of ritual, for except incidentally they cannot do so under the present law. The chapter seems deficient in not providing what form the appeal should take. If it is to be instituted and heard like a suit under the Civil Procedure Code, provision to that effect should be made.

CHAPTER VII.

Section 140.—This provision, being apparently intended to take cases out of the operation of the Court Fees Act, is one which it would not be competent to the local Legislature to pass. I fail to see why religious institutions should be favored in the matter of court fees.

From the Registrar of the High Court of Judicature, Madras, to the Chief Secretary to Government, dated Madras, 20th August 1886, No. 2392.

Adverting to G.O., dated 17th April last, No. 814, Public, referring, for the opinion of the Honorable the Judges, the Madras Hindu Religious and Charitable Institutions Bill, I am directed to submit, herewith, a transcript of the minute recorded by the Honorable Mr. Justice Brandt, and to state that the other Honorable Judges have not as yet had time to consider the provisions of the Bill.

Any minutes hereafter recorded will be duly forwarded.

(Signed) H. T. ROSS,
Registrar, Appellate Side.

ENCLOSURE.

MINUTES.

Mr. Justice Brandt :—That Act XX of 1863 is a "complete failure," and that the proposals now made for the administration and control of Hindu religious endowments cannot fail to bring about an improvement upon the existing state of things, I entertain no doubt, and the principle of the Bill as to the administrative machinery to be provided, viz., the appointment of a central board of paid commissioners, the chief executive power of administration being vested in district boards as agents of the central board may, I think, safely be accepted on the recommendation of the committee.

The appointment of the first members of the central board in the manner and by the authority determined on must also, I think, be accepted as the best which, in the circumstances, the committee reporting on the Bill consider practicable.

Section 4 provides that the central board shall consist of not less than three members. I do not see that the number which it is proposed to appoint is mentioned. I am decidedly of opinion that three will not be sufficient.

The dissenting member of the committee advances good reasons for the board consisting of a large number of members, but the principle of paying the members and paying them well being adopted it would be out of the question to have so many as 16 members. I incline to think that the board should consist of five members at least and more if funds will permit of it. In that case, I agree with the dissenting member that they would not require leave; the provisions as to regular attendance might be made somewhat less stringent.

I entirely concur with the dissenting member that it should not be made any part of the business of the High Court to grant leave to members of the board. It might, as suggested by him, be left to the members of the board to allow one or more of their members to be absent for limited periods under certain restrictions on good cause shown and subject to its being possible to grant leave without serious detriment to the business of the board.

Section 25.—I doubt if it is desirable to make it a fixed rule that there shall be a district board for each revenue district. Such districts vary much in size and importance, and in some there are so many religious institutions, or institutions of such importance, while in others the temples, &c., are so few and comparatively insignificant, that it might be found expedient to have more than one board in some revenue districts, and only one board for more than one revenue district in other cases.

It might then be desirable to provide that there shall be ordinarily, and unless otherwise specially ordained, on the recommendation of the central board, a district board for each district in the presidency. Question would then arise by whom the number of district boards to be created should ultimately be determined. It is determined in the first instance, and as the Bill at present stands, by Government in the Legislative Department, and I see no reason why the decision should not be left in the hands of Government ultimately, seeing that any deviation from the rule would be made only on the recommendation of the central board.

As to the preparation of lists of electors (*section 29 et seq.*), it appears to me that the district court has not at its command the best machinery available for the preparation of the lists of electors. No doubt *section 29* provides that the lists shall be prepared by the District Judge "or any other authority the High Court may appoint;" this gives the High Court the power of calling on the Collector of the district to cause the lists to be prepared. But I imagine it is considered desirable that, as a rule, the chief executive officer in the district should have, as far as possible, no concern in the working of the Act.

The principle is no doubt right, but I think it could do no harm to provide that the Collector shall afford to the District Judge or other authority appointed by the High Court all reasonable assistance in preparing the lists.

From being concerned in preparation of other lists of a similar character, and from their acquaintance with the means, &c., of the people, the local revenue officers will be in a position to afford very valuable aid in this direction, which, after all, would be limited to the production of the most complete and trustworthy list.

I do not see the difficulty apprehended by the dissenting member as to *section 94*. The intention of the committee in this respect is explained in their covering letter. There will be no interference with the holder of the office personally, nor with the succession or internal management of the institution nor over the offerings made to the individual, but the interference will be limited to the management and control of the moneys and property belonging to the institution: a further proviso might be added that the power given under *section 94* shall not be exercised in any case by the central board in the case of mattam, except under or in pursuance of an order of a civil court.

Section 40 provides that the central board and not the district board shall sue and be sued in respect of any act or omission of the district board giving rise to any cause of action. It might be as well to provide in the Act that suits or causes of action arising within the jurisdiction in which the district boards are the agents of the central board shall or shall not be cognizable by the courts having jurisdiction within such areas.

(True Copy.)

(Signed) H. T. ROSS,
Registrar, Appellate Side.

From M.R.Ry. M. RAMANNAH, Chairman, Native Chamber of Commerce, Cocanada, to the Assistant Secretary, Legislative Department, dated Cocanada, 7th September 1886, No. 28.

Kindly allow me to thank you for the Bills Nos. 2 and 3 of 1886 received through the Superintendent of the Government Press.

2. I humbly beg to inform you that the committee of the chamber have nothing to say on the Local Authorities Loan Bill (Bill No. 2.)

3. I further beg to communicate to you that the Madras Hindu Religious and Charitable Institutions' Bill has been discussed by the members of the chamber who were of an unanimous opinion that the central board, to be formed under the Bill in view, should be assisted by ten honorary members and that they should be appointed by the High Court.

4. This important modification and a few others connected with the same subject are annexed hereto, which, if added in the Bill in question, would, in the opinion of the committee, be of a great use in the future interests of the people concerned.

5. Believing that the said suggestions will meet with the approval of the Government in the Legislative Council, the committee leave the Bill to the consideration of the able officers such as the Honorable Judges of the High Court and the Board of Revenue, &c., for whose opinions it has been referred.

ENCLOSURE.

SUGGESTIONS.

Section 4.—Paragraph 4 shall be substituted as follows:—

"The board shall consist of not less than three salaried members and ten honorary members. The latter to be appointed by the High Court from among the respectable Hindu community of Madras. They shall belong to the different sects of the Hindu religion."

Section 11.—The words "they shall" in line 7 shall be substituted by "the salaried members shall attend the office every day and," and add "the honorary members upon their consent may be deputed for conducting inspection or inquiries out of Madras if necessary, and on such occasions travelling allowance shall be granted to them in the same manner as the salaried members are paid."

Section 14.—Add "the above paragraphs shall apply to the salaried members. Any honorary member failing to attend the meetings of the board during two consecutive months without sufficient excuse shall be held to have vacated his appointment, but he shall be eligible for reappointment."

Section 16.—Line 5 shall be substituted as "at any meeting unless at least two salaried members and three honorary members."

No. 178.

Transferred to the Public Department, where the Bill is now under consideration.

(By Order.)

18th September 1886.

(Signed) A. G. CARDEW,
Ag. Asst. Secy. to Govt.

TO HIS EXCELLENCY THE RIGHT HONORABLE THE GOVERNOR IN COUNCIL,
Fort St. George, Madras.

The humble petition of the inhabitants of the various parts of India that visited Tirupati during the present festival.

MOST RESPECTFULLY SHEWETH,—That on learning that the Government contemplate the passing of an Act for a better supervision of, and control over, all the devastanams of the presidency, and in consequence thereof the devastanam of Tirupati has to be brought under the operation of that Act, the petitioners, being pilgrims to Upper Tirupati during the festival now in progress, beg to approach Your Excellency with the following representations, in view to Your Excellency giving them the consideration they deserve before having the said Act passed.

2. That in 1842 and 1843 the Government, till then in charge of all the devastanams of all the country, made them over to trustees in view of the policy of non-intervention with our religious institutions, reserving in their own hands the power of calling for accounts and checking them if need be.
3. That subsequently Act No. XX of 1863 was brought into operation for a better check and control on the said devastanams. That in virtue of that Act, committees were appointed for many devastanams, and for cogent reasons other large devastanams were exempted from the operation of the same.
4. That the affairs of the so-exempted devastanams have been better conducted and have run on more smoothly than those of the devastanams over which committees were appointed. That in the devastanams under the said committees, our experience is, that there has been a constant friction between the trustees and the committees, in consequence of unnecessary interference in rituals, &c., connected with the temples on the part of the committees, which friction has led to unnecessary waste of time, trouble, and money in law-suits without any practical good.
5. That as a natural consequence of such disturbances, many devastanams have been faring worse than expected.
6. That the petitioners believe the said Act was intended to provide a check on the affairs and accounts of devastanams having dustigs or money-allowances from Government, maniams and other fixed revenue from other sources.
7. That while the said Act XX of 1863 has been productive of many unnecessary evils, it is the opinion and belief of the petitioners that the Act now in contemplation for the purpose of providing a still better check on the accounts of the devastanams and a better regulation of rituals thereof, will only aggravate those evils instead of producing the desired object.
8. That the Hindu religion, not being a uniform one, but consisting of multifarious sects and creeds, it is impossible to constitute boards that can ensure an unanimity of feeling and opinions on the part of the members in respect of the devastanam affairs.
9. That the Act now in contemplation is, as alleged, intended to check some supposed maladministration in temples, that to do this we fail to see how that Act will be more effectual than the Indian Penal Code and Civil Law which will even, after the passing of that Act, be in full force and effect, however that Act may have the outward appearance of securing the desired object.
10. That whatever legislation may be made by Government for checking the supposed maladministration in temples, the Penal Code and Civil Law were, have been, and ever will be, the only source of remedying the evil if such evil exists at all.
11. That under such circumstances, we cannot see what occasion there is for Government to make a new legislation for remedying an evil for which there already exists a more than adequate remedy.
12. That in our humble opinion, the only result to which the Act under contemplation will tend, will be to divert a portion of the revenues of the temples for the maintenance of the central and district boards to be created and the large establishments to be attached thereto, not to speak of the mere outward display of formalities that will be brought about by the Act.

13. Even allowing that the Act may apply to endowed devastanams under married trustees, certainly it must not be applied to those under mathadhipathies and mahants who observe celibacy.

14. That there is no room for misappropriation in the case of the temples under unmarried mathadhipathies and sanyasis, such, for instance, as Tirupati.

15. That the devastanam at Tirupati is important to all Hindus of all castes and creeds from Cashmere to Cape Comorin.

16. That it is under the management of the mahants of Tirupati, who are Byragies by birth, bachelors for life, fully God-fearing, having no relations of any kind anywhere that can expect to be profited by them, and having therefore no occasion to misappropriate the temple funds. That they have a position which is revered and respected by all classes of the community.

17. That since the transfer to them of the Tirupati devastanam, the revenue thereof has evidently increased under their management, that accounts are kept in the form prescribed by Government, not by mahants only, but by jheeyangars also, who are sanyasis as well; which accounts are open to inspection by any officers of Government at any time. That for some very good reasons, this devastanam was exempted from the operation of Act XX of 1863.

18. That whether the said increase of revenue is due to the respect commanded by the position of the mahants and by their efforts or otherwise, it is for the Government to judge.

19. That the mahants have disciples consisting of wealthy Marvadis, Goshayies, Gugeraties, &c., all over the northern parts of India, who contribute appreciably to the revenue of the devastanam.

20. That the bringing up of this devastanam under the operation of the said Act cannot but detract from the honor and respect due to the position of the mahants, diminish their zeal in increasing the revenue of the temple, and cannot but therefore substantially affect that revenue.

21. That in conclusion, the petitioners beg to state that, for the reasons mentioned above, there is absolutely no necessity for a fresh legislation in the matter, and should the Government not share with their opinion and in consequence the Act in contemplation be passed at all, they submit that the bringing in of this devastanam of Tirupati under the Act will give a death blow to its material prosperity, inasmuch as it has neither a pie of money-grant from Government nor an inch of maniam-land for its rituals, &c., but purely dependent on the gifts of pilgrims, and its exemption from the operation of that Act will, on the contrary, maintain and even enhance its prosperity, and they therefore earnestly request that the Government will be pleased to exempt this Tirupati and similar devastanams from the operation of the said Act for the same reasons for which they were exempted from Act XX of 1863, and thus redeem the pledge the Government have given that they will not interfere with the religious institutions of the people.

2nd November 1886.

From H. T. ROSS, Esq., Registrar of the High Court of Judicature at Madras, Appellate Side, to the Chief Secretary to Government, dated Madras, 10th November 1886, No. 3031.

Referring to the Acting Assistant Secretary's official memorandum, dated the 5th instant, No. 1849-C., Public, I have the honor to state that the Honorable the Chief Justice and Justices Kernan and Parker have not recorded any observations on the Madras Hindu Religious and Charitable Institutions Bill.

2. The Honorable Mr. Justice Muttusami Aiyar, having been a member of the Committee, intimated that he had only to reiterate his approval of the provisions of the Bill.

ORDER—dated 15th April 1887, No. 543, Public. .

Ordered that the foregoing papers be transferred to the Legislative Department in view to early steps being taken for the introduction of the Bill in the shape in which it has been submitted by the committee. It appears to be the most convenient course that the numerous alterations proposed by the late Acting Advocate-General shall be considered by a select committee of the Legislative Council.

(True Extract.)

H. E. STOKES,
Ag. Chief Secretary.

To the Legislative Department.

Govt. of 1887 Madras.

PUBLIC.



14

memo

His Excellency has
kept the draft bill
and the paper with
draft order.

100228

P.S.

11.4.7

Issued

Recd.

Encl.

G.O., 15th April 1887, No. 543.

APRIL

Bills—Legislative.

Transferring to the Legislative Department
papers connected with the Hindu Religious
Endowments Bill in view to steps being taken for
its introduction.

13
15.4.1887
186

CURR. NO. 918

Judicial DEPT.

From Amrajeri Mudali
Chingleput

No.

Dated 4th March

Received 5th — do

Enclosures

SUBJECT.

Regarding the manager
of the Hindu Temple in
District and praying the
Act 20 of 1863 may be
+ modified.

Ind. No 469 C of 13-3-

Transferred to the Comm.
appointed in G.O. 5th Feb
No 58 Legislative.

State of Madras

Handwritten text in Telugu script, likely a petition or official communication, covering the right page of the document. The text is dense and covers most of the page area.

Handwritten text in a script, likely Devanagari, covering the left page of the document. The text is dense and appears to be a formal report or petition.

States that he petitioned to have a copy
 forwarded Act 22 of 1864 relating to
 the Hindu Temples of the Kingdom of Mysore
 and that officer replied that the same
 will remain in the hands of the Government. 16

Proposes that instead of the Government
 under the existing system, three or four
 respectable gentlemen, locally resident,
 may be nominated as trustees or
 agents to superintend the temple
 the whole may be kept under the control
 of a European Officer with a commis-
 sion for him of 25% of the temple in-
 come; that the present trustee do not
 spend the whole of the proceeds either
 want on behalf of the temple and use
 appropriate a good portion of it to their
 own use, that to prevent fraud, such
 trustees should be asked to deposit a
 sum of money equivalent in amount
 to the approximate temple income they are
 to be in charge of.

May that in the event of the above
 proposal not being accepted, the Government
 should take over the management of
 the temple themselves as they did formerly.

Also that, invited by the Collector, he
 petitioned to grant on the 16th March
 last, but no order was communicated
 to him on the Petition.

Indt No. 165
 9/13/0/86

True above translation/
 K.R.
 4/6/86

URGENT NO. 10

DEPART

From

Humayun Jah Bahadur
Chairman

Date

Received 17

Enclosures

SUBJECT.

Yomacila Petition

Part with ref
to G.O. No. 211

BOARD OF REVENUE, 1ST JUNE 1886, No. 1211.

PROCEEDINGS OF THE BOARD OF REVENUE.

READ—the following G.O., dated 17th April 1886, No. 814, Public :—

Read—the following paper :—

From M. HAMMICK, Esq., Secretary to the Hindu Religious Endowments Committee, to the Chief Secretary to Government, dated Madras, 19th March 1886.

With reference to G.O., dated the 5th February 1884, No. 58, Legislative, appointing a committee to report upon the administration of Hindu religious endowments in this presidency, I am desired by that committee to submit, for the consideration of His Excellency the Governor in Council, their report upon the reforms which they consider necessary in the management of those endowments, together with a draft Bill upon the subject.

2. A minute of dissent recorded by Mr. Ragoonath Rao, one of the members of the committee, is annexed to the report.

ENCLOSURE.

From the Hindu Religious Endowments Committee, to the Chief Secretary to Government, dated Madras, 15th March 1886.

In accordance with the instructions communicated to us in G.O., 5th February 1884, No. 58, Legislative, we have the honor to submit our report upon the reforms which we consider necessary with regard to the administration of Hindu religious endowments in this presidency, together with a draft Bill upon the subject.

2. The original intention was to take both Hindu and Muhammadan endowments under consideration, and for this purpose the Hon. Mir Humayun Jah Bahadur was appointed a member of the committee, but after one or two sittings it became clear (1) that, owing to the comparatively small number of Muhammadan institutions in this presidency and to the fact that there was no widespread complaint as to their mismanagement, there was no such urgent need for legislative interference as the circumstances of Hindu endowments called for; (2) that, owing to the difference of the conditions, social and religious, of the two sets of institutions, it would be impossible to control them by a mixed central authority composed partly of Muhammadans and partly of Hindus. These obstacles, to bringing the endowed institutions of the two religions within the scope of one legislative enactment, having been prominently urged by the influential member of the Muhammadan community, who was associated with the committee, it was decided that, for the present, legislative action, in connection with Muhammadan endowments, was not called for, and the Honorable Mir Humayun Jah Bahadur retired from the committee.

3. The following gives briefly the various proposals and recommendations which have from time to time been made upon the subject :—

In 1871 the Government of India referred certain papers in regard to the amendment of the law regulating the administration of religious endowments to the Government of Madras, alluded to certain evils connected with the management of these endowments commented on by the

5th January 1871.

Government of Bengal, which were apprehended to exist all over India, and requested the opinion of this Government as to the remedial measures that might be adopted without deviating from the policy of Act XX of 1863, viz., the withdrawal of Government from any active concern in the management of those endowments.

The Government of India were informed that Act XX of 1863 had, according to public opinion, proved a complete failure; that the matter had engaged the attention of this Government; that a draft

31st January 1872, No. 120.

Bill to remedy the evil prepared by the Hon. V. Ramiengar, an Additional Member of the Council for making Laws and Regulations, was under the consideration of Government and the High Court; that they would address the Government of India on the subject as soon as opinions on the measure were collected; and that they were of opinion that Madras should have a separate enactment on the subject. This detailed

23rd October 1874, No. 1975-A.

General on an outline of a Bill which that officer proposed for securing (1) a systematic control exercised from a single centre over all religious trusts, and (2) an inexpensive and expeditious remedy for misfeasance or non-feasance on the part of the trustees, and which the Governor in Council approved as a mere *outline* of a Bill. It was suggested to the Government of India that in consideration of the requirements of sections 42 and 43 of the Indian Councils Act, an enactment might be passed by them declaring that Act XX of 1863 shall cease to have effect in the presidency of Fort St. George as soon as any Act passed by the local Council on the subject received the assent of the Viceroy and Governor-General. A copy of the correspondence up to

6th November 1874, No. 34.

of this Government, a proposal from the Lieutenant-Governor of Bengal that the minor legislatures should be empowered to amend or repeal, with the previous sanction of the Governor-General, any Acts passed by the Supreme legislature after the Indian Councils Act of 1861 came into operation, and requested this Government to specify the Acts which they would so amend.

19th June 1875, No. 931.

This Government agreed with the Lieutenant-Governor and submitted a list of the enactments the local Government would like to deal with; among these was India Act XX of 1863.

27th October 1875, No. 2281, Judicial.

This Government requested the Government of India to pass early orders on the subject of their letter, dated 23rd October 1874, No. 1975-A. The Government of India intimated—

- (1) that the policy of Act XX of 1863 should be maintained;
- (2) that the proposals of Sir William Robinson, which involved no direct interference in the administration of the endowments by the European officers of the State, but provided that the duty should be entrusted to a strong Native Board exclusively devoted to the work and armed with full powers to inquire into and obtain redress for abuses of their authority by the local Managers of the trusts, appeared to the Government of India to be calculated to meet with greater success than any other of the proposals that had been submitted;
- (3) that for the work to be done well the members of the Board and their staff should be well paid, that their salaries should come from the Endowment funds, and that the members should be appointed and removed by Government;
- (4) that the trustees for the management of individual endowments should be appointed by the Board, and that their number might vary according to the circumstances and past history of such trusts;

(5) that there was no objection to the application of any surplus funds to any charitable and beneficial object;

(6) and that steps would be taken to repeal Act XX of 1863 at the proper time as regards Madras;

and in conclusion they requested that a Bill based on the above suggestions might be submitted to the Government of India for sanction under section 43 of the Indian Councils Act and for transmission to the Secretary of State.

29th February 1876, No. 306.

4th April 1876, No. 639, Judicial.

12th November 1877.

This Bill was the subject of considerable discussion, and it was finally resolved that all the papers connected with the subject and a draft Bill, as suggested by His Grace the Governor of Madras, should

be transmitted to the Government of India.

The Government of India intimated that they saw no objection to this Government proceeding with any one of the Bills that accompanied letter No. 34 after taking into consideration any objection urged against the Bill. The Government desired to proceed with the last of the three Bills, and submitted the same (with annexure) for the approval of the Secretary of State. The matter was subsequently dropped at the wish of the Government of India, and finally raised again by the Hon. Mr. Carmichael, who wrote a minute and submitted a draft Bill on the subject almost immediately before leaving for England in 1883.

4. We had thus before us, when we first approached the subject, two Bills, each designed to attain the same end, but in different ways, and the first point we had to decide was, which of the two draft Bills was the most likely to prove practically useful. The first of these Bills had been drafted in 1877 by the committee which sat with the Hon. Sir William Robinson as President, the second had been drawn up by the Hon. Mr. Carmichael almost immediately previous to his leaving this presidency for Europe.

5. The main points of difference between the two measures were to be found (1) in their proposed scope, and (2) in the administrative machinery provided for giving effect to the measure.

6. The committee of 1876 intended all religious institutions of whatever kind to be brought within the operation of their Bill, believing that they all alike required protection and control. The Hon. Mr. Carmichael on the other hand desired that the larger national temples only should be supervised by authority outside the temples, thinking the scheme proposed, under which *all* religious institutions should be brought under control, unworkable and undesirable.

7. As regards the machinery to be employed, the Bill of 1876 contemplates the appointment of a Central Board of Commissioners to control and to regulate the administration of devasthanam endowments throughout the country, the executive power being vested in local trustees and managers to be appointed by the Board, with whom also, subject to appeal to the Civil Courts, rested the power of removing such trustees and managers from office. The Central Board were to hold their sittings in Madras, and to devote their whole time to the discharge of their official duties. They were to be remunerated by salaries not exceeding the limits defined in the Bill. The Hon. Mr. Carmichael was, on the other hand, entirely opposed to the idea of a Central Board of salaried commissioners, and the Bill drafted by him, following so far Act XX of 1863, divided religious establishments into two classes—those under the management of trustees and those which are not. In the former case, the management was to continue to vest in the trustees, their heirs and successors, and in the event of disputed succession, the right to succeed was to be determined by a suit. For the management of religious establishments of the second class, the committees appointed

under Act XX of 1863 were to cease to exist from the coming into operation of the draft Bill, and provision was made for the election of a new committee of management by persons professing the religion for the purposes of which the religious establishment in question was founded or maintained. According to the Bill, the powers of control over trustees and elected committees were to be vested in the Board created under the District Boards Act. These powers comprised the regulation of the procedure to be observed in the conduct of business by the trustees or committees, as the case may be, and in the case of the latter, of the mode of election of the members.

8. In the District Board was to be vested the authority to inspect the property and premises of any religious institution and to satisfy themselves by inquiry how a trust is being administered, and in the event of default on the part of the trustees or committees in the performance of any duty connected with the trust, they were to be authorized to arrange for the same being performed by other agency, and they were further to be empowered to remove any trustee or member of committee for grave misconduct or neglect of duty, their action being subject to an appeal to the District Court and subsequently to the highest appellate tribunal. Failing resignation or removal, the term of office of trustees and members of the various committees is declared in the Bill to be for life.

9. In considering whether we should advise that the measure proposed by Mr. Carmichael should be adopted in preference to a measure drawn on the lines of the measure drawn in 1876, we recognized that that measure had much to commend it. It involved the least disturbance to existing arrangements, and it proposed to make use of existing local institutions and would thus probably result in a wider appreciation of the value of local government by elected representatives of the people. It met the great defect in the Bill of 1878, in that it substituted local for the central authority proposed under that Bill. On the other hand, we felt that the present state of the Hindu religious institutions and their endowments demanded greater and more efficient control and supervision than they were likely to receive at the hands of unpaid bodies of men, many of them in a little or no way interested in their improvement, and the more we considered the question, the more clearly it appeared to us necessary to place the ultimate control of these endowments in the hands of a highly-paid body of officials, with large central authority. Their present unsatisfactory condition has in a great measure been the result of the want of local interest in their welfare, and the correction for this is not to be found in any increased local powers, but in the institution of a strong, small central body, which shall possess real power and real responsibility in the management of the endowments entrusted to their care.

For these reasons we felt that the lines upon which reform should proceed were to be found in the Bill drafted in 1876 by Sir W. Robinson's committee, and we therefore proceeded to carefully consider that Bill, section by section, with the object of throwing as much power as possible upon the local authorities acting under the control of the Central Board. We now submit the result of our considerations and devote the rest of the report to brief explanations of the reasons which have caused us here and there to depart from the provisions of the Bill of 1876, premising that the one great change we have made is the addition of certain local committees to the agency of control existing in the Sir William Robinson's Bill.

10. In section 3 of the Bill (the Interpretation clause) we have introduced a definition of the "District Board" which we propose should be constituted under this Act.

11. In section 4 of the Bill, we have made a radical alteration. One of the provisions, which in our opinion constituted a grave objection to the Bill of 1878, was that under which the central body of commissioners was nominated by the Governor in Council. In any measure which may eventually be passed upon the subject, it appears to us desirable that all the machinery by which the management of the Hindu religious institutions will be conducted shall be removed as far as possible from any immediate direct control by Government. We had much discussion as to the mode of appointing the central committee, being only unanimous in our disapproval of the method followed in the Bill of 1878. Several methods suggested themselves, and if we could have seen our way to any practical method of election, that method would have

seemed to us the most suitable. But the majority of the committee could not but foresee great practical difficulties in the way. The body of electors would either be taken from the general mass of the people, or might be found among the members of the existing District Boards. It would, in our opinion, probably result in failure, if any attempt were made to select on property or other qualifications any general body of electors throughout the presidency, for the purpose required. The country is by no means yet ready for such a vast experiment; on the other hand, any conference of elective powers on the members of the existing District Boards, for the purpose of forming a Central Board at Madras for controlling Hindu religious institutions, would be very unpopular. These District Boards, none of them yet elective in their constitution, were appointed for objects very different from those for which a Central Board at Madras is now required, and there is no guarantee that the members of these Boards are in any way fit to take part in the election of a Board to control religious institutions. These and other reasons led us to abandon the idea of constituting the Central Board an elective body. We finally resolved to suggest that the Government, in its legislative capacity, should appoint by name the first members of the central committee and that subsequent vacancies should be filled up by the High Court. We apprehend that before the lapse of any considerable period, the work of the central committee will chiefly consist in the audit and check of accounts and in the management of educational institutions connected with the various religious Hindu endowments scattered over the presidency. It will not therefore be out of order nor giving them work apart from their proper function to confer on the High Court the power of appointing the central committee managing these affairs. The Judges of the High Court have much opportunity of finding suitable men for appointment to the central committee, and we consider that the probability of obtaining an efficient committee will be best secured by leaving the subsequent appointment of members in their hands.

12. In section 9, in which provision is made for giving power to the Central Board to raise loans to meet necessary expenditure, we have omitted the proviso under which the previous sanction of the Governor in Council was declared to be necessary, considering that the Board may be given absolute power to raise loans to meet not more than the estimated expenditure for one year.

13. We have provided that the officers of the Central Board shall hold offices for 5 years absolutely, and shall then be eligible for reappointment. The Bill of 1878 provided that the commissioners under that Bill should only hold office during the pleasure of Government, which we do not consider advisable. The Board should be given complete independent authority over all the endowments under their charge, and not hampered in any way by any fear of the loss of their appointments. We look forward to the offices in the Board being held generally by men who have made a reputation in the service of the State and we do not consider that it will tend to improve the working of the Board to render the office tenable only during the pleasure of Government.

14. In section 13, we have given to the Central Board the power of appointing the inspectors to be employed under the Board—a power reserved in the Bill of 1878 to the Governor in Council.

15. In section 14, we have given to the High Court the powers reserved to Government in the former Bill of granting leave to officers of the Central Board.

16. We have, in section 24 of the Bill, granted to the High Court the power of dismissal of the members of the Central Board, for clearly specified reasons laid down in the section. It is clear that some power must be reserved, to the authority which appoints the Central Board, to remove the members appointed, and we do not apprehend, under the section as drafted in the Bill, that any difficulty or friction will arise in consequence.

17. We have arranged, in the next sections of the Bill, 24—50, for the formation of District Boards, with whom will lie the chief executive power of administration. Their constitution and method of working may be described in a few words. One Board will be constituted for each Revenue district; it will consist of not less than nine members, of whom one-third will be nominated, if so thought necessary, by the Central Board, and the remaining two-thirds will be elected by the electors resident in the district. We have laid down the qualifications of the members and of the electors

in the Bill, preferring that course to the method of the existing Local Government Acts, under which these qualifications are laid down in rules issued from time to time. Full rules for the conduct of elections and the revision of the registration lists are laid down in the Bill. The immediate supervision of the trustees and the endowments, and of the administration will rest with the District Boards, and the Central Board will have authority to delegate to any District Board any powers or duties it may think advisable. The District Board will appoint the necessary servants required for carrying out the work of the Board, and will have at its disposal any funds allotted to it by the Central Board.

18. In section 52, corresponding to section 26 of the 1878 Bill, we have inserted a clause giving the District Board power to call for full information from the trustees as to the endowments, the nature and the extent of the immovable property of such institution.

19. In section 71 of the Bill, corresponding to section 45 of the Bill of 1878, we have introduced a few alterations. We have given the Central Board distinct authority to appoint trustees whenever a vacancy in the office may occur, and we have generally given the same Board control over the financial administration of the trusts.

20. We have given the Central Board the power to hear and decide appeals from decisions of the District Board and trustees where provision is made for such appeals in the Act.

21. Sections 49 and 50 of the Bill of 1878 have been omitted in the Bill now submitted, as we did not see reason for the grant of the very large powers proposed to be conferred by the former Bill on the Board with regard to documents. It is not necessary that the Boards should have any of the powers of a Civil Court as far as concerns the production of records and other documents. We have also struck out sections 53 and 54 of the Bill of 1878, under which the inspectors were authorised to summon any trustees to attend before them and to produce documents before them. We hope that under the Bill as now submitted, it may be found possible to inspect the local institutions by means of the members on the District Boards, who will be able on the spot to conduct such investigation as may be necessary.

22. The next important alteration which we have made in the Bill of 1878 will be found in the second paragraph of section 94 of the Bill now submitted. We had considerable discussion as to the amount of control which should be exercised by the Central Board over those institutions now in charge and under the control of the spiritual heads or matadhipaties. We asked by letter the opinions of some of the most representative Hindu gentlemen in the presidency upon this subject, and received from them various replies showing considerable divergence of opinion upon the subject under consideration. The opinions we received may be formulated into the following propositions:—

- (1) The Bill, if it sanctions the appointment of a central committee of paid members not elected, will be so unpopular that no control of matadhipaties should be permitted under it; the action of such a committee should be as limited as possible.
 - (2) Mattams, both Brahmin and Sudra, may be brought under the Bill, being the religious establishments in which there is most fraud and misappropriation.
 - (3) Mattams may be brought under the Bill so far as the control of their funds is concerned, but no power should be given to the committees under the Act to interfere with the succession or the internal management of mattams.
 - (4) Some lesser mattams may be brought under control, but not the great mattams at Tirupati and Conjeeveram, &c., which should be left independent as now.
 - (5) Mattams should be brought under control only so far as the actual mattam property is concerned; no control should be given over the individual offerings made to the matadhipaties.
- The above will show the great difficulty that exists in dealing with this question in any manner that will meet with the approval of any considerable number of those

interested. We have provided in the Bill, that the Central Board shall not have any power of dismissal in any case where the trustee of the institution is a matadhipaty, but shall be able to take away from the trustee the management and control of all moneys and property attached to the institution. We hope by this means that the Central Board will find it possible to maintain effectual control over this class of trustee, without offending the religious susceptibilities of those who may be attached to him as their spiritual teacher and authority. We have further provided in sections 99, 100 and 103, that the consent of the District Board shall be necessary before the lands belonging to any institution are alienated, and before the surplus funds of any institution are invested or disposed of in any manner. In section 109, we have also provided that the consent of the District Board shall be obtained before any funds belonging to any institution are devoted, contrary to the intention of the founder, to any educational or charitable purpose. We have not made any further changes in the Bill of 1878.

23. In conclusion, we would earnestly recommend that the subject upon which our opinion was called for may receive early attention at the hands of Government. The matter has been under constant discussion for many years, and we have, after very careful examination of the question, arrived at the conclusion that, with the modification suggested above, the most satisfactory method of dealing with the question is to be found in the Bill of 1878, which it will be remembered was drafted after the subject had been most exhaustively considered by an able committee. The faults we consider in that Bill were (1) the close connection which it proposed to establish between Government and these religious institutions, and (2) the absence of all local agency in the control. Our efforts have been directed to the correction of these errors, and while we should not be sorry to see the future management of these institutions still further separated from Government control and still further placed in the hands of local independent bodies, we have not thought it safe at present to recommend any more radical change than that now sketched out in the report.

24. We commend the Bill for early and favorable consideration.

We have the honor to be,

Sir,

Your most obedient servants,

H. E. SULLIVAN,
T. MUTHUSWAMI AIYAR,
T. RAMA RAO,
P. CHENTSAL RAO,
R. RAGOONATH RAO,
T. V. PONNOOSWAMI PILLAI,
C. SANKARAN NAYAR,

Members of the Hindu Religious
Endowments Committee.

MADRAS,
15th March 1886.

MINUTE BY M.R.Ry. R. RAGOONATH RAO.

I agree with the Honorable the President and Members of the Committee in considering that there need be no further delay in bringing the matter before the Legislative Department, and that our best thanks are due to Mr. Hammick for the very valuable aid received from him and for the able and lucid report drafted by him.

2. I regret that I am not able to agree with the views contained in sections 4, 10, 14 and 94 of the draft Bill.

3. I am of opinion that the number of the members of the Central Board should not be, at the least, less than 16, of which three-fourths should be elected and one-fourth nominated by the High Court. If considered necessary all these may, in the first instance, be named by the Legislature. These should be honorary members entitled to their travelling allowances when they travel on business connected with the discharge of the duties of the board, the Secretary alone being paid the salary mentioned in section 12.

8

BOARD OF REVENUE, 1ST JUNE 1886, No. 1211.

4. Instead of the High Court, I would leave the Central Board to grant any leave, &c., provided for in section 14.
5. The first proviso to section 94 is not at all clear to me. I would omit it altogether.
6. Having thus pointed out where I differ from the majority of the committee, I shall now add some of the reasons which compelled me to differ from them, as also what I propose to substitute for the provisions dissented from.
7. The Central Board is intended to discharge the duties which our Rajahs of old times used to perform, and which the British Government actually performed during the first fifty years of their rule. These duties will involve the consideration of diverse interests requiring the knowledge or facts of various localities, customs, religious feelings of various sects of very crotchety people. The determined policy of British Government is not to interfere with them so long as they do not jar with the fundamental principles of good government of the country. The community concerned consist of Brahmins, Kshatriyas, Vysyas, Sudras, these being divided into Smartas, Vaishnavas, Shaivas, and others. The Vaishnavas are again sub-divided into Madhwas, Ramanujas, and others. The Ramanujas are divided into Tengalays and Vadagalays, ever in deadly opposition to one another. In these circumstances, it is right and proper that on the Central Board there ought to be at least one of each sect. I therefore think that the Central Board should consist of at least 16 persons. Of these the High Court may nominate one-fourth choosing one from each of the four castes, and the remaining three-fourths may be elected by people. Under the provisions of the Municipal Acts, the members of these institutions are allowed to be nominated and elected in this proportion. These institutions are semi-Governmental ones. If Government have thought fit to entrust the people with so much power on semi-Governmental institutions, it cannot with reason withhold similar power from them in matters with which the Government do not wish to interfere at all and in which people alone are interested. It may be said that people may fail to exercise their right to elect competent men. If so, there is always the remedy at hand by Government filling up such vacancies after the failure of the people is announced. This is a provision of the law as regards municipalities. Why the same provision should not be extended to the management of purely religious and charitable institutions, I cannot see. For the present each District Board or its electors may be allowed to elect one member for the Central Board, and one-third of the total number thus elected may be nominated and added to it by the High Court. If this system be adopted, it would not be possible nor desirable to pay the members of the Central Board any salary. The Central Board members need require no leave nor it be sanctioned by any authority, as the last proviso of section 14 provides sufficiently for the punishment of the defaulting members. It is perhaps too severe. Default to attend for two consecutive months may be substituted for two weeks.
8. The first proviso of section 94 speaks of "a trustee" being a mattadhipathi in control of any mattam. It is not clear what is meant by this phraseology. Mattadhipathi means a trustee to the endowments made to some deity or other for its worship among those who are attached to that system. None can be a mattadhipathi without being a trustee to such endowments. It being so, how the Central Board can take over the management and control of all moneys and property attached to the mattam without dismissing him as a trustee, I cannot understand. I therefore think that either mattams should be excluded from the control of the Central Board, or treated like other classes of trustees. If the latter course be adopted these mattadhipathis should be allowed certain exemptions from the control of the Central Board with a view to prevent unnecessary unpopularity to the Bill. Such as, the Central Board should not interfere with rituals of worship in the mattams and with their dittams with the mode of spending the incomes provided any expenditure does not amount to criminal breach of trust under the penal law of the land, &c.
9. With these remarks, I beg to join in commending the Bill for early and favorable consideration of Government.

MYLAPORE,

5th March 1886.

R. RAGOONATH RAO.

Order—dated 17th April 1886, No. 814, Public.

The Right Honorable the Governor in Council has much pleasure in thanking the committee for the pains taken by them in dealing with this important subject.

2. The Bill will be referred for the opinion of the Advocate-General, the Honorable the Judges of the High Court and the Board of Revenue.

(True Extract.)

(Signed)

E. F. WEBSTER,
Chief Secretary.

To the Secretary, Hindu Religious Endowments Committee,
" Government Solicitor,
" Honorable the Judges of the High Court,
" Board of Revenue,
" Legislative Department,

} with copy of Bill.

RESOLUTION—dated 1st June 1886, No. 1211.

The chief question is whether there should be a small Central Board of paid members, or a large one of unpaid but representative members. One of the members of the committee has expressed dissent from their conclusion in favor of a small paid Board. A Board such as he wishes would have to consist of a very large number of members, fifteen or sixteen at least, to be properly representative. Every one of them would have his livelihood to gain in some other way and would have but little time left for this work. The responsibility for each act would be divided by fifteen or sixteen and would be very light in the case of each member. Unanimity amongst so many would often fail, and dissensions and perhaps quarrels would be the result. The papers contained in Government Proceedings, dated 10th January 1879, No. 33, J.D., show that the Board will have to do a vast amount of work, and that the work will be of a kind which will excite the intensest watchfulness and the keenest opposition in all parts of the presidency. It seems to the Board to follow that the Board must consist of a few members only who will each feel fully responsible for every act, and who will be able to give their whole time to these duties. This condition will be satisfied only if there is a Board like that proposed in the draft consisting of three well-paid members. It will probably be unpopular, but this unpopularity must be faced, and the people will soon see that impartiality and attention to particular institutions are attained in this way at least as well as by having a large number of representative members. It is notorious that in such a position a small committee is likely to act with greater speed and more fairness than a large one. The consensus of opinion—the Government of India, Sir W. Robinson and his committee, and this committee—is in favor of the small Board, though the arguments in favor of a large Board have been well known from the beginning. The difficulties of appointing the first large Board would be immense. Mr. Raghunadha Row seems to think that part of it might be elected by the District Boards; but a Central Board must be in existence first (section 36). Obviously a really representative Board could not be constituted in this way. Altogether the Board consider that they must accept the proposal to have a paid Board of three members.

The draft creates district committees which were not proposed in Sir W. Robinson's Bill. They add a popular and local element which is much wanted, but the draft is not complete with regard to them as is shown further on.

The Board will now notice section by section the sections in which they think alterations should be made.

Section 5.—No one knows what "5 per cent." will amount to; but the calculation of Mr. Chentsal Row, that the annual income of the pagodas is Rs. 54,34,000, shows that it will be in all probability an unnecessarily large sum. It may be provided that the percentage may be reduced by the High Court, on motion from the Advocate-General when it appears clear that a smaller percentage will be sufficient to meet all

17-33 Jm L.

2.

PUBLIC DEPARTMENT
1886.
Board of Revenue
MADRAS.



N.B.—The reply to this communication should be addressed to the Secretary, Board of Revenue.

Official Memorandum.

Dated

16 June 1886.

No. 2278 R.S.

Errata.

the Board's Pro. of 1st June 1886.

No. 1211.

Page 10. Ser. 8. last line but two for "the elected many" read "the elected man".

Ser. 29. for "the appeal" read "No appeal".

Page 11. Ser. 79. for "he may do so if he likes" read "they may do so if they like".

M. M. M. M.
ag. Secretary

Submitting to Government Board
on the Madras Hindu Religious and
Institutions Bill.

To
The Chief Secretary to Government P.D.
Super. Govt. Press.
Cope

1886
Board of
MADRAS

To

The Chief
Pub. Dep.

Proceedings, dated
No. 2278

Subject.

Corrections in
No. 1211 of 1886.

Put with the
replies

30/6

of the waste or endanger-
ment, and would not be
take protective measures
being made by the Dis-
trict Board. But if I am wrong, then
why the Central Board
have power to employ
and to take action
of trusts or otherwise
in matters only. In the
Central Board might
to take the reins of
out of the hands of
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Board and the only section
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reference to them are the
by ss 71, 77, 79, 80, 81, 82, 83, 84
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imposed on the District Board
mature terms, and it is on
that one can learn what
Board is to discuss and
most important are those
in Sections 99, 100, 103, 109.
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sensibly followed the lead
by the Panchayats under
Boards' Act in making the
Board the agent of the
It seems to me that a
to represent the district
district would be more
in a position analogous
the District Board.
But if any good work
putted up to a representative
it must, I think, be the
power of independence
accorded to the district
the same time to give the
Board power of inspection

on occasion requiring, of active interference
in the same way that such powers are
given to Government over the Local Boards,
but if necessary, in a greater degree. Under
a semblance of local self government,
the Bill, as it seems to me, in reality,
centralizes the whole administration
of Religious Endowments in a Board
sitting in the Provinces and thus gives effect
to a policy which, if it is to be adopted,
may be carried on at least as effectively
by the aid of paid Inspectors.

I venture to express an
opinion which I should say that the relations
of the District Board to the Central Board
ought to be somewhat of the
following nature.

Let the general rule in the normal
state of things be for the District Board
to have complete control over the trusts
within their district, subject only to the
duty of transmitting to the Central Board

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inform disputes when called upon to do so by
native any member of the District Board, by
that any Trustee or by any other person
Board interested in the temple. It may be
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in the complaints raised and act the Central Board
there in motion if temple property were
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in the draft. It seem to call for spe-
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is so worded as to make
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with regard to provision for the
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institution. I am right in supposing
we have reason for doubting
that the Bill is as
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As to the Bill forwarded herewith,
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less risk than the phraseology of
to property, Municipalities Act.
entirely brought on 25 to Section 51 the
Central Board the District Board in
of the District, as the previous sections
would in the Central Board, and
the power of ought, I should say,
-line, I would separate chapter and
the Central to three parts. The sec-
to the third should constitute the
with in they to the constitution of
103, 109, 125. The minor headings, "Rules
see such selection", "Rules for the
the first section, the District Board"

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The remarks of the Board
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Chapter II It seems to
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7. 20. 21. 22. 23, the third
12. 13. 18. 19, the fourth

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the following will be found in the

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Section 3 "Rough the District Board in

This clause, as the previous sections
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Board.
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investing.

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the following of the draft Bill
viz: Sections 4, 14, 24.
The second part would include
sections 15, 16, 21, 22, 23, the third
part sections 17, 18, 19, the fourth
part sections 7, 8, 9. The further
amendments I would suggest
and which will be found in the
copy of the Bill forwarded herewith,
are mostly of a verbal character.
I have followed the phraseology of
the District Municipalities Act.
From Section 25 to Section 45 the
Bill deals with the District Board in
the same way as the previous sections
deal with the Central Board, and
those sections ought, I should say,
to form a separate chapter and
be divided into three parts. The sec-
tions 25 to 45 should constitute the
part relating to the constitution of
the Board. The minor headings, "Rules
for the first election", "Rules for the
subsequent election", the District Board

as such Trustees, it must be unnecessary.

aff and is at those the Board then refer 67.7 In imp ma the B. m in in the - in the - tra

It does not appear that any special mode of election is to be adopted for the first election and many of the provisions coming under the heading 'elections' are applicable generally. I would also suggest a rearrangement of these and it will be seen that I have adopted the order followed in Act II of 1880 as follows. Sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

Section 25. The name is as follows - there being already a Disputes, sections 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

Section 26. Nothing is said in the qualifications of the members in the following sections in the following observations.

Section 27. It ought to be

that women cannot become members of District Boards.

(4) Now is the amount of the income to be ascertained? a reference to land revenue or income tax payable would, I should think, be preferable -

Section 34. What the applicant desires, is to have his name inserted in the list, and the reason for reference to the Dis-
absence Gazette is not apparent. A certain

Section 66. Time should, I think, be
Section 64. A draft it is not explained
the permissive late authority is to be
see what obj^{ts} whether by reference to
the Trustees of procedure. I would
as to the place of institution of the High
not to secure appellate authority from
And further the District Judge, in other
to orders of District Judge himself (see
66) have course my draft.)

on the approved prescribed above. This
does not ~~exta~~ obscure - I presume the

as such Trustees, it must

aff. In reference is to Section 32.

and It. A section giving the Central Board power to make rules for the conduct of elections might probably be convenient - compare Section 42. 44. The Chairman of the Board and therefore reference to members must equally apply to the Chairman.

order for order in Chapter III as follows Sections 52 to 70. seem to me arranged 34, 35, 36, in no very intelligible order I think

Section 2. it would conduce to clear if they there been were arranged somewhat more - stituted 1st under the head of "trusts" 53, 54, 55, 59, 60, 65, 67, 66, 2nd under the head of "Property" 52, 57, 64, 58, 63, 3rd under the head "servants", Sections 5.

pointed 6 Dealing with the in the Section 27. above order, I have the following observations

observations to make on them.

Section 59. Neither in this section nor in Section 125 are any duties imposed on the District Board, nor is it explained what course that body is to adopt.

Section 67. What is required is a group of resolutions declaring what orders a District Board may give. The present provision seems to me useless in the absence of such other sections.

Section 66. See observations on Section 123.

Section 64. As the section is framed in the permissive form, it is difficult to see what object it serves. Why should the Trustees consult the Central Board as to the place of deposit if they are not to secure themselves by so doing? And further why should obedience to orders of the District Board (Section 66) have consequences which action taken on the approval of the Central Board does not entail?

no Aug
If the District Board is competent
to act under Section 62, I should have
thought that their discretion might
equally be trusted when Section 64 is
in question.
Section 56. This section may be compared
with Section 64. Given a servant belonging
to any Institution, I suppose there would
be no doubt that he would be bound
to obey the Trustees' lawful orders,
and that, whether he was remunerated
by fixed pay or otherwise. In the
absence of words showing who are
intended by the words "servants &c",
I fail to see what effect can be
given to the Section.

It seems to me that all that
is material in the three sections 56,
68 & 69 might be embodied in one
framed as follows viz:
"lawful for the Trustees
of any
above or
thereas

" Institution to exercise control over the
" servants thereof and other persons re-
" ceiving emoluments or other benefits
" therefrom, to punish them by fine or
" otherwise, to dismiss or suspend them
" from their office and on vacancies
" occurring to make the necessary appoint-
" ments in like manner as if this Act
" had not been passed; provided that
" in case of the Trustees deciding to
" punish, dismiss or suspend any such
" servant or other person, he may ap-
" peal against their decision to the
" Central Board."

I cannot but think that the right
of appeal will unduly weaken the hands
of the Trustees, and I would suggest
that it should be at any rate con-
fined to cases of dismissal. It might
be extremely inconvenient not to have
the power of suspending a servant.
Moreover under Sections 134 & 138, a

further appeal is allowed from the decision of the Central Board to the Civil Court and to the High Court.

Chapter IV

Section 71. As the duties of the Central Board are declared in detail, this summary of them may well be omitted. If it is to stand, the duties should at any rate be enumerated in the order in which they are afterwards treated.

The part relating to Inquiries being of an adjective character, would more appropriately come last in order. If, as would seem to be the case, it is intended that the Central Board may delegate its powers under these sections 72 to 81 to a member of the District Board or ^{an} ~~then~~ Inspector, a section to that effect such as I have framed

should be added and the words "or any District Board & ^{ca}" can then be omitted. (see draft section at end of part A).

Part B.

Section 82. By Section 53 it has been made part of the duty of Trustees to furnish the District Board with the particulars which under Section 82 the Central Board is required to collect. Although the language of Section 53 is not identical with that of Section 82, I presume that no distinction is intended between the account given to the District Board and the particulars which are to be included in the Register. This being so, it would be sufficient in the present section to refer to Section 53 or if that is preferred, Section 53 might be omitted, for the power on the part of the Central Board

I would further to obtain information is already given by Section 70. If the two Sections 53 and 82 are to stand, the language of the two should be made to correspond exactly.

Part C.

Section 85. It is doubtless intended that the surviving Trustee, chief servant or Inspector shall, as a matter of imperative duty, report the fact of a vacancy. Any person interested may do so, but he is out of place in a section otherwise intended to be imperative. I would omit clause (3).

Section 86. If by clause (d) of this section, it is meant that under certain circumstances the Central Board may appoint a Trustee, what are those circumstances? There should be provision for the appointment cases where, hereditary succession

being the rule, there is no heir to succeed (clause (a)) and again in cases under clause (c) where no appointment is made in accordance with the scheme, unless it is meant to leave such cases to the civil courts. Section 91. This section seems wholly superfluous.

Sections 92-94. These sections may be simplified in the manner suggested in the copy draft bill.

Section 94. 1st proviso. I am disposed to agree with Mr. Ragoonath Rao's remarks on this proviso. If the management and control of trust property are taken away from the head of a Muttam, quâ Trustee he is dismissed. It may be that the religious susceptibilities would be wounded, though: he would

James Luth not really be affected, but I do not see that they would be any the more offended if different language were used and it plainly said that he was dismissed from his office of trustee. Perhaps a proviso allowing such a trustee, though dismissed, still to remain in the Muttam might meet the exigencies of the case.

2nd proviso - Unless the report to be made by the Central Board under the terms of the 2nd proviso is to be admissible in evidence, the object of this proviso is not apparent. Without it the Central Board would of course make an investigation, or rather they would have made it before bringing the suit. I would omit the proviso.

Section 96. I think it would be better to make section 97 a part of section

96. The last paragraph of section 97 may either be made part of the same one section or a separate section by itself.

Section 97. It is only the order, I apprehend, not the application that it is desired to make evidence. The fact of refusal to deliver possession must surely be proved in the ordinary way.

Section 98. I would omit this section here, making the prohibition a proviso to a section declaring the duty of Trustees with regard to land.

(see my draft section 63)

Section 99. Leases included within the above prohibition ought to be mentioned in this section.

Section 101. This section ought to be expressed in the form in which the preceding sections are expressed.

Sections 104 & 105. The phraseology of

Further

these two sections should be the same
105 (c) 'grossly' is the word used in the
Specific Relief Act, Section 28.

(d) It is not clear what this means
but it would seem to be covered by (a)
Sections 107-110. The order needs to
be modified. I would put sections
109 & 110 first, then as referring to
a special new matter, Sections 107 & 108
& Section 109. This provision, it seems
to me, requires more elaboration. Some
a scheme ought to be settled, in
accordance with which the fund
of should be disposed and power
should be reserved to the Central
Board to modify such scheme as
in part C
Section 110. The policy of this section
seems to be open to discussion, but the
Report is silent as to it.

Part E

Sections 111-119. Of these sections 113 & 114
might conveniently be relegated to the
part dealing with Trustees, and the
rest might be arranged as follows:
115. 116. 117. 118. 119. The auditing
must necessarily precede the review.

Part F

Section 120. An attempt should I think
be made to enumerate the matters in
which the Central Board may give
their opinion, and disputes concerning
ritual should be mentioned specially.
Presumably, the Central Board have
the option of giving advice or down-
right orders.

Section 121. I confess I do not un-
derstand what is meant by "deposi-
ting a report for local inspection",
or what is the object of the process.

Section 123. The relations of the Trustees
to

to the District Board on the one hand and
and the Central Board on the other,
hand do not seem to me sufficiently
-ently defined. They are bound to ac-
obey the lawful orders of the Dis- (a
-trict Board (S. 67). No similar duty
is imposed on them in respect of the
orders of the Central Board. If it
it is meant that orders of the
Central Board are to be given
through the District Board,
at occasion is there for Section
3? If otherwise, the Trustees
may have contradictory orders
from the two Boards. Further
if the two sections 66 & 123 must
both stand, there seems no reason
for the difference of language
now observable -
Section 124. As in Section 120 the
matters which may be submitted
should

should I think be more clearly de-
fined.

Considering the extreme diffi-
culty of forming a Central Board
competent to deal with abstruse
questions of ceremony from all parts
of the Presidency, I should have
thought that instead of their giving
orders on such matters, in this case
final orders, and instead of arbitra-
ting themselves, it would have been
better to give them power to refer
such matters to local Panchayats
whose decision should be made
final.

Part II.

Section 125. This prohibition finds
a more convenient place in Section
63.

Suits must generally be in the
name

name of Trustees and what the Central Board requires is to have the conduct of them, the full control over them as if they themselves were parties, and the Central Board should have a similar control over suits instituted against Trustees. Sections 128 + 129. The references to the Secretary could be dispensed with by a general section inserted in Chapter II.

Section 132. This would hardly be necessary, if my suggestion is adopted and the conduct of suits is vested in the Central Board. And anyhow some provision ought to be made for suits against Trustees. Section 133. This provision should in my view be extended to suits in which Trustees are defendants.

Chapter V.

Section 134 The expediency of this general liberty to appeal against orders of the Central Board seems to me very questionable, and the Report is silent as to it.

Orders made in respect of Trustees and Servants (Part C) under Sections 103 and 109 and under part 9 would appear to be the chief orders against which appeals might be laid. It seems to me that much of the good which the Central Board might do, will be neutralized by subjecting all these orders to a re-investigation by the Civil Court with an appeal to the High Court. Practically the Courts would probably regard the matter dealt with by the order as 'res integra' and would proceed to investigate it regardless of the order passed, as is the case with regard to decisions passed under Part of Act 28 of 1860 (Bamteinhut) But even if this is

is not so and the question is taken up
by the District Judge as if it arose on
an appeal, what reason is there for
holding that a District Judge is better
fitted to decide questions arising under
the Act than the Central Board?
The Central Board if properly man-
aged ought to be the more competent
tribunal. If there must be an ap-
peal, I would suggest that it should
be restricted to questions of law and
be made to the High Court only.

Instead of this proviso which
is likely to cause difficulties I
would suggest appending to the section
giving power to make such orders, a
declaration that the order should
be final.

~~Further~~ If the appeal is to be
heard as a suit and no new powers
are conferred on Civil Courts, the

is no occasion to enact that they cannot
try questions of ritual, for except in-
cidentally they cannot do so under the
present law. The Chapter seems defici-
ent in not providing what form the
appeal should take. If it is to be
instituted and heard like a suit
under the Civil Procedure Code, pro-
vision to that effect should be made.

Chapter VII.

Section 140. This provision, being appa-
rently intended to take cases out of the
operation of the Court Fees Act, is one
which it would not be competent to
the Local Legislature to pass.

I fail to see why Religious
Institutions should be favoured in
the matter of Court Fees.

M. Shephard

Acting Advocate Genl.

2. July 1886.

Madras 20th July 1886

From

The Honorable H. H. Shephard
Acting Advocate General

To

The Honorable E. F. Webster
Chief Secretary to Government
with the Governor
Stourhouse Hill.

Sir,

With reference to the order of Government, dated 17th April 1886, No. 8144, Public Department, I have the honor to forward herewith my opinion on the Hindu Religious and Charitable Institutions Bill, and a copy of the Bill on which I have made alterations.

I have the honor to be
Sir

Your Most Obedient Servant.

H. H. Shephard

Acting Advocate General

196-1
No. 2392

2 P 44.
High Court of Judicature,
Madras, 20th August 1886.
Pub. 3401

From H. J. Ross, Esquire,
the Registrar of the
High Court of Judicature,
Madras.

To The Honorable E. F. Webster,
Chief Secretary to Government.

Sir, Adverting to G. O., dated 17th April
last, No. 814, Public, referring for the
opinion of the Honorable the Judges, the
Madras Hindu Religious and Charitable
Institutions Bill, I am directed to submit
herewith a transcript of the minute re-
corded by the Honorable Mr. Justice Brand
and to state that the other Honorable Judges
have not as yet had time to consider
the provisions of the Bill.

Any minutes hereafter recorded
will be duly forwarded.

I have the honor to be,
Sir,

Your most obedient servant,

W. Ross:
Registrar,
Appellate Side.

Minutes.

E. H. S. S. S. S.

3 1/2
Minutes, caps 45

Mr. Justice Brandt: That Act XX of 1863 is a
'complete failure'; and that the pro-
-posals now made for the adminis-
-tration and control of Hindu Religious
-endowments cannot fail to bring in
about an improvement upon the
existing state of things, I entertain
no doubt, and the principle of the
Bill as to the administrative machinery
to be provided, vizt: the appointment
of a Central Board of paid Com-
-missioners, the Chief executive
power of administration being vest-
-ed in District Boards as agents
of the Central Board, may, I think,
safely be accepted on the recom-
-mendation of the Committee.

The appointment of the first
members of the Central Board in
the manner and by the authority de-
-termined on must also, I think, be
accepted, as the best which, in the
circumstances, the Committee re-
-porting on the Bill consider practi-
-cable.

Section 4 provides that the Central
Board shall consist of not less than
three members. I do not see that
the number which it is proposed to
appoint

appoint is mentioned. I am decidedly of opinion that three will not be sufficient.

The dissenting member of the Committee advances good reasons for the Board consisting of a large number of members and paying them well, being adopted, it would be out of the question to have so many as 16 members. I incline to think that the Board should consist of five members at least and more if funds will permit. In that case, I agree with the dissenting member that they would not require leave: the provisions as to regular attendance might be made somewhat less stringent.

I entirely concur with the dissenting member that it should not be made any part of the business of the High Court to grant leave to members of the Board. It might, as suggested by him, be left to the members of the Board to allow one or more of their members to be absent for limited periods under certain restrictions on good cause shown and subject to its being possible

46.4 8/1
possible to grant leave without detriment to the business of the Board.

Section 25.— I doubt if it is desirable to make it a fixed rule that there shall be a District Board for each Revenue District. Such Districts vary much in size and importance and in some there are so many religious institutions, or while in others the Temples &c. are so few and comparatively insignificant that it might be found expedient to have more than one Board in some Revenue Districts and only one Board for more than one Revenue District in other cases.

It might then be desirable to provide that there shall be no ordinariness and unless otherwise specially ordained, on the recommendation of the Central Board, a District Board for each District in the Presidency. Question would then arise by whom the number of District Boards to be created should ultimately be determined. It is determined in the first instance

and as the Bill at present stands
by Government in the Legislative
Department and I see no reason
why the decision should not be
left in the hands of Government
ultimately, seeing that any decision
from the rule would be
made only on the recommendation
of the Local Boards.

As to the preparation of
lists of electors (Section 29) it
appears to me that the District
Court has not at its command
the best machinery available
for the preparation of the lists
of electors. No doubt Section 29
provides that the lists shall
be prepared by the District Judge
"or any other authority the High
Court may appoint"; this gives
the High Court the power of call-
ing on the collector of the District
to cause the lists to be prepared.
But I imagine it is considered
desirable that as a rule the chief
executive officer in the District
should have as far as possible
no concern in the working of
the Act.

The principle is no doubt
right,

47
right, but I think it could be
harm to provide that the collector
shall afford to the District Judge
or other authority appointed by
the High Court all reasonable
assistance in preparing the lists.

From being concerned in pre-
paration of other lists of a similar
character, and from their acquaintance
with the means of the people,
the local Revenue officers will
be in a position to afford very
valuable aid in this direction,
which after all would be limited
to the production of the most com-
plete and trustworthy list.

I do not see the difficulty
apprehended by the dissenting
member as to Section 94. The in-
tervention of the Committee in this
respect is explained in their covering
letter. There will be no interference
with the holder of the office person-
ally, nor with the succession or
internal management of the insti-
tution nor over the offerings made
to the individual, but the inter-
ference will be limited to the
management and control of the
moneys and property belonging
to

to the institution, a further pro-
-viso might be added that the
power given under Section 94
shall not be exercised in any
case by the Central Board in
the case of Matam except under
or in pursuance of an order of
a civil court.

Section 40 provides that the
Central Board and not the District
Board shall sue and be sued
in respect of any act or omission
of the District Board giving rise
to any cause of action. It might
be as well to provide in the Act that
suits or causes of action arising
within the jurisdiction in which
the District Boards are the Agents
of the Central Board shall not
be cognizable by the
courts having jurisdiction within
such areas.

Print name (True copy)

J. H. S.

Registrar,
Appellate Div.

1/80

Judicial { 1886 } Department.

No.

FROM

THE — REGISTRAR OF THE HIGH COURT
OF JUDICATURE AT MADRAS.
Appellate Side.

Dated 20th August 1886
Received 22

No. 2392
amexure one.

Submitting a trans-
cript of Mr. Justice
Kandto's minute
on the Madras Hindu
Religious & Charitable
Institutions Bill.

No. 28.

22/10/1886

Office of the Native Chamber of Commerce
Cochinada the 7th September 1886

From

The Chairman, Native Chamber of Commerce
Cochinada.

To

The Assistant Secretary Legislative Department
Government of Madras

Sir
Kindly allow me to thank you for the
Bills nos 2 and 3 of 1886 received through the Super-
intendent of the Government Press.

I humbly beg to inform you that the
Committee of the Chamber have nothing to say
on the Local Authorities Loan Bill (Bill no 2).

I further beg to communicate to you
that the Madras Hindu Religious and Charitable
Institutions Bill has been discussed by the
members of the Chamber who were of an unanim-
ous opinion that the Control Board, to be formed
under the Bill in view, should be assisted by ten
Honorary Members and that they should be appoint-
ed by the High Court.

This important modification and a
few others connected with the same subject are
annexed hereto; which, if added in the Bill
in question, would, in the opinion of the Committee,
be of a great use in the future interests of the
concerned.

Believing that the said suggestions will
meet with the approval of the Government in
the Legislative Council, the Committee leave
the Bill to the consideration of the able officers
such as the honorable Judges of the High Courts
and the Board of Revenue &c for whose opinions
it has been referred,

I beg to remain,

Your most obedient servant.

W. Rammamiah

Chairman

Suggestions

507 2

Sec. 4

Para 4 shall be substituted as follows—
"The Board shall consist of not less than
three salaried members and ten Honorary
members. The latter to be appointed by the
High Court from among the respectable
Hindu community of Madras. They shall
belong to the different sects of the Hindu
Religion."

11. The words "they shall" in line 7 shall be
substituted by "the salaried members
shall attend the office every day and"
And add "the Honorary Members upon their
consent may be deputed for conducting
inspection or inquiries out of Madras if
necessary and on such occasions ^{if}
travelling allowance shall be granted
to them ^{in the same manner as} ^{are paid} ^{to the salaried members."}

14. Add "the above paragraphs shall
apply to the salaried members. Any
Honorary Member failing to attend the
meetings of the Board during two Con-
secutive months without sufficient excuse
shall be held to have vacated his
appointment but he shall be eligible
for reappointment."

16. Line 5 shall be substituted as "at any
meeting unless at least two salaried mem-
bers and three Honorary members."

J. S.

CURRENT

1886 DEPARTMENT

Transferred to the
Public Department
in which the 'Madras Hindu
Religious and Charitable
Institutions' Bill is
being considered.

[By Order]

Under Secretary
18th Nov 86

By of Endowment to Petrs.

From

THE PRIVATE SECRETARY
TO THE RIGHT HON. THE GOVERNOR

To

THE CHIEF SECRETARY TO GOVERNMENT,
DEPARTMENT



Dated 5th Nov

Recd.

} November 1886

ENCLOSURE. /.

Subject.

Transfers a petition from the Temple
Committee Members of Karaikalpet
Taluk. praying for certain others
regarding the Devasthanam Servants.

By of Endowment to Petrs.

Ind. Encl.
Public DEPARTMENT.

From the Judicial Dept

No.

Dated 18th Dec/86

Received 18th do

Enclosures

SUBJECT.

*Transferring petition
from the Temple Committee
Members of Karsanpeta
belong re "Karnam Hindu
Religious & Charitable in the
Andri Hill"*

మహాపునతవహించిన మదరాసుగవర్నర్. ఇ. కౌన్సిల్ వారి సముఖమునకు.

తిరుపతిలో ప్రకృతంజరుగుబ్రహ్మత్వమునకుగాను
హిందూదేశముయొక్కయు అనేక ఊర్లునుంచి
వచ్చిన జనులు మిక్కిలి వినయముతో
వ్రాసుకొన్న మనివి యేమంటే:—

అయ్యా,

1 - ది. — ఈరాజధానిలో నుండు అన్నిదేవస్థానములపై యింకా విశేషముగా విచారణ ఉండు నిమిత్తం గవర్నరుగారు ఒక అప్టవ్యభిచారున్నారని, అందుచేత ఈతిరుపతి దేవస్థానమునకు, ఆ అప్టకు లోపరకు బోవుచున్నారని, విసదీ తెలియజేసి యిప్పుడు జరుగుచుండు ఉత్సవమునకు గాను వచ్చిన వరుషజనులైన ఈ మనివిదార్లు అడుగునవివరించు అంశములను తెలిసిన అప్టను ప్యాగు చేయుటకు ముందుగా తగినట్లు ఆలోచనలోకి తెచ్చుకొని జరిగించవలెనని ప్రార్థించుచున్నాము.

2 - ది. — ఈరాజధానియొక్క దేవస్థానములన్నియు 1842 - 1843 - ఈ సంవత్సరములవరకు సర్కారు వరమునుండి ఆ సంవత్సరములో సర్కారువారు హిందూమత సంబంధములో వారు ప్రవర్తించకూడదని ఆదేశస్తానములనంతా ధర్మకర్తలవశం ఒప్పించి కావలసినప్పుడు లెక్కలనుమాత్రం సర్కారువారు తనిఖి చేయవలసి యేర్పాటు అయియున్నది.

3 - ది. — ఇటీవల సదరు దేవస్థానములపై యింకా విశేషముగా విచారణ ఉండుటనుబట్టి 1863 సం. 20 అక్టోబరుకేసుబడి దాన్ని అనుసరించి అనేకదేవస్థానములపై కమిటీలు యేర్పడి యింకా యితర దేవస్థానములు విశేష కారణములనుబట్టి అయ్యాత్తునండి నివృత్తించబడియున్నది.

4 - ది. — కమిటీలుయేర్పాటుఅయిన దేవస్థానములకంటే కమిటీలు యేర్పాడకుండాఉండే దేవస్థానముల కార్యములు విశేషముగానున్న సరిగానున్న జరుగుచువచ్చుచున్నవి. కమిటీలు యేర్పడియుండే దేవస్థానములు కమిటీలు దేవస్థానములకు సంబంధించిన పూజ మొదలయిన విషయములో వృథాగా మాటి మాటికి ప్రవేశించడములో ఆకమిటీవార్లకున్న ధర్మకర్తలకున్న అడుగుదుగునకు చర్యలుజరిగి అందుచేత నష్టం కష్టం వృథా కాలక్షేపం వ్యాజ్యములుకలిగి ఉండున్నవేగాక అందువల్ల ప్రయోజనము యేమిన్ని లేదు.

5 - ది. — తెలిసినచర్యలవలన అనేకదేవస్థానములు క్షీణించి బోవుచున్నవి.

6 - ది. — సదరు అప్ట సర్కారుతఫదీకి మాన్యం వలెరా యితరవరుంబడి కలిగిన దేవస్థానముయొక్క విచారణకుగానున్న లెక్కల తనిఖిగానున్న యేర్పడియున్నట్లు మేము నమ్ముచున్నాము.

7 - ది. — సదరు 1863 సం. 20 అక్టోబరు అనేక వృథా మానులకు ఆస్పదముగానుండేటప్పుడు దేవస్థానములపై యింకా విశేష లెక్కల తనిఖిగానున్న పూజవైరాలవిషయములో యింకా విశేష యేర్పాటుచేయ గలందులకై యిప్పుడు ఆలోచనలోనుండబడే అప్ట తెలిసిన మాని వృద్ధిచేయవేగాని ఉద్దేశ్యం మాత్రము నెరవేరదని మేము అభిప్రాయపడుచున్నాము.

8 - ది. — ఈ హిందూమతము ఒకదోవగాలేక అనేకవిధములుగానుండేటందున దేవస్థానములవిషయములో యేకీభవించి కార్యములను జరిపించతగిన బోధలు యేర్పాటుచేయ అసాధ్యముగానుండును.

9 - ది. - దేవస్థానములో కొంచెము దుర్బియ్యయ్యి అవుతున్నదనిన్ని దాన్నినివర్తియ్యుటకుగా
ఆలోచనలోనుండు ఆత్మయొక్క భావము ! ఆయాత్మయొక్క భావమాత్రం అట్లుండునగాని ఆయాత్మప్రాయ
స్థాయివలెనుకట్టుదా జారిలోనుండే ఇతడియితనినకొడున్న - నీవీర చట్టుములున్న - సదరు దుర్బియ్య
గమున్న యెంతమాత్రం పోగొట్టునూ దానికంటేజాస్తిగా సదరు ఆత్మ యెంతమాత్రం ప్రయోజనం కాబోవు
చున్నదో తెలిసినదికాదు.

10 - ది.—దేవస్థానములో జుర్వినియోగము జరుగుచున్న దాన్ని నివర్తితేయగలండులకై గవర్నమెంటువారు యెటువంటి ఆస్తు చేసినప్పటికిన్ని తుదకు ఆ జుర్వినియోగమే ఉండిన పక్షములో దాన్ని నివర్తితేయకుండు యిక్కడియక్కోనకొద్దువల్లనన్ను నిర్దిష్టములవల్లనన్ను కావలసినదేగాని వేరే యేమియువలనన్ను కావాలదు.

11 - ది. - కనుక ప్రస్తావ దుర్వినియోగములను నివర్తింపటకు యిప్పటి చారిత్రాత్మక పరిహారము ఉండవలెననియు, సూతనముగా గవర్నమెంటువారు యోచించిచిట్టకు చేయుటకు యేమి అవకాశమున్నదో తెలిసినదికాదు.

12 - ది. - అటువంటి అక్షయోక్త - బ్రహ్మోపనిషత్తుల ఆయాక్షయ అనుసరించి యేర్పడుచున్నదే గాని నైఋత్యబోధు జిహ్వాబోధు వీర్లుకు చేరినవివృద్ధిచే వీర్లుయొక్క సంరక్షణాధ్యమునదరు వేదస్తానముల యొక్క కరుణలతో కొంతగాగం వినియోగపరచవలసినదనిన్ని ఆయాక్షయ అనుసరించి వృథా అవలంబింపములేగాని కేరేణము.

13 - ది.—అథవా సవరు అష్ట గ్రహములు భర్తృ కర్తలుగానుండు మాన్యములున్న తనదీపములన్న కరి
 నిత్య దేవస్థానములకు నుపయోగపరచుచు వివాహములేకయుండు మాన్యముల స్వాధీనములగునున్న
 బుచ్చులైరిలవారి స్వాధీనములగునున్న ఉండదేవస్థానములకు ఉపయోగపరచుచుండు.

14 - వి. - వివాహము లేని భాగ్యవతులు - శత్రువులు - వీరస్వాధీనములోనుండే తిరుగుతివంటివన
 ప్రజలలో మర్రినియోగమునకే పోయియుండదు.

15 - చి. — సదరు తిరువతి దేవస్థానమునది అనేమోచాచలకర్మంతము అన్నియకన్ఫులకన్న గొ
దాముఖము.

16. 2. అది తిరువతి మహాలక్ష్మి సామంతముల నుండినది. వారు తన మహా వైరాగ్యం. ఆ
యస్సువర్యతను బ్రహ్మచారి. వారలకు క్రమోద్ధానం పొందరిన బంధువులు మొదలైనవని
రుగనుక వేదప్రసాదమును బ్రహ్మచారిగా వ్రాసినది. అతడు మహావైరాగ్యుడు. వారియొక్క స్థానము
బ్రహ్మచారిగా వ్రాసినది.

[illegible]

18 - 6 - 1948

9 - చివరకు మహామారికి ఈ దేశమునకు ఉత్తర ప్రాంతమునందు నిండా అయిశ్వర్యవంతుడై, మారుమోతమై, గోమయలు, గుడిచాతీలు వగైరాలు కమ్మలుగా నుండున్నారు పార్వత్యుడు ఈ దేశస్థులను తిరిగి దేశముగా కలుగుచున్నది.

2. - ఇటువంటి దేవస్థానమును సదరు అప్తకు లాభరచినయెడల మహాంతవారియొక్క స్థానములను, ఈ దేవస్థానవయలది వృద్ధిపరచడములూ వారికినుండే ఆసక్తయున్ను తగ్గను. దానిచే తగ్గి బడముగా తగ్గిపోవును.

21 - ది. - కనుక సదరు కారణములను ఉద్దేశించి దేవస్థానవిషయములూ నూతనముగా ఆట్టచే
అవకాశము లేదనిన్ని ఈ అభిప్రాయములూ గవర్నమెంటువారు కలవక ఉద్దేశ్య ఆట్టను పాస్
చేయుటములూ ఒకపైనుఅయినను గవర్నమెంటు తృప్తికి లేకనున్న పూజనగైరాలవగాను ఒక
నూతనము లేకనున్న పరుషజనులవల్ల వచ్చేదగుంబట్టి నమ్మకానియందే ఈ తిరువతిదేవ
స్థానము లోపరచుటములూ ఆయొక్కకుంబిట్టికి లోబంపవచ్చుననిన్ని సదరు దేవస్థాన
ముండి నివర్తితయవత్తుములూ అకుంబిట్టికి లోబంపలేక ఉండేదనిన్ని గాక సదరు దేవస్థానం
కుంబిట్టికి లోబంపవచ్చుననిన్ని గనుక దేవస్థానములలో ఈ తిరువతిదేవస్థానమున్న యిం
కొకదేవస్థానములున్న 1863 సం. 20 ఆట్టనుండి నివర్తితయవచినవో అదేకారణమునకుగా
దేవస్థానమును ప్రస్తావనములున్న 1863 సం. 20 ఆట్టనుండి నివర్తితయవచినదేగాక కొండువులయొక్క మతసంబంధములూ
కనుకలేదని ఇచ్చియుండు వాక్కుడత్రమును పరిశీలనము చేయవలెనని మిక్కిలి విషయముతో
సన్నాము.

no November 1886

[illegible]

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पीतावलावल
 चंचलदासजी
 लोभदासजी

वलराप्रदासरधानाटा
 स्वस्थानमिमांसा नरसिंहदासजी
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 स्वस्थानमिमांसा नरसिंहदासजी

Principals
Advocate of the Chief Court
Supreme Province

महाराष्ट्र
महाराष्ट्र

प्रमालाप्रवीणमुसलमान
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गुरुदेवा...
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 ४० डी...

सर्वपत्न्यादीका

To

The Right Honorable the Governor in Council,
Fort Saint George,
MADRAS.

*The Humble Petition of the inhabitants of
the various parts of India that visited
Tirupati during the present festival.*

MOST RESPECTFULLY SHEWETH :—

1. That on learning that the Government contemplate the passing of an Act for a better supervision of and control over all the Devasthanams of the Presidency, and in consequence thereof the Devasthanam of Tirupati has to be brought under the operation of that Act. The Petitioners, being pilgrims to Upper Tirupati during the festival now in progress, beg to approach your Excellency with the following representations in view to your Excellency giving them the consideration they deserve before having the said Act passed.

2. That in 1842 and 43 the Government till then in charge of all the Devasthanams of all the Country made them over to Trustees in view of the policy of non-intervention with our religious Institutions, reserving in their own hands the power of calling for accounts and checking them if need be.

3. That subsequently Act No. XX of 1863 was brought into operation for a better check and control on the said Devasthanams. That in virtue of that Act, Committees were appointed for many Devasthanams and for cogent reasons other large Devasthanams were exempted from the operation of the same.

4. That the affairs of the so exempted Devasthanams have been better conducted and have run on more smoothly than those of the Devasthanams over which Committees were appointed. That in the Devasthanams under the said Committees, our experience is that there has been much friction between the Trustees and the Committees, in consequence of unnecessary interference in rituals, &c., connected with the temples on the part of the Committees, which friction has led to unnecessary waste of time, trouble and money, and has produced no practical good.

5. That as a natural consequence of such disturbances many Devasthanams have been faring worse than expected.

6. That the petitioners believe that the said Act was intended to provide a check on the affairs and accounts of Devasthanams having Dastags or money-allowances from Government, and other fixed revenue from other sources.

7. That while the said Act No. XX of 1863 has been productive of many unnecessary evils, it is the opinion and belief of the petitioners that the Act now in contemplation for the purpose of providing a still better check on the accounts of the Devasthanams and a better regulation of rituals thereof, will only aggravate those evils instead of producing the desired object.

CHIEF SECRETARY
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8. That the Hindu religion not being a uniform one but consisting of multifarious sects and creeds, it is impossible to constitute Boards that can ensure an unanimity of feeling and opinions on the part of the members in respect of the Devasthanam affairs.
9. That the Act now in contemplation is, as alleged, intended to check some supposed maladministration in temples, that to do this we fail to see how that Act will be more effectual than the Indian Penal Code and Civil Law which will even after the passing of that Act be in full force and effect, however the Act may have the outward appearance of securing the desired object.
10. That whatever legislation may be made by Government for checking the supposed maladministration in temples, the Penal Code and Civil Law will have been, and even will be the only source of remedying the evil if such exists at all.
11. That under such circumstances we cannot see what occasion there is for Government to make a new legislation for remedying an evil for which the already exists a more than adequate remedy.
12. That in our humble opinion the only result to which the Act now in contemplation will tend, will be to divert a portion of the revenues of the temples for the maintenance of the Central and District Boards to be created and the establishments to be attached thereto, not to speak of the mere outward display of formalities that will be brought about by the Act.
13. Even allowing that the Act may apply to endowed Devasthanams under married Trustees, certainly it must not be applied to those under Mathadhipathies and Mahants who observe celibacy.
14. That there is no room for misappropriation in the case of the temples under unmarried Mathadhipathies and Sanyasis such for instance as Tirupati.
15. That the Devasthanam at Tirupati is important to all Hindus of all castes and creeds from Cashmere to Cape Comorin.
16. That it is under the management of the Mahants of Tirupati who are Byragies by birth, bachelors for life, fully God fearing, having no relations of any kind any where that can expect to be profited by them and having therefore occasion to misappropriate the temple funds. That they have a position which is revered and respected by all classes of the community.
17. That since the transfer to them of the Tirupati Devasthanam revenue thereof has evidently increased under their management, that accounts are kept in the form prescribed by Government not by Mahants only, but by Jheeyangars also who are Sanyasis as well; which accounts are open to inspection by any officers of Government at any time. That for some very good reasons the Devasthanam was exempted from the operation of Act XX of 1863.
18. That whether the said increase of revenue is due to the reverence commanded by the position of the Mahants and by their efforts or otherwise for the Government to judge.

19. That the Mahants have disciples consisting of wealthy Marvadis, Goshayies, Gugeraties, &c., all over the northern parts of India who contribute appreciably to the revenue of the Devasthanam.

20. That the bringing up of this Devasthanam under the operation of the said Act cannot but detract from the honor and respect due to the position of the Mahants, diminish their zeal in increasing the revenue of the temple and cannot but therefore substantially affect that revenue.

21. That in conclusion, the petitioners beg to state that for the reasons mentioned above there is absolutely no necessity for a fresh legislation in the matter, and should the Government not share with their opinion and in consequence the Act in contemplation be passed at all, they submit that the bringing in of this Devasthanam of Tirupati under the Act, will give a death-blow to its material prosperity, inasmuch as it has neither a pie of money-grant from Government nor an inch of maniam-land for its rituals, &c., but purely dependent on the gifts of pilgrims, and its exemption from the operation of that Act will, on the contrary maintain and even enhance its prosperity, and they therefore earnestly request that the Government will be pleased to exempt this Tirupati and similar Devasthanams from the operation of the said Act for the same reasons for which they were exempted from Act XX of 1863 and thus redeem the pledge the Government have given that they will not interfere with the Religious Institutions of the people.

2nd November 1886

CURRENT NO.

From

Certain fields
to the Temple

No.

Dated 2ndReceived 3rd } November

Enclosures - 2 -

SUBJECT.

Requesting that Govt.
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from the operation of
Act in contemplation
that there is no need
a fresh legislation in

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learn that a Bill has
prepared and presented
for regulating the manage-
ment of Hindu temples
and other religious institu-
tions; that some Hindu
temple committees have
already been formed for
supervising the management
of some of the temples;
that the well known temple
of Tirupathi is on the
hill of that name in the
Dist of Chittoor (N. Str.)
that its affairs including
receipts and expenditures
have all been admirably
managed by Srimant Rata-
gavan Doss; that the Puja
or worship and the festival
are properly carried on;
that it is, therefore, the
earnest desire of the petitioners
that this temple shall
not be placed under the
Committee, but shall be
allowed to remain, as it
has been hitherto, under
the exclusive management
of the said Ratanth;
that as it is a charitable
institution

... it
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... should be
... into it.

Pray, therefore,
that the Govt. may have
the well-being
of the temple at their
hearts.
Yours obediently
19/11/86.

[9]

Jand...

From Manohara
-dri Bava Son
a resident of
Taluk, Revad, an
inhabitant of the
of Ahmednagar

No.

Dated 19th October
Received 8th November
Enclosures

SUBJECT.

Requesting that the
-ples at Tirupattur
not be made over
to the Hindu Religious
Committee.

સાચી વાત કહેવાય મહાગુરુમંત્ર

દાંડી ઉપવાસ

દેવ ગુપ્તા સામાજિક સંસ્થાના સચીવ

શ્રી કાલકરિશ્વર જી કૃષ્ણગીર્તા મંદિર - વૃન્દાવન

તમિલ નાડુના ભોલુપ્પાલમ જિલ્લાના કોલાર

તરફ કુળદાસજી ૫૦ દરિયાના કાંઠે

જામનગર જિલ્લાના કાંઠે - વામનપુરમ જિલ્લા

રેવલ ના જમણા કાંઠે (મૈસૂર જિલ્લાના કાંઠે)

દેવ ના જમણા કાંઠે - ૫૦

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१) Ramachandra Mahesh Rajhans

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[illegible]

PETITION from *Guzerati petition* ✓

Dated 188 .

TRANSFERRED to the Chief Secretary to
Government for disposal.

(By Order.)

W. Macpherson

Lieut.-Colonel,

Private Secretary.

GOVERNMENT HOUSE,
Quindry Park
6th November 1886.

Public. No 4582/86

No 303/.

CURRENT NO. 46244

From

H. J. Ross, Esquire,

Registrar of the High Court of
Judicature at Madras.

To

The Honorable H. C. Stokes,
Chief Secretary to Government
Fort Saint George.

Sir,

Referring to the Acting Assistant
Secretary's official Memo, dated the 5th
instant, No 1849, C, Public, I have
the honor to state that the Honorable
the Chief Justice and Justices Kernan
and Parker have not recorded any
observations on the Madras Hindu
Religious and Charitable Institutions
Bill.

The Honorable Mr Justice
Kuttusami Aiyar, having been a
member of the Committee intimated
that he had only to re-iterate his
approval of the provisions of the Bill.

I have the honor to be,
Sir,

Your most obedient Servant,

C. J. A. S. S.

From

THE PRIVATE SECRETARY
TO THE REGENT

To

THE CHIEF SECRETARY

Dated

Recd.

Enclosed

Subject

Transfers a public

CURRENT NO. 4624
Judicial { 1886 } Department.

No.

FROM

THE REGISTRAR OF THE HIGH COURT
OF JUDICATURE AT MADRAS,
APPELLATE SIDE.

Dated

Received

10 November } 1886
11

No. 303/

SECRETARY
NOV 16
GOVERNMENT OF MADRAS

Stating that the Hon.
the Chief Justice and
Justice Hermann Parker
not recorded any observa-
tions on the Hindu
Religious and Charitable
Institutions Bill and
that the Hon. Mr. Justice
Muttuswami Svarneya
was a member of the
Committee constituted
that he had only to
re-iterate his approval
of the provisions of the
Bill

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A
BILL

TO

Provide for the better administration of
Hindu Religious and Charitable Institu-
tions in the Presidency of Fort St. George.

WHEREAS it is expedient to define the
duties of Trustees of
Preamble. Hindu Religious
and Charitable Institutions in the Presi-
dency of Fort St. George and to provide
for the registration and supervision of such
Institutions and for the due administra-
tion of property belonging thereto; it is
enacted as follows:—

CHAPTER I.—PRELIMINARY.

1. This Act may be called "The
Short title. Madras Hindu Reli-
gious and Charitable
Institutions Act, 1886."

It extends to the Presidency of Fort St.
George, and applies
Local extent and appli- to all Hindu Religi-
cation. ous and Charitable

Institutions within the said Presidency,
except such Institutions and endowments
under the management of the Board of
Revenue under the provisions of Regula-
tion VII of 1817 and Act XX of 1863 as
the Governor of Fort St. George in Council
may not direct to be transferred as herein-
after provided.

And it shall come
into force on the
Commencement. day of

2. On and from that date, Act XX of
1863 shall be repeal-
ed so far as it affects
Repeal of Enactment. Hindu Temples and Religious Establish-
ments in the Presidency of Fort St. George,
and except so far as it preserves Regula-
tion VII of 1817.

3. In this Act, unless there be some-
thing repugnant in
the subject or con-
text, "Central Board" and "District
Board" mean the Central Board and any
District Board appointed under this Act.

"Religious or Charitable Institution" and "Institution"
include every Hindu
pagoda, temple,

Department, division, mission, school, country or other Hindu establishment or foundation of a religious or charitable character, or both combined, by whatever local designation known, and all property and endowments connected therewith, whether applied wholly to religious purposes or partly to religious and partly to charitable or other purposes, and every express or constructive trust of a Hindu religious or charitable nature by which property or money is vested in the hands of any persons.

"Trustee" includes—

- (a) All persons administering affairs of, or having control over, any Institution defined by this Act, or acting in the management thereof;
- (b) All persons to whom the management of any Hindu Religious or Charitable Institution or establishment was transferred by Act XX of 1863;
- (c) All Dharmacharyas, Ustads, Panchayats, Mahants, Adhinataras, Mathas, Pathies, Samitis, Haks, Bhattas, Muktasars, and like, by whatever local designation such person may be known; and
- (d) All persons holding any property in trust for any Institution defined by this Act.

"Person interested" includes all persons who have

or are in the habit of attending, at the performance of the worship or service of Institutions, or abiding in any of the endowments and charities connected therewith. The interest need not be a pecuniary, direct or immediate, interest in the Institution, or such an interest as would entitle the person to take any part in the management or superintendence thereof.

"Officer" includes any person appointed under this Act

but shall not include any Trustee or other person acting in the administration of any Institution, or as servant under his control.

"Civil Court" means the highest Court exercising Civil Jurisdiction in the District in which an Institution is wholly or partially situated, and for the Town

part I. ss. 4, 11, 10, 14, 24.

part II ss. 15, 16, 17, 20, 21, 22, 23.

part III ss. 12, 13, 15, 19.

part IV ss. 5, 6, 7, 8, 9.

constituted a Central Board having authority over Religious and Charitable institutions and consisting of not less than three persons who shall be called members of the Central Board. The following persons viz:

shall in the first instance be members of the Central Board, and on any vacancy occurring. The central Board shall be called

The members of the Central Board shall elect one among their own number to be Chairman of the Central Board.

Madras the High Court in the exercise of its ordinary original Civil Jurisdiction.

CHAPTER II.—OF THE CONSTITUTION OF THE BOARD AND TRANSACTION OF BUSINESS.

4. For the purposes of the Act there shall be following persons, viz, shall constitute a Central Board.

On the subsequent occurrence of any vacancy upon the said Board, the High Court shall appoint a person to fill the same, provided that such person must be a person professing the Hindu religion. To fill the same

The members of the Central Board shall elect one among their own number to be Chairman of the Central Board.

The Board shall consist of not less than three members.

Such Board may be called "The Hindu Religious and Charitable Institutions' Central Board," and shall be a body corporate and shall have perpetual succession and a common seal, and power to acquire, hold and sell property, and may by such name sue and be sued.

5. Every Institution to which this Act applies shall pay to the Central Board, annually by such instalments and at such times as may be by them determined a sum not exceeding 5 per cent. of the gross annual income of such Institution.

Provided that it shall be competent to the Central Board to exempt from the operation of this section any Institution whose gross annual income does not exceed Rupees one hundred.

6. The payments so made shall be placed to an account at the Bank of Madras, or such other Bank as may from time to time be appointed by the Central Board, to be termed "The Hindu Religious and Charitable Institutions' Account;" and such funds shall be employed in defraying all expenses connected with the Central Board and its proceedings, salary of officers, rent of office, commissions of inquiry, audits and other like expenses.

Provided that it shall be competent to the Central Board to debit the charges of any special inquiry or proceedings under this Act to the funds of the Institution in

Provided further that it shall be competent to the Central Board to transfer to any District Board any sum which shall be at the disposal of such District Board under section 55.

cheques against the said account and signed by the Secretary and countersigned by the Chairman of the Central Board, and it is hereby directed for the Bank to pay all such cheques so signed and countersigned.

...whenever any Institution
...to be...
...of...
...other...
...quired by this Act, it shall be...
...the... through...
...dly authorized in the...
...the same from any... or...
...any immovable property belonging...
...such Institution, or for...
...manage any reasonable part of the...
...property thereof and to remain...
...until the sum due shall have been...
...recovered.

Provided that the Institution entitled to a money payment from the Government shall be competent to the Collector of the District in which the Institution is situated or the Accountant-General on the application of the Central Board, to direct the payment of the sum due to the Government Board and the balance to the Institution making default.

Provided also that it shall be lawful for any tenant of the Institution to deduct from the sum due to the Central Board, upon production of a receipt under the signature of any person duly authorized by the Central Board, to deduct the amounts so made from the rent then or afterwards due by him to the Institution.

9. The Central Board may raise loan money not exceeding the estimated amount of one year's expenditure of the Central Board and officers under this Act, upon the security of the funds referred to in Section 5 for the purposes stated in Section 6, and shall charge the same out of the said funds.

10. The Chairman of the Central Board shall receive Salaries of Chairman and Members. a monthly salary of Rs. 1,250, and each of the other Members a monthly salary not exceeding Rs. 1,000.

11. The Members of the Central Board shall hold office for a term of 5 years and shall be eligible for re-appointment at the close of that period. They shall give their whole time to the discharge of their official duties, and shall not be at liberty to follow any other profession or calling, or to hold any office connected with any Institution.

~~12. The Members of the Central Board~~
~~shall appoint a Sec-~~
 Secretary to the Board. ~~retary who shall~~
 Salary. ~~receive a~~ monthly
~~Rs. 600, to be determined from time to~~
~~time by the Central Board.~~ salary not exceeding

The Secretary shall be a person professing the Hindu religion, and shall hold office during the pleasure of the Central Board; he shall give the whole of his time to his official duties, and shall not follow any other profession or calling, or hold any office connected with any Institution.

13. The Central Board, may from time to time, appoint a sufficient number of Inspectors not exceeding five, upon monthly salaries not exceeding Rs. 500, as may be determined from time to time by the Central Board. Such Inspectors shall be persons professing the Hindu religion, and shall hold office during the pleasure of the Central Board.

Provided that the Central Board may in like manner from time to time appoint temporary additional inspectors for any special purpose and fix the remuneration not exceeding the sum of Rs. 500 per mensem to be paid to them.

14. The High Court may grant to any Member of the Central Board leave of absence and make arrangements for the carrying on of the duties of the absentee. Such leave of absence and the allowances payable to the officer on leave and to the

Member

person appointed to act in his place shall be regulated by the rules applicable to the Uncovenanted Civil Service.

Provided that not more than one Member of the Central Board shall be absent on such leave at the same time.

Provided also that any Member of the Central Board who not being on deputation shall without such leave fail to attend the meetings of the Board during two consecutive weeks shall be held to have *ipso facto* vacated his appointment, but such person shall be eligible for re-appointment.

15. The Central Board shall have an office in Madras ~~for the transaction of business, and shall have a common seal. Such office shall be open at such times as the Central Board may appoint.~~

16. The Board shall meet ~~at least twice in each week~~ for the transaction of business, and ~~no business shall be transacted at any meeting unless at least two Members are present at such meetings.~~

At such meetings the Chairman, or in his absence, the Senior Member, in order of appointment; shall preside.

17. In case of difference of opinion the question before the Board shall be decided by a majority of votes; and where the votes are equally divided, the Chairman or the Senior Member presiding shall have a casting vote.

Any Member dissenting from the majority shall be at liberty to record his dissent in the Minutes of the Proceedings of the Central Board.

18. The Central Board shall have power, from time to time, to entertain such establishment of officers, clerks, and servants as may be necessary, and to make rules relating to the grant of salaries and gratuities to such persons. The Central Board may appoint, suspend or remove any such persons.

19. It shall be competent to the Central Board to grant leave of absence to all persons appointed by them, and to make arrangements for the conduct of business during such absence. Such leave of absence, and the allowances payable to the persons on leave and to the persons appointed to act in their place, shall be regulated by the rules applicable to the Uncovenanted Civil Service.

20. The Central Board shall, by General Minutes or Bye-laws from time to time, regulate their own proceedings and the proceedings of the Inspectors. *appointed by them as herein after provided* All such General Minutes or Bye-laws shall be signed by the Chairman.

21. The Central Board shall cause Minutes of all their discussions and of proceedings, and of all orders, opinions and advice, and of all certificates and schemes made or approved by the Central Board under this Act, together with the grounds of their approval and the objections (if any) which have been made to such schemes, and all proceedings had in respect of such objections to be entered in books to be provided and kept for such purpose; and all such entries shall be signed by the Secretary.

22. The Central Board shall, before the 30th of June in every year, publish a general report of their proceedings during the preceding year up to the 31st March immediately preceding.

The Central Board shall specially distinguish and set forth in such report all the schemes (if any) approved by them, together with an account showing the receipts and disbursements connected with the Institutions under their control in such form as they may determine.

Such report shall, within one month after the making thereof, be published by the Central Board in the *Fort St. George Gazette*; and such portions thereof as affect the Institutions

at least twice in every week and also at other times as often as a meeting shall be called by the Chairman. No business shall be transacted at any meeting unless at least two members be present.

tutions in any particular district shall be published in the local Gazette of that district.

23. All Registers prepared under Section 82 and all records of the Central Board's proceedings and orders, and all books of account, statements and returns made to the Central Board shall be kept at the office of the Central Board in the custody of the Secretary.

24. Any member of the Central Board may be dismissed by the High Court for the following reasons:—

- (1) for lunacy;
- (2) for declared insolvency;
- (3) on conviction of any of the offences under Sections 302 to 308, 311 to 317, 326 to 331, 363 to 373, 376, 377, 379 to 429, 449 to 462, and of offences under Chapters VI, XI, XII, and XVII of the Indian Penal Code, such conviction being in full force and effect; and
- (4) for apostasy from the Hindu religion.

DISTRICT BOARDS.

25. There shall be *constituted* a District Board for each district in the Presidency.

26. Each District Board shall consist of not less than nine members, one-third of whom may, if the Central Board so direct, be nominated by the Central Board. The members not nominated by the Central Board shall be appointed by election. The particular number may from time to time be fixed by the Central Board.

27. The following persons are entitled to have their names entered in the lists to be made under Sections 29, 34, 35, 36 and 38 and to be elected under Sections 29 to 45 members of a District Board, namely—

- (1) all Hindus by religion; being
- (2) more than thirty years old; and
- (3) residing or owning or renting lands in the district; and

- (a) Of the male sex
- (b) A Hindu by religion
- (c) have completed his thirtieth year.
- (d) be resident or owning or renting lands within the district.
- (e) be in the receipt of an annual income of not less than Rs 600.

The members of the District Board appointed by election shall be elected by voters qualified as follows:

In order to be qualified to vote at elections held under this Chapter, a person must be a Hindu by religion and have completed his twenty-fifth year.

in the receipt of an annual income of not less than Rs 500 or be a graduate.

At every election under the preceding section shall be a ballot and shall be under the superintendence of the District Judge or other officer as the Court may appoint, at such time and place as said Judge or other officer may, by notice published at least two months in advance, hand in the District Judge.

The District Judge or such other officer as aforesaid

(4) having an income of Rs. 600 a year.

28. The following persons are entitled to have their names entered in the lists to be made under Sections 29, 36, and 38, qualifying them to vote at elections of members of District Boards:—

- (1) All Hindus by religion; being
- (2) more than twenty-five years old; and
- (3) resident in the district; and
- (4) having an income of Rs. 500 a year, or being graduates of any recognised University.

Rules for the first Election.

29. List of persons qualified to be elected and to vote, shall, as soon as this Act comes into force, and not later than three months after this Act shall have come into operation, be prepared, printed, and published by the District Judge of every district, or any other authority the High Court may appoint.

Each district to have a similar list. 30. There shall be one such list for each district.

31. Such publication shall be made by affixing the list in some conspicuous place in or near the office of the said authority and the taluk cutcherry and such other places as that authority may think fit.

32. (1) Such list shall not be considered conclusive as to the qualifications of persons to be elected or to vote and shall from time to time be open to revision by the said authority.

(2) Such authority shall give notice of such publication in the District Gazette, free of cost, and in one or more of the local newspapers, if any, and the said list shall be open to public inspection at all reasonable times of the day for fifteen days after the publication of such notice.

33. Copies of such lists shall be supplied to the public at the office of the District Judge or such other officer as aforesaid, and at any other place fixed by the District Judge or such other officer as aforesaid, at cost price.

34. Any person qualified to be elected or to vote, whose name is omitted from the list of the district for which he is qualified to be elected or to vote, may, within one month from the date of such publication, apply, with evidence personally or by notice in writing to the District Judge or such other officer as aforesaid, to insert his name therein; and in the event of that authority refusing or omitting to do so in the next District Gazette, such person may apply to the judicial appellate authority of the District Judge or such other officer as aforesaid, for an order to have his name inserted in such list.

35. The judicial appellate authority over the officer passing the order shall make such order as to the insertion or omission of the name of the applicant, and as to the payment of the costs of the inquiry as they think just, and such order shall be final, and if it directs the insertion of the name of the applicant in such list shall be forthwith obeyed by such authority.

Rules for subsequent Elections.

36. Such authority shall, in the first quarter of every year, revise the said lists for the purpose of removing therefrom the name of any person not entitled to be entered therein or adding the name of any qualified person. This list may be modified on objection as prescribed in Sections 32 to 35, both inclusive.

37. Election shall be by ballot, after a notice of two months by the officer mentioned in Section 29 of this Act.

38. Such officer shall declare the names of the persons elected for his district and publish their names as prescribed above.

39. An appeal shall lie from his declaration to his judicial appellate authority to be final, within a month of

the manner provided in Section with regard to the publication of lists.

if made by the District Judge, to the High Court, and if made by any other officer, to the District Judge; provided that such appeal shall not be entertained unless presented within one month from the date of the publication hereof.

Any person qualified to be elected or to vote whose name is omitted from the list of the district for which he is qualified to be elected or to vote, may, at such time apply personally or by notice in writing to the District Judge or such other officer as aforesaid to insert his name therein.

In the event of the District Judge or such other officer as aforesaid refusing to do so within five days of such application, such person may apply to the High Court or the District Judge as the case may be, in the manner provided in this Act, and the provisions of this Act shall be applicable to such applications.

Any person qualified to be elected or to vote whose name is omitted from the list of the district for which he is qualified to be elected or to vote, may, at such time apply personally or by notice in writing to the District Judge or such other officer as aforesaid to insert his name therein.

In the event of the District Judge or such other officer as aforesaid refusing to do so within five days of such application, such person may apply to the High Court or the District Judge as the case may be, in the manner provided in this Act, and the provisions of this Act shall be applicable to such applications.

Any person qualified to be elected or to vote whose name is omitted from the list of the district for which he is qualified to be elected or to vote, may, at such time apply personally or by notice in writing to the District Judge or such other officer as aforesaid to insert his name therein.

In the event of the District Judge or such other officer as aforesaid refusing to do so within five days of such application, such person may apply to the High Court or the District Judge as the case may be, in the manner provided in this Act, and the provisions of this Act shall be applicable to such applications.

Any person qualified to be elected or to vote whose name is omitted from the list of the district for which he is qualified to be elected or to vote, may, at such time apply personally or by notice in writing to the District Judge or such other officer as aforesaid to insert his name therein.

In the event of the District Judge or such other officer as aforesaid refusing to do so within five days of such application, such person may apply to the High Court or the District Judge as the case may be, in the manner provided in this Act, and the provisions of this Act shall be applicable to such applications.

Any person qualified to be elected or to vote whose name is omitted from the list of the district for which he is qualified to be elected or to vote, may, at such time apply personally or by notice in writing to the District Judge or such other officer as aforesaid to insert his name therein.

In the event of the District Judge or such other officer as aforesaid refusing to do so within five days of such application, such person may apply to the High Court or the District Judge as the case may be, in the manner provided in this Act, and the provisions of this Act shall be applicable to such applications.

Any person qualified to be elected or to vote whose name is omitted from the list of the district for which he is qualified to be elected or to vote, may, at such time apply personally or by notice in writing to the District Judge or such other officer as aforesaid to insert his name therein.

In the event of the District Judge or such other officer as aforesaid refusing to do so within five days of such application, such person may apply to the High Court or the District Judge as the case may be, in the manner provided in this Act, and the provisions of this Act shall be applicable to such applications.

Any person qualified to be elected or to vote whose name is omitted from the list of the district for which he is qualified to be elected or to vote, may, at such time apply personally or by notice in writing to the District Judge or such other officer as aforesaid to insert his name therein.

In the event of the District Judge or such other officer as aforesaid refusing to do so within five days of such application, such person may apply to the High Court or the District Judge as the case may be, in the manner provided in this Act, and the provisions of this Act shall be applicable to such applications.

such publication, and the decision of such appellate authority shall be final.

The District Board.

40. Every District Board shall, subject to the provisions of this Act, be the agent of and under the control of the Central Board, and the Central Board and not the District Board shall sue and be sued in respect of any act or omission of the District Board, giving rise to any cause of action.

41. The members of every District Board shall elect their Chairman from among their own number, in accordance with such rules as may be prescribed from time to time by the Central Board.

42. (1) Any person elected or appointed to be a member of the District Board shall hold office for three years and shall then cease to be a member of such District Board, and any member of a District Board elected to be Chairman shall be deemed to have vacated his office on his ceasing to be a member of such District Board.

(2) Any outgoing member of a District Board shall, if otherwise qualified, be eligible for re-appointment or re-election.

43. Any person elected to be Chairman or any member of a District Board may tender his resignation to the Central Board, and, on such resignation being accepted, shall be deemed to have vacated his office.

44. (1) The Central Board may, at any time by notification, remove any Chairman or member of a District Board—

(i) For any of the causes mentioned in Section 24, or

(ii) If he, without excuse sufficient in the opinion of the Central Board, neglects for more than three consecutive months to be present at the meetings of the District Board.

45. When a vacancy occurs among the members of the District Board, such vacancy shall be filled up in accordance with the provisions of this Act.

In case of the death, disqualification or resignation of a member of a District Board, a substitute shall be forthwith nominated or elected in like manner as the member so dying becoming disqualified or resigning was originally nominated or elected.

Mode of transacting Business.

46. (1) The District Board shall ^{have} ~~provide~~ an office, ^{in the District} and shall meet for the transaction of business at least once a month, ^{and also at other times} ~~and also at other times~~ ^{often as a meeting called by the Chairman}

47. ^{At every meeting} The Chairman shall preside at ^{each meeting, and in his absence the} ~~the~~ members of the District Board shall elect one of their number, present at the meeting, to preside thereat.

(2) All questions coming before a meeting shall be decided by a majority, and in the case of equality of votes the Chairman or presiding member of the District Board shall have a second or casting vote.

(3) No business shall be transacted at a meeting unless at least one-third of the members of the District Board be present.

48. (1) Minutes of the resolutions passed at each meeting shall be recorded in a book kept for the purpose, and shall be signed by the Chairman or the member of the District Board who presided at the meeting.

(2) Copies of the resolutions of the District Board shall be prepared and sent by the Chairman within three days after the passing thereof to the Central Board.

49. (1) The resolutions of the District Board shall be carried out by the Chairman in whom the entire executive power of the District Board shall be vested, and who shall be directly responsible for the due fulfilment of the purposes of this Act.

(2) Any Chairman, with the previous consent of the District Board, may, on his own responsibility from time to time, authorise any member of the District Board, by an order in writing, to exercise any of the powers conferred on such Chairman by this Act, and may at any time in like manner cancel or modify such authority.

Appointments, &c., of Servants.

50. (1) The District Board may, subject to the approval of the Central Board, from

time to time, at a meeting to be held for the purpose, fix the number and salaries of the servants of the District Board necessary for carrying out the purposes of this Act.

(2) The Chairman shall from time to time appoint proper persons to be such servants and pay them such salaries from the funds at the disposal of the District Board.

(3) The Chairman may from time to time suspend or dismiss any servant appointed by him, and appoint another person in his place.

(4) Any servant aggrieved by any order passed by the Chairman under this section may, within one month from the date of such order, appeal to the Central Board, and the order passed thereon by the Central Board shall be final.

Funds at the disposal of the District Board.

51. Any sums placed at the disposal of the District Board by the Central Board or otherwise received by the District Board shall be lodged with such Bank or person as may be approved by the Central Board, and all orders for payments from such fund shall be signed by the Chairman and a member of the District Board, and when so signed shall be paid by such Bank or person so far as the funds to the credit of the Board may admit.

CHAPTER III.—OF TRUSTEES AND THEIR DUTIES.

52. All property belonging to any Institution shall vest in the ~~Trustee or Trustees, of such Institution,~~ ^{Trustees, of such Institution,} subject to the control and direction of the Central Board, ~~under this Act.~~ ^{together with any title deeds or documents belonging thereto shall be in the custody, or under the control of the Trustees.}

53. It shall be the duty of the Trustees of every Institution to prepare and submit to the District Board, within such reasonable time as the Board may prescribe after the date on which this Act comes into force, a complete and true account showing—

and, so far as is

not order
4. 53, 54, 55, 59, 60, 65, 67, 66
56. 52, 57, 64, 58, 61, 62, 63
51. 56, 68, 69, 70.

- (2) The objects of the Institution, with copies of all grants, *sasasams*, *sunnuds*, title-deeds, and other documents relating thereto;
- (3) All endowments belonging to the Institution, with full particulars as to the nature, extent and value of the immoveable property of such Institution, how and when acquired, and how let, occupied, or employed;
- (4) The existing *dittam* or scheme of administration and appropriation of funds;
- (5) The names, so far as may be known, of past Trustees and the names of existing Trustees, and how and when and by whom appointed;
- (6) The names of all persons in receipt of any salary, emolument or perquisite from the Institution, and the nature, tenure and conditions (if any) of service in each case;
- (7) The jewels, gold, silver, all vessels and utensils, and all other moveables belonging to the Institution with their estimated value; and
- (8) All such further information as the Central Board may prescribe.

54. The affairs of every Institution shall be administered and the funds thereof applied by the Trustees or Trustees with discretion and in accordance with the terms of the Trust or of any existing *dittam* or scheme of administration or of any modification thereof sanctioned by the Central Board.

55. It shall be competent to the Trustees to exercise, subject to the provisions of this Act, all powers incidental to the provident and beneficial management of the Institution, and to do all acts necessary for the due performance of the duties imposed upon them.

56. All servants belonging to any Institution remunerated by fixed pay or otherwise deriving any benefit from such Institution shall be under the immediate orders and control of the Trustees and

shall be bound to obey all lawful orders and directions given by such Trustees.

57. All property and title-deeds and documents belonging to any Institution shall be in the custody or under the control of the Trustees.

58. It shall be the duty of the Trustees to provide for the proper cultivation and leasing of all lands and the leasing of all buildings belonging to the Institution, and for the punctual collection of all assessments, rents and dues accruing therefrom.

59. It shall be competent to the Trustees to submit to the District Board proposals for revising, altering, or modifying any existing *dittam* or scheme of administration, or for framing a new scheme where none exists or whenever the existing *dittam* or scheme may, from altered circumstances or other cause, require to be reconsidered.

60. It shall be the duty of the Trustees to keep and maintain full and true accounts of all moneys received and paid by them on account of the Institutions under their management, in books to be provided by them for that purpose.

61. It shall be the duty of the Trustees, to maintain all buildings, lands and other property belonging to the Institutions under their management in a state of proper preservation, so far as the funds at their disposal will permit.

62. It shall be the duty of the Trustees, subject to the approval of the District Board, to invest or employ all surplus funds and accumulations in such manner as may be most conducive to the interests of the Institutions under their management.

63. It shall be the duty of the Trustees, subject to the directions of the Central Board, to recover any property belonging to the Institutions under their management which has been improperly alienated, or is held to the

It shall be the duty of Trustees of any Institution to manage the property of Institution as a person of ordinary prudence would manage if it were his own, and to use their endeavours to collect rents and profits thereof. Provided that, except under the directions of the Central Board as hereinafter mentioned, it shall not be lawful for the Trustees to make any gift, sale, mortgage, exchange or other disposition of the immoveable property of the Institution or any lease thereof for any period exceeding three years.

in accordance with the provisions of Section 125.

N.B. made part 1 1.52 = 1.60

such form as may be prescribed by the Central Board. Such accounts and all vouchers connected therewith shall at all times be open to the inspection of the Central Board or District Board or any Inspector or other person duly authorized in that behalf.

detriment of such Institutions, and generally to protect the interests of such Institutions.

64. The Trustees or other persons having the custody of any documents, jewels, or other property belonging to any Institution may deposit the same for safe custody in such place as the Central Board may approve, but no such approval shall exempt the said Trustees or other persons from any responsibility attaching to them.

65. It shall be the duty of the Trustees to keep the District Board informed of all matters affecting the well-being of the Institutions under the management of such Trustees, and to make any inquiry which may be necessary into any matter connected with the due administration thereof.

66. Whenever any discretionary authority vests in the Trustees of any Institution and such Trustees exercise their discretion in good faith, and in all cases in which they act under the orders of the District Board, they shall be deemed, so far as their personal responsibility is concerned, to have acted in accordance with the terms of the trust.

67. Every Trustee shall be bound to obey all lawful orders passed by the District Board under the provisions of this Act.

68. It shall be lawful for the Trustees to punish by a fine or to suspend, remove or dismiss any servant attached to any Institution, or any person in receipt of any emolument or perquisite therefrom for breach of trust, incapacity, disobedience of orders, neglect of duty, misconduct, or other sufficient cause subject to an appeal to the Central Board.

69. Where the office is not hereditary it shall be lawful for the Trustees to fill up every vacancy caused by the death, resignation or removal of any servant of a Religious Institution under their control by the appointment of a duly qualified person.

Provided that it be lawful for any to institute any legal proceedings with the consent of the direction of the District Board.

See action proposed as substitute for sections 56, 68, 69

70. It shall be competent to the Trustees from time to time to submit to the District Board any proposal which the Trustees may deem necessary in the interests of any Institution for abolishing the office of any servant thereof, or of any person in receipt of any emolument or perquisite therefrom, whenever the office or any service which it may have been the duty of such servant or other person to perform, may, from altered circumstances or other good and sufficient cause, have become no longer necessary. Provided that the Central Board may grant any compensation it wishes to any servant whose office may be abolished under this section.

CHAPTER IV.—OF THE DUTIES AND POWERS OF THE CENTRAL BOARD.

71. The following are among the duties of the Board summarized.—

- (1) To register all Institutions; and for that purpose to make all necessary inquiries;
- (2) To audit the accounts of the income and expenditure;
- (3) To appoint and remove the Trustees of any such Institutions;
- (4) To fill up vacancies in the office of Trustee in the manner hereinafter provided;
- (5) To give effect to the provisions of this Act with regard to removal of Trustees;
- (6) To aid, advise, control and direct the Trustees in matters connected with the financial administration of their trusts;
- (7) To authorize and direct judicial proceedings in respect of any matters relating to Institutions;
- (8) To make rules for the purpose of carrying out the provisions of this Act;
- (9) To make inquiries from time to time into any matters relating to any Institution, and to perform all other acts which may be necessary for the purposes of this Act;
- (10) To hear appeals from the decisions of the District Board and Trustees where such appeals are authorized by this Act;

- (11) To publish Annual Administration Reports; and
 (12) To determine all disputes concerning ritual in Pagodas.

Part A.—As to Inquiries.

72. The Central Board shall have power to cause local investigations to be made into the affairs of any Institution for all or any of the purposes of this Act, and with a view to such inquiry the Board may depute one or more of the members of the Central or District Board, or one or more duly authorized Inspectors, to visit such Institution and hold local investigations.

73. The Central Board, or any District Board or any member thereof duly authorized by the Central Board in that behalf, may require written accounts and statements and answers to inquiries relating to any Institution or its management, to be rendered to the Central or District Board by all or any of the following persons, that is to say:—

- The Trustees of any Institution, or any servant thereof;
- The Agents of such Trustees;
- Persons in possession of or having any control over any property or moneys belonging to any Institution;
- Persons in the beneficial receipt of any funds thereof or of any income or stipend therefrom;
- Any ryot, tenant or lessee of land or other property belonging to any Institution;
- Persons having the possession or control of any documents concerning the aforesaid funds.

74. The Central Board, or any District Board or any member thereof duly authorized by the Central Board, may require any such Trustees, Agents or persons aforesaid to attend at such convenient times and places within the District in which the Institution is situated as may be appointed in that behalf, for the purpose of being examined in relation to any Institution, and to answer questions relating

thereto, and to produce any documents in their custody or power relating to the said Institution, and may examine all such persons and any person voluntarily attending the said Central or District Board.

75. The Central Board or any District Board or any member or members thereof duly authorized for the purpose of any inquiry under this Act may summon and enforce the attendance of witnesses and compel them to give evidence and to produce documents in their custody or control before the Central or District Board or any Inspector of the Central Board at some convenient place within the District in which the witnesses reside as if such Board were a Civil Court. Provided that it shall not be competent to the Board to attach the property of witnesses.

76. If a witness summoned by the Central or District Board absconds or keeps out of the way to avoid the service of the summons, or having been served with the summons, fails to attend, or refuses to give evidence or produce a document as therein required, or if any Trustee or other person refuses or wilfully neglects to comply with any requisition made by the Central or District Board under Sections 73, 74, and 75, any Court may, on the application of the Central or District Board, or any other person authorized by them in that behalf, enforce the attendance of such witness and compel him to comply with the summons or requisition as if the summons or requisition had been issued or made by such Court or officer.

77. A person who by reason of bodily infirmity is unable without risk to his health or serious inconvenience to appear before the Central Board, or District Board or any member thereof duly authorized in that behalf or Inspector conducting the inquiry, a person in jail under civil or criminal process, and a person exempt by law or usage from personal appearance in a Court, shall not be required to appear before such Inspector, Central or District Board.

In every such case, the Inspector may either himself go to the house of such person, or to the jail in which he is confined, and examine him.

78. The law in force for the time being as to summonses, and compelling the attendance of witnesses, and for their remuneration in suits before Civil Courts shall, *mutatis mutandis*, apply to any summons issued, and to any person summoned to appear under the provisions of this Act.

79. The Central or District Board or Inspector conducting an inquiry under this Act may at their or his discretion administer an oath or affirmation in accordance with the law for the time being to any person examined.

Such Board or Inspector may also record a note of the substance of the statement made by each such person, and such statement shall be read over, or (if recorded in a language which he is not acquainted with) interpreted to him in a language which he is acquainted, and if he admits the correctness of such a note, it shall be signed by the Chairman or Secretary of the Board or by such Inspector.

80. Every Inspector making any inquiry under this Act shall make a full report thereof to the District or Central Board, and shall send records and proceedings connected with such inquiry.

81. Every officer appointed under this Act shall be deemed to be a public servant within the meaning of the Indian Penal Code. All persons required under this Act to give information or produce documents shall be legally bound to do so.

Part B.—As to Registration.

82. It shall be the duty of the Central Board to keep a Register of Religious Institutions. Such Register shall include the following particulars:—

- (1) The name and, so far as can be ascertained, the history of the Institution;

- (2) The names, so far as may be known, of past Trustees and the names of existing Trustees, and the mode of their appointment;
- (3) The nature and objects of the Institution, together with copies of all grants, *sunnuds*, title-deeds and other documents relating thereto;
- (4) Statement of the nature, extent and value of the moveable and immoveable property belonging to the Institution and of the income derived therefrom;
- (5) The existing *dittum* showing the manner in which the income of the Institution is applied or apportioned among the various objects thereof; and
- (6) Such other particulars as the Central Board may prescribe.

Such Register shall be sealed and signed by the Secretary to the Central Board.

83. It shall be the duty of the Central Board to furnish to the Trustees of every Institution a duly certified copy of so much of the Register as relates to such Institution; and the same shall be deposited in the office of the Trustees or such other place as may be prescribed by the Central Board.

84. Such Register and certified copy shall be open to the inspection at all reasonable times of persons interested who shall be entitled to take or obtain copies thereof on payment of such fee as may be prescribed by the Central Board.

Part C.—As to Appointment and Removal of Trustees and Servants.

85. Every vacancy occurring in the office of Trustee by death, resignation or otherwise, shall be forthwith reported to the Central Board by

- (1) the surviving Trustee if any; or by
- (2) the chief ministerial servant; or by
- (3) any person interested in the Institution concerned; or by
- (4) any Inspector or other officer of the Central or District Board.

The Central Board or District Board shall be deemed to be a public servant within the meaning of the Indian Penal Code.

several matters related in history of such...

How a Trustee may be appointed.

86. A person may become a Trustee—

- by hereditary succession;
- by appointment or election in accordance with trust deeds or usage;
- in accordance with any scheme or modification of any scheme duly sanctioned under this Act and by which the Institution concerned is regulated; or
- by the Central Board or
- under or in pursuance of an order of a Civil Court.

87. In cases coming under Clauses (a) and (b) of the last preceding section

Appointment made under Clauses (a) and (b) to be forthwith reported to the Central Board by the surviving Trustees (if any) or any person succeeding or appointed, or by the chief ministerial servant of the Institution; and it shall be competent to the Central Board, after due inquiry and after hearing all objections made, to recognize appointments under Clause (b) in writing under their hand and seal. Until so recognized every such appointment shall be deemed to be provisional.

Where an appointment has been made under Clause (b) within ninety days

the occurrence of the vacancy, it shall be lawful for the Central Board, after due inquiry, to authorize the District Board having control over the Institution to nominate a duly qualified person in conformity with local usage and, so far as may be, with the wishes of the community

88. The intended nomination shall be notified in such manner as the District Board may deem fit

Such nomination to be notified in the District Board and in the local Gazette of the District in which the Institution concerned is situated.

89. On the expiration of the period specified in the notification, it shall be lawful for the Central Board to hear and consider all objections and suggestions made to them, and to confirm and make absolute the nomination already made, or to make such other appointment as may be deemed just and proper in the interests of such Institution.

90. Such appointment shall be notified to the surviving Trustees or to the persons interested, under the hand and seal of the Central Board, and shall be binding upon all concerned.

91. The Central Board shall give effect to any succession or appointment of Trustees made under or in pursuance of any order of a Civil Court.

92. Every Trustee shall be liable to be suspended, removed or dismissed by the Central Board for—

- breach of trust, misfeasance or misappropriation, of which such Trustee may be guilty in the performance of his duty, or
- wilful disobedience of any order or direction issued under the provisions of this Act, or
- wilful neglect of duty, or
- by an order of a Civil Court, and shall cease to be a Trustee in case of

- lunacy,
- insolvency, or
- conviction for any fraudulent or unlawful offence.

93. It shall be competent to the Central Board to hold, or direct to be held by any Inspector, an inquiry into any of the matters specified in Section 92 in respect of any Trustee of an Institution, and for that purpose to take and record the necessary evidence. The provisions of Sections 72 to 81 both inclusive shall apply to any inquiry under this section.

94. On such evidence being submitted to the Central Board, it shall be lawful for the Central Board to suspend, remove or dismiss such Trustee, or pass such other order as it may deem fit, or to take or direct proceedings, Civil or Criminal, against such Trustee before a Court of competent jurisdiction.

95. Provided in the case where any Trustee is a Matadipathy in control of any muttum, the Central Board in regard to the muttum shall not have power to dismiss the Trustee, but may take over the management and control of all moneys and property attached to that Institution.

96. The Central Board may pass orders or direct prosecution.

97. The Central Board may pass orders or direct prosecution.

98. The Central Board may pass orders or direct prosecution.

99. The Central Board may pass orders or direct prosecution.

100. The Central Board may pass orders or direct prosecution.

101. The Central Board may pass orders or direct prosecution.

102. The Central Board may pass orders or direct prosecution.

Provided further that where proceedings are taken in any Civil Court against a Trustee, it shall be competent to such Court to refer the matter to the Central Board for preliminary investigation and report to the Court.

95. In the case of the suspension, removal or dismissal of a Trustee by the Central Board, it shall be competent to the Central Board to make provisional arrangements for the administration and management of the Institution concerned pending the appointment of a successor.

96. Whenever any Trustee who has been suspended, removed or dismissed from his office under the provisions of this Act or dealt with under the provisions mentioned in Section 94, shall hold or occupy as such Trustee, either directly or through any other person on his behalf, any immovable or moveable property belonging to any Institution, and shall neglect or refuse to deliver possession of such property to the other Trustees or his successor or any person duly authorized by the Central Board in that behalf, it shall be competent to such Trustees, successor, or to the Central Board, or the person duly authorized by them, to apply to the Civil Court for a warrant requiring the said Trustee to deliver possession of the property to such Trustees or to the Central Board or other person aforesaid.

97. It shall be competent to such Court to issue its warrant to any officer of the Court and give possession accordingly as if it were a warrant issued in execution of its own decree.

98. For this purpose the application for the removal or dismissal of any Trustee under Section 94 of this Act duly certified under the hand and seal of the Central Board, shall be the *prima facie* evidence of the facts stated in the said order and shall be sufficient authority for the Court to act as aforesaid.

Board's application, &c., sufficient authority for the Court to act.

Part D.—As to Control of Trustees and Funds.

98. It shall not be lawful for any Trustee of any Institution to make or grant, otherwise than with the express authority of the Central Board, any grant, sale or mortgage of any property belonging to such Institution, or otherwise encumber the same, or to make any exchange thereof, or to conclude any lease of immovable property for more than three years from the making thereof.

99. If at any time it shall appear to the Central Board that the sale, mortgage or exchange of any property belonging to any Institution is expedient in the interests thereof, the Central Board may, on the application of the Trustees or of their own motion, with the consent of the District Board authorize such sale, mortgage or exchange, and may give such directions in relation thereto and for the due investment of the money arising from any such sale, mortgage or exchange, and for the repayment of any loan, as they may think fit.

100. If it shall appear to the Central Board that any lands of any Institution may be beneficially let on building, mining, plantation, or other leases, or that it is expedient in the interests of such Institution that any well, tank, or channel and the like, should be made or repaired or improved, or that any existing road or street should be repaired, or any drains or sewers made, through any part of its lands, or that any new building should be erected, or that any existing building should be repaired, altered, or rebuilt, or that any other improvement or alteration in the state or condition of such lands or buildings should be made, it shall be competent to the Central Board, upon the application of any Trustee or of their own motion, with the consent of the District Board to pass such orders in respect of the matters aforesaid, as the Central Board may deem fit.

And the Central Board may authorize the application of any moneys or funds belonging to such Institution to any of the purposes or acts aforesaid.

Board may authorize application of funds.

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S. 63

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105. Whenever it may be proved to the satisfaction of the Central Board that any property of any Institution has been leased by a Trustee,—

- (a) for a longer term of years than is consistent with the interests of such Institution, or
- (b) on terms ~~showing an improvident alienation~~; or
- (c) for ~~clearly~~ inadequate consideration; or
- (d) with a stipulation for perpetual condition inconsistent with the interests of the Institution; or
- (e) for the private benefit of the Trustee, or any of his relatives or servants; or
- (f) with a fraudulent intent,

it shall be competent to the Central Board to take steps in order to set aside such lease, and recover possession of the property improperly leased, ~~or alienated~~.

Provided that where there has been no collusion between the Trustees and the lessee in respect of the lease so set aside, it shall be lawful for the Central Board to grant such compensation as they may deem fit for permanent improvements to the property effected by the lessee during his tenure of the lease.

106. All leases, sales, mortgages, exchanges, or other transactions authorized by the Central Board in accordance with the provisions of this Act shall have the like effect as if they had been authorized or directed by the express terms of the trust affecting such Institution.

107. It shall be lawful for the Central Board to take charge of and bring under their management and control any charitable Institutions and their endowments which may, from time to time, be transferred to them by the Governor in Council; and the Central Board shall provide for the due administration of all such Institutions and endowments.

108. The Central Board shall furnish to the Governor in Council such periodical reports and returns in respect of

101. The Central Board may, whenever they deem fit, authorize the redemption or commutation by the owners, holders, or occupiers of any land belonging to any Institution, of any rent charge, jodi, or other periodical payment charged upon the land, or any fees or other contributions payable to such Institution by the payers of such fees or contributions, upon such terms and conditions as the Central Board may deem beneficial to such Institution, and may give directions for securing the due investment and application of the money arising from such redemption for the benefit of such Institution.

102. It shall be competent to the Central Board to direct or authorize the investment of any surplus fund or accumulations belonging to any Institution in the purchase of Government securities or in such other manner as may be most conducive to the interests of the Institution.

103. It shall be lawful for the Central Board with the consent of the District Board to sanction the application of any surplus funds or accumulations belonging to any Institution to any educational or charitable purposes approved by the Central Board, not inconsistent with the objects of such Institution.

Provided always that a special report of all such appropriations of surplus funds or accumulations shall be published in the Gazette of the districts concerned.

104. Whenever the Central Board are satisfied that any property belonging to any Institution has been sold, mortgaged or otherwise alienated to its detriment contrary to law or the terms of the trust, it shall be the duty of the Central Board to take measures to set aside such alienations and to recover possession of the property improperly alienated.

Provided that, in the absence of collusion, it shall be lawful for the Central Board to pay the value of any permanent improvements made to or upon the property by the alienee, his heir or representative.

If it shall be proved to the satisfaction of the Central Board that any property of any Institution has been leased by a Trustee,—

(a) for a longer term of years than is consistent with the interests of such Institution, or

(b) on terms ~~showing an improvident alienation~~; or

(c) for ~~clearly~~ inadequate consideration; or

(d) with a stipulation for perpetual condition inconsistent with the interests of the Institution; or

(e) for the private benefit of the Trustee, or any of his relatives or servants; or

(f) with a fraudulent intent,

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under the provisions of the Act, the Central Board may, whenever they deem fit, authorize the redemption or commutation by the owners, holders, or occupiers of any land belonging to any Institution, of any rent charge, jodi, or other periodical payment charged upon the land, or any fees or other contributions payable to such Institution by the payers of such fees or contributions, upon such terms and conditions as the Central Board may deem beneficial to such Institution, and may give directions for securing the due investment and application of the money arising from such redemption for the benefit of such Institution.

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Provided that, in the absence of collusion, it shall be lawful for the Central Board to pay the value of any permanent improvements made to or upon the property by the alienee, his heir or representative.

105. Whenever it may be proved to the satisfaction of the Central Board that any property of any Institution has been leased by a Trustee,—

all charitable Institutions and their endowments, which may have been transferred to their management under Section 107 as may from time to time be directed by the Governor in Council.

109. Whenever any object designated by the founder of a Religious Institution fails or becomes impracticable, or the terms of the deed or writing creating the trust cannot be carried out, it shall be lawful for the Central Board, with the consent of the District Board, to devote the funds to educational or charitable purposes.

110. It shall be lawful for the Central Board to sanction the payment to the Trustees of every Institution at the close of each year, after the accounts of the Institution have been audited and reviewed by the Central Board, a reasonable remuneration for their trouble not exceeding eight per centum upon the nett income of such Institution. Such remuneration shall be payable out of the balance, if any, which may be left at the close of such year after defraying all the expenses of the Institution.

Part E.—As to Accounts.

111. It shall be the duty of the Central Board to call for each calendar year to call upon and obtain from the Trustees of every Institution a full and correct statement showing—

- (a) the balance, if any, brought forward from the previous year;
- (b) all receipts in cash or in kind during the year on account of such Institution with the dates of such receipts;
- (c) all payments made during the same period, with the dates of such payments;
- (d) the balance at the credit of the Institution at the close of the year;
- (e) all offerings, contributions and gifts and other property which shall have been received or acquired for the Institution during the year; and
- (f) all debts due to or by such Institution.

112. The Central Board may review the statement and give such orders and directions in respect thereof as to them may seem necessary.

And all such orders and directions shall be binding on and shall be obeyed by the Trustees.

Such review shall be published in the *Fort St. George Gazette*, and such portions of the statements as relate to the Institutions in each district shall be published in the local Gazette of that district.

113. All books and accounts of every Institution, with all vouchers connected therewith, shall at all times be open to the inspection of the Central Board or District Board or Inspector or other person duly authorized in that behalf, and the Central Board may call for and examine such books, accounts, and vouchers whenever they think fit.

114. It shall be competent to the Central Board, from time to time, to prescribe the forms of books, accounts and statements to be kept and furnished under this Act and every Trustee required to keep and furnish such books, accounts, and statements, shall be bound to use such forms.

115. The Central Board shall, as soon as possible after the close of each calendar year, cause the accounts of receipts and expenditure of all Institutions to be audited by competent persons appointed by them for the purpose. Such persons shall, on the completion of the audit, submit a Report to the Central Board on the state of the accounts and the result of the audit made by him. Such report may be published in the local Gazette of the District in which the Institution is situated or in such other manner as to the Central Board may seem fit.

116. The Central Board may, whenever it shall appear to them necessary, appoint a professional auditor to conduct any such audit, and the auditor shall receive such remuneration as the Central Board may determine. Such remuneration may be paid from the funds vested in the Board or from the funds of the Institution whose

obtained under the last provision

This is embodied in Section 5

and thereupon record such opinion, advice, or direction as to the Board may seem fit.

122. Such opinion, advice, or direction shall be certified in writing, and sealed with the signature of the Central Board.

123. Every Trustee?

Indemnity to Trustees.

Central Board shall in accordance with the provisions of the Act have power to

to submit, for the consideration of the members of the Central Board, any question relating to the property of the Central Board, and to make any order in relation thereto, which may be necessary for the proper management of the property of the Central Board.

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persons concerned.

Part G.—As to Schemes.

125. It shall be competent to the Central Board to confirm, revise, or modify, any existing Dittam or scheme of administration relating to any Institution.

Where there is no Dittam or scheme of administration existing, the Central Board may, upon the application of a Trustee or any person interested, or of

accounts have been audited, as the Board may direct.

113 114 117. It shall be lawful for the Central Board from time to time to examine or cause to be examined the balance of cash remaining at the credit of any Institution, and all other property belonging thereto, and to ascertain whether such balance and property agree with the entries in the accounts and books of the Institution. The Central Board may pass such orders in respect of the result of such examination or institute such inquiry or proceeding thereon as may be necessary.

118. Whenever the Central Board are of opinion to believe that a breach of trust has been committed by the Trustees of any Institution, it shall be competent to the Central Board to call upon the Trustees to furnish accounts of previous years for a period not exceeding twelve years, and it shall be the duty of the Trustees to comply with such requisition.

115 116 119. In all such cases it shall be lawful for the Central Board to apply to the Civil Court for an order directing an account against the Trustees for such longer period as may seem fit to such Court.

Part F.—As to giving Opinions and Advice, and Arbitration.

120. The Central Board may, upon the application of the Trustees or Trustees of any Institution or otherwise, give their opinion, advice, or direction respecting—

- (1) any matters connected with the administration thereof, or
- (2) any question or dispute which shall arise in connection with such Institution.

121. The Central Board may, before giving any opinion, advice, or direction

- (1) cause an inquiry to be made,
- (2) cause the report of any previous inquiry to be deposited for local inspection,
- (3) give notice of the same being deposited, and
- (4) consider any statements or objections which may be made or transmitted to them,

their own motion, frame a new proposed scheme.

Every such proposed scheme shall in the first instance be published by notice in the district in which the Institution concerned is situated, in such manner as the Central Board may deem fit for securing due publicity.

Every such notice shall require any objection to such proposed scheme, or any suggestions in relation thereto, to be made known or transmitted to the Central Board within three months from the publication of such notice.

126. After the expiration of such period, the Central Board shall consider all objections and suggestions which may have been submitted to them, and may thereupon modify, alter, or approve such proposed scheme; and after all objections and suggestions shall have been disposed of, or if made, the Central Board may proceed to affirm such scheme, and to certify the same in the manner hereinafter mentioned.

127. Every scheme finally settled by the Central Board shall be certified by the Board under their seal and the signatures of not less than two members, and a copy of such scheme shall be deposited with the Trustees and also in some convenient place within the locality in which the Institution may be wholly or partially situated and at the office of the Central Board. And such scheme and any subsequent alteration or modification thereof shall be binding on all parties concerned, unless set aside by a Civil Court.

And on the receipt of such decision, it shall be the duty of the Central Board to act in conformity therewith.

Part H.—As to Suits.

128. No Trustee of any Institution shall institute a suit in respect of any matter connected with the administration of such Institution, or withdraw or compromise the same, without the previous consent, obtained in writing, of the Central Board.

129. If it shall appear to the Central Board that such suit or other proceedings may be instituted, it shall be competent to the Central Board to give a certificate under the signature of their Secretary to that effect.

130. Whenever it shall appear to the Central Board that the Institution of legal proceedings is requisite with respect to any Institution, the Central Board may direct such proceedings to be taken at the cost of the Institution or of the Central Board by any Trustee, or other person to be nominated for the purpose by the Central Board in writing under the hand of their Secretary, and give such other directions in relation thereto as the Central Board may deem proper.

131. Nothing contained in this Act shall be held to restrain or limit the powers of the Advocate-General or other officer duly authorized in that behalf under Section 539 of the Civil Procedure Code.

132. If before or after the institution of any suit or other legal proceeding, it appear to the Central Board that any claim or demand or cause of action may, with advantage to the Institution concerned, be compromised or adjusted, it shall be competent to the Central Board to effect or direct such compromise or adjustment.

And upon the due performance of the terms and conditions of such compromise or adjustment all further suit or proceeding shall be barred, in respect to the cause of action, concerning which such compromise or adjustment has been made.

133. All costs and expenses incurred in respect of legal proceedings authorized to be taken under Part II of Chapter IV of this Act may be paid out of the funds of the Central Board or shall be chargeable, subject to the directions of the Central Board, to the Institution on whose behalf such legal proceedings may have been instituted or defended.

any suit or other proceedings may be taken in manner herein provided may at the discretion of the Central Board

CHAPTER V.—OF APPEALS FROM THE ORDERS OF THE CENTRAL BOARD.

134. The Advocate-General or other person empowered by Section 539 of the Code of Civil Procedure, or any Trustee or servant of any Institution or any of the persons interested therein, or any persons whose rights are affected by any order of the Central Board, may appeal to the Civil Court against such order except where otherwise provided for by this Act, within four calendar months from the passing of such order.

Provided that no appeal shall be entertained in respect of rites and ceremonial observances and the like.

135. No appeal shall be preferred by any person without previous notice thereof having been given to the Board at least thirty clear days before the presentation of such appeal.

It shall be lawful to the Central Board or any Trustee or other person duly authorized in that behalf to appear before the Court in support of the order appealed against.

136. Upon such appeal being preferred the Court may, at any stage of the proceedings, require from the Central Board their reasons for making the order appealed against, or may remit the matter for re-consideration or revision by the Central Board, with or without any declaration of opinion or instructions in relation thereto, or may make such other order in relation to the matter of the appeal as the Court shall think just. And the Court shall certify the same to the Central Board, whose duty it shall be to conform thereto.

137. The Court may pass such orders as to the costs incident to the appeal and as to the security which may be required from any appellant, other than the Advocate-General or other officer aforesaid as the Court may deem fit.

138. It shall be competent to the Central Board, or any of the persons mentioned in Section 134, to prefer an appeal to the High Court.

Such appeal shall be preferred within four months from the date of the passing of such decree or order.

CHAPTER VI.—OF BYE-LAWS.

139. The Central Board may from time to time make, alter, or rescind rules regulating the following matters or any of them:—

- (a) the distribution of business amongst the members of the Central Board;
- (b) the delegation of any powers of the Central Board to the District Boards; except in cases where under this Act the concurrence of the Central and District Boards is necessary;
- (c) the procedure at the meeting of the Central Board or of any District Board;
- (d) the books and accounts to be kept at the head office of the Central Board; and at the offices of the District Boards;
- (e) the preparation and submission to the Central Board of an annual budget of receipts and expenditure by the Trustees of the Institutions under their control;
- (f) the preparation of a general annual budget for Institutions by the Board;
- (g) the remittances of the annual payments fixed under Section 5;
- (h) the periodical accounts, reports, and statements to be rendered to the Central Board by the Trustees of Institutions and by the Inspectors, Auditors, and other officers appointed by the Central Board;
- (i) the form and manner of applications to the Central Board for schemes, opinion, or advice;
- (j) the mode of conducting local inquiries by Inspectors or joint agencies; and

(k) generally for the conduct of all proceedings and business under this Act.

Provided that no rule or alteration or rescission of any rule shall be of any validity except in so far as the same is consistent with the provisions of this Act.

CHAPTER VII.—MISCELLANEOUS.

140. All applications and appeals made to any Court under this Act by the Central Board, or by any Trustee of any Institution, or other person duly authorized by the Central Board on that behalf, may be made by a petition bearing a stamp of the value prescribed by the law for the time being in force as to petitions to such Courts.

141. It shall be competent to the Governor in Council, from time to time at his discretion, and subject to such directions as he may see fit to give in that behalf, to transfer to the management and control of the Central Board for the purposes of this Act any lands or other endowments of any Religious Institution which from whatever cause may have escheated to Government; and such lands or other endowments shall thereupon vest in the Board.

142. It shall be lawful for the Governor in Council, from time to time at his discretion, and subject to such directions as he may see fit to give in that behalf, to transfer to the management and control of the Board any Hindu colleges, choultries or other Charitable Institutions together with the lands or other endowments belonging thereto, and thereupon such Institutions and the lands or other endowments aforesaid shall vest in the Board—anything in Madras Regulation VII of 1817 or in Act XX of 1863 or in this Act notwithstanding—or from time to time to cancel such transfer.