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Public DEPARTMENT.
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[Despatch Abstract.]

Deciding that the thought
of first he conveyed to the
President. Men Sec of the
Hindu Religious Endowment
Committee. In they report
n. & directing that the
Bill submitted be referred
to the Advocate Genl. the
High Court & the Board of
Rice for favour of early
remarks—

1016. 9/1017

1393.

FROM

THE HINDU RELIGIOUS ENDOWMENTS COMMITTEE

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS

SIR,

In accordance with the instructions of the
Public, we have the honour to submit to you
that we consider necessary for the better administration
in this Presidency. A draft Bill on the subject
has been prepared and a full

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

3. Our explanatory remarks on the above Bill proposed by the Government of India in regard to temple management under Hindu rule, the rajahs exercised through their officers the supervision of all religious institutions and endowments. The supervision of religious institutions was and is recognised in every Native State to be one of the duties of the Government. As instances in point, the Native States of Mysore and Travancore may be mentioned. The native rajahs were deeply interested in the well-being and advancement of Hindu religious institutions. Many of these institutions had been founded and endowed by their ancestors, and most of them had been founded to receive periodically pecuniary contributions from the State. In Travancore, under Hindu rule, this duty of the State was not completely neglected. In Mysore, during periods of religious intolerance, as at its worst, the Hindu temples were neglected and it expedient to make some provision against the decay of Hindu temples by neglect or destruction, and in some cases, the Government had a considered bearing on the management of Hindu temples. In Travancore, the Government had the obvious intention and effect of continuing and maintaining the Hindu temples. Under Hindu and Muslim rule, the principle that it was a duty incumbent on the Government to keep a strict watch on religious trusts and endowments, but protect them from mismanagement. The exercise of efficient and stringent control over the management of Hindu temples through the instrumentality of the revenue department was a principle which was recognised by the Government of India. From 1817 to 1840, there was general satisfaction that Hindu temples were being properly managed, and that the danger of temple funds being misapplied was reduced to a minimum. The supervision of the management of Hindu temples during the period of British rule was one of the main acts by which Government endeavored itself to maintain the system of active supervision continued till 1840. Between the years 1839 and 1840, Government severed its connection with the management of Hindu temples. The change of policy led to the withdrawal of the Government from the management of Hindu temples.

of the period under review.

4 The necessity for proper supervision of the temples was recognised and felt, and Act XX of 1863 was passed. By this Act, the powers of supervision vested in the local committees were appointed under Regulation VII of 1817, but their jurisdiction was limited to temples the nomination of the trustees of which vested in Government or was subject to the confirmation of Government. Other temples which were not subject to the supervision of the Board of Revenue continued to remain, even after the passing of Act XX of 1863, in the unsatisfactory state in which they had been left between the years 1842 and 1863. It is generally considered to be a serious defect in Act XX of 1863 that, while it carried out the policy of severing the connection of Government with the management of the Hindu temples, it did not provide for the exercise of any supervision over an important and large class of temples described in section 3 of that Act, notwithstanding that the control of local committees was in no way incompatible with such severance. Another prominent defect was that the Act did not extend the jurisdiction of local committees to temples of which the trustees were not originally hereditary, became hereditary between the years 1842 and 1863, or that such trustees were treated as though their tenure of hereditary trustees from the very commencement of hereditary trustees of the Act are—(i) that the powers and functions of the Board of Revenue, yet these powers and functions were not defined with sufficient clearness of precision; (ii) that they were not enabled to command funds for maintaining an efficient establishment and conducting a regular audit of accounts; (iii) that they had no power to enforce obedience to their orders except by the tardy and cumbrous process of a regular suit, nor was any provision made enabling them to obtain funds for prosecuting or defending suits connected with the temples under their jurisdiction; (iv) that committee members appointed by the Act held office for life and could only be moved for misconduct by a resolution of the due and regular power; and (v) that the provisions contained in the Act for the election of committee members were in operation for seven years, it was considered that they had utterly failed to check the evils and prevent the growth of abuses that had been growing in the Hindu community at large. Before the Act of 1863 was passed, the Government and submitted a Bill for the purpose of remedying some of the defects which were pointed out by the Hindu community. There was a consensus of opinion that, though it would be an improvement on the existing law, it was radically incomplete and would certainly fail to achieve its object. Government

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

that we consider necessary are so many, so varied and so substantial in character that we think it highly desirable to recommend that Act XX of 1863 should, so far as it relates to Hindu temples in this Presidency, be repealed, and that a fresh Act complete in itself, should take its place.

6. *Scif the proposed legislation.*—It must be clear from the foregoing remarks that the necessity for amending the existing law is admitted on all hands. The only important point on which there is any difference of opinion is whether the new legislation should apply to such institutions as fall under the operation of Act XX of 1863, or whether it should be of a wider scope so as to bring under control also those temples which are managed by hereditary trustees and which are in consequence exempt from the control of committees under Section IV of the Act. Leaving out the parties interested in the direct management of the temples, there is a very large mass of opinion strongly in favour of placing even hereditary trustees under the control of committees, and of making no distinction between hereditary trustees and elected trustees. But the zemindars in the Presidency, who are hereditary trustees of temples and their estates, strongly object to their being placed under the control of committees and they consider that to be placed under such control would be highly derogatory to their position. They also assert, no doubt with some truth, that though they are nominally under the control of the Board of Revenue when Regulation VII of 1817 was in force, they were practically in no way interfered with. We have, after careful consideration of the objections raised, arrived at the conclusion that while it is not desirable to grant absolute exemption from control to temples managed by zemindars or other hereditary trustees, some difference might be made in the extent and nature of the supervision to be exercised over such temples. We have accordingly provided in the Bill that Sections 46, 67, 69, 71, 72 and 93, which authorize the committee to examine the cash balance and all other property in the possession of trustees, to call for accounts or such other information as the committee may deem necessary to require, to enforce compliance with an order issued by the committee, to remove the trustee for misconduct and to regulate the scale of expenditure, shall not apply to hereditary trustees. The only control which the committee can exercise under the proposed Bill over temples managed by hereditary trustees is to insist upon trustees keeping regular accounts and to get them audited once a year. If the accounts are not properly kept, or the audit of the accounts discloses any irregularities, the committees are authorised to redress the wrong only by a suit in a Civil Court. We feel convinced that the limited control we have suggested, while it can in no way interfere with the internal management of temples by hereditary trustees, or diminish the prestige enjoyed by them, is a sufficient check against malversation or improper expenditure. We have arrived at this conclusion not because we think there have been no instances of malversation or laxity of management in the case of temples under the management of hereditary trustees, nor because we think that they are in principle entitled to any concession, but because we know that temples of this kind often receive periodically voluntary contributions of money from the rajah or zemindar under whose management they happen to be, and that it is not desirable in the interests of the temples themselves to weaken or destroy such motives by alienating their sympathies. This reason may not be applicable in the same degree to the temples under the management of hereditary trustees other than zemindars, but we have not thought it proper to make any distinction between hereditary trustees of one and the same description simply on the ground of wealth or status, and we have, therefore, placed all hereditary trustees in one and the same category.

It must, however, be here observed that the hereditary trustees to whom the limited control is to apply are only those whose office had been hereditary before the year 1842 when Government began to sever their connection with the management of Hindu temples, or those who have been made hereditary by their founders since 1842. The limited control described in the preceding paragraph is not intended to apply to those temples which were under the direct management of Government or to trustees whose appointment was subject to the confirmation of Government prior to 1842, though hereditary trustees have been appointed by Government for some of them since that date. In the cases in which Government have, subsequent to the abandonment of their control, appointed hereditary trustees, the succession will, as provided for in Section 100 A, remain hereditary, but in all other respects such temples and trustees

will be under the full control of the committees. Many temples, the famous temple of Tirupati for instance, which were under the direct management of Government prior to 1842, escaped coming under the jurisdiction of the committee appointed under Act XX of 1863 owing to the defective wording of the Act, and we feel it to be our duty to point out the error and to urge upon the legislature the necessity for its being rectified. We need scarcely add that this defect has given rise to great dissatisfaction, and is the main ground on which the demand for the amendment of the existing Act is based.

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

- (1) That matams are institutions primarily and specially designed for imparting spiritual instruction, not places of public worship in their essential character.
- (2) That Regulation VII of 1817 was not applied to them, nor was Act XX of 1863.

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

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

9. *The exclusion of temples with an aggregate income of less than Rs. 250.*—The scope of the Act has been further limited by the exclusion of temples, the gross income of which from all sources including kattalais is on an average below Rs. 250 per annum. They

in that, as the temple of Tirupati, which temple was not under the Act of 1863.

Under what provision?

limits of jurisdiction?

Not if public temples are brought under control. It is distinct maintenance.

See 102.

not defined in 1863

of 1863

See 102

are for the most part village temples. A great majority of them have little or nothing in the shape of permanent endowment. They are maintained chiefly from voluntary contributions in kind or in money from the people of the village who are the chief, if not the worshippers at these temples and who are directly interested in seeing that the gifts are properly utilised. The leading men of the village form practically a committee for the management of such temples. Temples of this class are so numerous and the chances of mismanagement in them so slender that it is best to exclude them. The control of an outside body like the committees constituted under the Act would be inoperative or unnecessary. All the safeguard necessary in their cases is sufficiently provided for by making Sections 94 to 99 apply to them.

10. *The District Malabar.*—As regards Malabar, though Regulation VII of 1817 did apply to the public temples in this district, yet it appears that Government did not, during the whole of the period between 1817 and 1842, interfere in any way with the management of these temples; and, in perfect harmony with this policy of non-interference, no committees were established in this district under Act XX of 1863. Many of the temples in this district are claimed by the rajahs or ualans to be private temples, and, if such claims are valid, these temples, according to our definition of the word temple, lie outside the scope of the Act. All the other temples, i.e., all such as are claimed to be private temples, fall within the category of public temples managed by hereditary trustees. In the case of these temples, there is a clear necessity for providing safeguards against abuse of trust, and there is no valid ground for drawing a distinction between them and other temples of the same class in other districts of the Presidency. As temples managed by hereditary trustees, they will be subject only to the limited control of committees.

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

12. *The abandonment of the plan of a Central Committee.*—The Bills of 1878 and 1886 agreed in the essential respect of recommending a paid Central Board. The main arguments urged in favour of a paid Central Board were (i) that a Central Board in Madras would be able to exercise authority and control far more effectively than small local boards, and that such a Board would command something like the prestige that belonged to the Board of Revenue; ii) that paid members of the Central Board would be actuated by a far livelier sense of duty and responsibility than unpaid members of local boards whose interest in the supervision of temples was largely determined by personal likes and dislikes; and (iii) that the expenditure of a portion of the temple funds for the purpose of securing efficient and honest control and administration and thereby saving those funds from misappropriation and reckless waste was considered to be open to no objection. On the other hand it was held that centralisation of authority would be prejudicial to the growth of a capacity of local self-Government; that the large salaries paid to the members of the Central Board would be a heavy tax on temple funds; and that the appointment of a Central Board would introduce an elaborate and complex machinery and lead, in course of time, to a harassing amount of interference with local agencies. Although we are strongly of opinion that a Central Board would not effectively remedy the evils that exist, yet in accordance with the instructions of the Government of India, we have avoided proposing a Central Board.

13. *Existing Committees.*—Nearly all the committees established under Act XX of 1863 are still in existence, though there are many instances in which vacancies in the committee have not been filled up. It seems to us very undesirable that all such

committees should be at once dissolved and fresh committees established in their stead. It is, therefore, provided in Sections 25 and 26 that committees established under Act XX of 1863 shall be treated as committees constituted under the proposed Act. By Section 28 of the draft Bill, in cases in which existing committees are appointed for local areas, they will under the Act acquire jurisdiction over hereditary trustees. It will, however, be necessary to establish new committees in respect of some of the hereditary trustees whom it is proposed to place under the jurisdiction of committees to the limited extent already explained, if the temple under the management of such trustees are not included within the local areas over which existing committees exercise jurisdiction. The District Judge is empowered under Section 4 to change the jurisdiction of committees by withdrawing temples whose gross income is not less than Rs. 5,000 per annum for the purpose of placing them under the supervision of special committees, and by transferring a temple from the superintendence of one committee to that of another.

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

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

16. *Period of Tenure of Office by Members of Committee.*—Another important change embodied in the draft Bill relates to the period for which members of committee are to hold office. Under Act XX of 1863, committee members hold office for life. The general opinion is that the apathy and neglect shown by some of the committee members are attributable to this circumstance. In no question is there a stronger agreement of opinion than on the evils of making members of committee hold office for life. There can be no doubt as to the desirability of providing for the displacement of an inefficient or dishonest member of committee by a process simpler and less costly and harassing than the tardy process of a law suit. With this end in view, it is proposed to make members of committee hold office for a term of five years only. The out-going member may get into the committee again by election or nomination, but unless he has secured the confidence of the voters he is not likely to be re-elected or nominated. It is necessary that voters should thus be given an opportunity of displacing a committee member who has lost their confidence or who has shown no interest in the work, and of putting into his place a more trustworthy and zealous person. Such periodical election will act as a powerful incentive to zealous and efficient conduct on the part of committee members. It has been suggested to us that the members of existing committees should vacate office on the coming into

operation of the proposed Act. This suggestion has not commended itself to us. We propose, however, that members of existing committees shall continue in office only for five years after the Act comes into force, being the period for which under the proposed Act a member of committee is to hold office. Whilst on this subject, we must note that the power of nomination is vested in the District Judge. It is obvious that so responsible and important a function as this cannot be fittingly discharged by any officer of a position inferior to the District Judge in whom, we may add, is vested under the existing law the power of nominating members to vacancies not filled up by election.

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

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

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

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

21. *Rules.*—Under the law now in force, the qualifications of voters are defined by rules under the Act, prescribed by Government. It is in our opinion desirable that a matter of such importance as the qualifications of voters should be defined by the Act itself as is the case in the Municipal and similar Acts. According to Act XX of 1863, the persons who have the right to elect are described in the general terms "those who are interested in the maintenance of the religious institution." We think it desirable that the electoral privilege should not be indiscriminately extended to the whole class of persons interested, but should be confined to such persons of that class as possess certain qualifications defined in the Act. The draft Bill is thus made to contain provisions regarding the qualifications and disqualifications of persons entitled to vote at elections, and of persons entitled to be elected members of committee. Mention has already been made of the provisions in the draft Bill governing the procedure to be followed in the consideration and final disposal of objections raised against the lists published under the authority of the District Court. In regard to several elections held under the existing law, there have been complaints of voters and candidates for election having been guilty of illegal and corrupt practices. With a view to check such practices, Section 100 provides a penalty, and clause (g) of Section 6 and clause (g) of Section 8 deprive persons convicted of an offence under Section 100 of the right to be elected or to vote. All the main things connected with elections being thus provided for in the Act itself, the rules to be framed under the Act will relate only to minor details bearing on the conduct of elections.

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

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

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

The draft Bill gives effect to the suggestion made by the Government of India in regard to advancing funds to committees for prosecuting a trustee or conducting a defence. On application made by the committee, the District Judge is empowered by Section 80 to make advances to committees from the funds of the temples concerned in the litigation. In cases in which it is found eventually that the suit or defence conducted by the committee is unreasonable, frivolous or vexatious, the court passing judgment on the case may order the refund of the whole or any part of the amount advanced in addition to any order that the court may pass as to costs in the usual course.

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

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

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

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

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

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

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

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

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

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

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

The change proposed in the preceding paragraph will afford relief to the District Judge, as this class of suits is numerous and takes up much time. The additional work assigned to the District Judge by the draft Bill is, in most cases, judicial, and, the jurisdiction being summary and special, can be safely entrusted only to him.

See 61. Resignation should not avoid the necessity for sending accounts.

We may add that Section 87 empowers Government to invest a Sub-Judge or a District Munsif with all or any of the powers conferred by the draft Bill on the District Judge, save the power of granting or withholding sanction for the institution of suits referred to above.

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

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

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

We have the honour to be,

Sir,

Your most obedient servants,

T. MUTTUSAMI AIYAR.

P. CHENTSAL RAO.

S. SUBRAMANIAM.

V. BHASHYAM IYENGAR.

P. RANGANADAM.

C. SANKARAN NAYAR.

Exd. A. Baita

TABULAR STATEMENT.

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

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

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

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

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

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

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

THE MADRAS HINDU TEMPLES
BILL.

WHEREAS Act XX of 1863 passed by the Governor-General of India in Council is to cease to be in force in respect of Hindu temples and other religious establishments in the Presidency of Madras on and after the 1st day of January 1894, and whereas it is expedient to provide for the due administration of the trusts relating to Hindu temples in the said Presidency, it is hereby enacted as follows :—

CHAPTER I.

Preliminary.

1. This Act may be called the Madras Hindu Temples Act, 1893. It shall come into force on the 1st day of January 1894, with the exception of Sections 3, 9, 10, 11 and 12 and so much as relate to the publication of notices in Sections 15 and 54 which shall come into force on the 1st day of July 1893; and it shall extend to the whole of the Presidency of Madras.

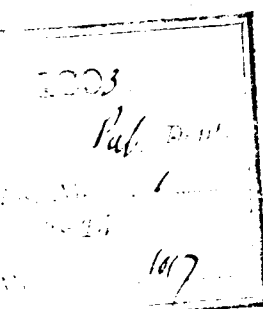
2. In this Act, unless there be something repugnant in the subject or context—

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

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

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

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



local limits of the ordinary original jurisdiction of the High Court of Madras.

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

"District Court" means a Court presided over by a District Judge.

CHAPTER II.

Establishment of Committees and their Constitution.

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

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

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

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

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

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

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

(e) have an annual income of not less than Rs. 500, or be a member of an undivided family having such income; or own land or be a member of an undivided family owning land paying annually revenue or rent of not less than Rs. 100; or pay or be member of an undivided family paying municipal or other local taxes amounting to not less than Rs. 25 per annum.

And further he must not be a person—

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

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

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

(i) who is a tenant, lessee or mortgagee of any property of a temple subject to the superintendence of the committee.

When an undivided Hindu family has fulfilled the condition prescribed in clause (e) of this section, only one member thereof shall, as representing such family, be eligible to be elected member of committee.

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

Provided that, a person, who has ceased as aforesaid to be a member by reason of his having been sentenced or convicted, shall be restored to office for

such portion of the period for which he was elected or nominated or appointed as may remain unexpired at the date of such restoration, if and when—

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

(b) the disqualification caused by such sentence has been removed by an order as provided in Section 6;

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

and provided, further, that in the case of a person who as aforesaid has ceased to be a member by reason of his failure to attend the prescribed number of meetings, the remaining members of the committee may in their discretion restore such person to office at the next ordinary meeting held after such person has ceased to be a member.

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

(a) be of the male sex;

(b) be a Hindu by religion;

(c) have completed twenty-five years of age;

(d) be resident in the district;

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

And further he must not be a person—

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

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

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

9. In every district, a list, styled Temple Committee Members List, of persons qualified to be elected members of committees established under this Act,

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

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

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

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

13. The District Judge shall, in the third quarter of every fifth year reckoned from 1893 exclusive, cause the said lists, amended as aforesaid, to be revised and

published as provided in Section 9 before the commencement of the fourth quarter of every such fifth year, and the provisions of Sections 10, 11 and 12 shall *mutatis mutandis* apply to every such revised list.

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

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

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

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

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

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

20. Every member of committee elected or nominated under this Act shall, unless he is disqualified under Section 7

or is removed for misconduct as herein-after provided, be entitled to hold office until the next succeeding elections and nominations are declared and made.

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

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

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

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

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

26. The District Judge shall determine under Section 5 how many members, including such as may have to be elected under the provisions of the next following Section, each such committee shall consist of, provided the number so fixed be not less than the number of members which such committees would consist of if this

Act had not been passed; and the additional members, if any, required to make up the number thus fixed shall be elected and nominated as nearly as may be practicable in equal proportions.

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

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

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

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

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

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

31. Every committee shall have an office, and shall meet ordinarily for transaction of business once a month, and also as often as a meeting shall be convened by the Chairman. It shall be the duty of

the Chairman to convene a meeting when required in writing to do so by not less than three members.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49. Every committee shall, by an order in writing, distribute the cost of its establishment and other charges fixed under Section 39 among the different temples

under its superintendence in such proportion as it may determine, having regard chiefly to the income of each of such temples.

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

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

CHAPTER III.

Trustees, their Duties and Liabilities.

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

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

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

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

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

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

54. Every election of a trustee under this chapter shall be by ballot, and shall be held under the superintendence of the committee or any member thereof deputed by the committee in that behalf, at such time and place as the committee may fix by notice published at least one month before the date of election in the District Gazette, and subject to such rules as the

Governor in Council may prescribe in that behalf not inconsistent with any of the provisions of this Act.

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

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

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

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

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

60. Any person who has been elected or appointed a trustee shall cease to be a

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

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

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

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

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

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

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

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

63. Whenever from any cause a vacancy shall occur in the office of trustee

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

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

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

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

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

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

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

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

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

the committee may prescribe an account of receipts and disbursements.

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

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

69. Every trustee of a temple shall be bound to obey all lawful orders issued by the committee exercising supervision over the temple. If any such order is disobeyed, it shall be competent to the committee within three months from the date of such disobedience to apply to the District Court by petition, which shall be verified in the manner prescribed by the Code of Civil Procedure for verification of complaints, for enforcing compliance with such order. On receipt of such application, the District Court shall give notice to the trustee, and on hearing him in case he appears personally or by pleader, it may direct compliance with the order as passed by the committee or as modified by such court.

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

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

CHAPTER IV.

Of the Powers of Supervision of Committees over Trustees.

71. It shall be competent to the committee, or any member thereof deputed by

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

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

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

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

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

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

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

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

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

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

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

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

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

80. On application made by a committee, the District Court may pass an order directing the trustee of a temple subject to its supervision to pay the

committee in the first instance out of the funds of such temple all costs and expenses likely to be incurred by the committee in the prosecution or defence of any suit or legal proceeding that may be instituted under Sections 77, 78 and 79.

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

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

CHAPTER V.

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

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

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

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

Any order passed under this Section may from time to time be revised by the

District Judge on an application made in that behalf.

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

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

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

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

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

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

General and Miscellaneous.

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

Any Court of inferior grade so invested shall within the local limits of its jurisdiction have concurrent jurisdiction with

the District Court in the exercise of such functions.

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

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

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

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

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

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

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

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

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

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

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

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

Religious Endowments

C. No. 124 of 1893.

Note dated February 4, 1893

(Historical)

The following note gives a brief

account of the attitude assumed by the British Government in regard to the religious endowments and the measures (with special reference to Legislation) which have been considered judicious from time to time in regard to their Superintendence.

2. The first Regulation on this subject in this Presidency was Regulation VII of 1817 which was enacted "for the due appropriation of the rents and produce of lands granted for the support of Mosques, Hindu Temples and Colleges or other Public purposes &c." It was compiled by the Board of Revenue ^{on the lines of} Regulation XIX 1810 of the Bengal Code. The Governor General in Council, to whom the draft Regulation was submitted by this Government, stated that he was not aware of any objection to its provisions. It appears from the preamble of the Regulation in question that it was enacted because considerable endowments have been granted in money or by assignment

Reve. Cons. 22-12-1815.

Reve. Cons. 16-9-1817.

land or of the produce or portions
of the produce of land by former
Governments of this country as well
as by the British Government and by
individuals for the support of Mosques
Hindu Temples, Colleges and Choultries
and for other pious and beneficial pur-
poses; and there are grounds to
believe that the produce of such en-
dowments is, in many instances, appro-
priated contrary to the intentions of
the donors to the personal use of the
individuals in immediate charge and
possession of such endowments, and be-
cause it is the duty of the Government
to provide that all such endowments
be applied according to the real in-
tention of the grantor.

In the year 1833 in a Des -
patch addressed to the Government of
India the Court of Directors asked for
a statement shewing all the receipts
whether from Pilgrim tax, offerings,
lands, fees or any other source, and
all the expenses for the preceding
ten years on account of Hindu and
Muhammadan places of worship and re-
ligious establishments. The object of
this enquiry is stated to have been
to ascertain what would be the finan-
cial result of giving up all pilgrim
taxes.

20-2-1833, No. 3.

in E.M.C. d/ 2nd. August /33, No. 844.

Vide para 2 of letter from India
recorded in E.M.C. d/ 23-1-1836.

taxes, offerings at Pagodas and other
sources of Revenue from the Religious
establishments simultaneously with all
the management of the same.

4. With letter dated 26th August 1835
No. 1054, the Government of Madras fur-
nished the statement called for, and with
reference to a further communication re-
ceived from India recorded in E.M.C., d/
18th February 1836, No. 100, certain fur-
ther statements were forwarded which
strictly related to the items of
religious establishments (i.e.) Pagodas,
Matams and Mosques, exclusive of endowed
Chattrams, Choultries, Hospitals, and
other charitable institutions, schools,
pools, and grants granted to families
and individuals by former rulers. In Mr.
Grant's letter dated 10th June 1839, No. 104,
the Supreme Government laid down the gen-
eral principle that the administration of
the affairs and funds of religious insti-
tutions should be vested in individuals
who profess the faith to which the insti-
tutions belong and who may be best quali-
fied to conduct such administration with
fidelity and regularity and that they
should be responsible together with their
subordinate ^{officers} ~~of fines~~, to the Courts of
Justice for any breach of the duties

In E.M.C. d/ 8th July /39, No. 852.

advanced by them which made the
ground of a legal action; and they de-
sired the Government of Madras to adopt
the principle in individual cases where
that could be safely done. In E.M.C.
dated 16th June 1840, No. 345/642,
Lord Elphinstone, the then Governor,
pressed upon the attention of the
Government of India the desirability of
appropriating the net revenue from the
religious institutions to the education

The Supreme Government, however, adhered
to their former orders conveyed in
Mr. Grant's letter, and observed that
though the manner and the time of act-
ing in each case were left to the dis-
cretion of the Governor in Council, the
principle was definitely settled that
the separation when made should not be
partial and uncertain, but final and
complete. Moreover, the Court of Directors
in a Despatch of 3rd March 1841
No. 3 addressed to the Government of
India, animadverted upon the slow pro-
gress made in Madras in disconnection
of Government with Native religious
endowments

Vide letter
dated in E.M.C.

E.M.C. d/ 15-6-1841, No. 792

E.M.C. 27-4-41, No. 558.

,, 15-6-41, No. 793.

This was addressed to the Govt. of India and is recorded in E.M.C., d/ 14-12-41, No. 1519.

endowments, and expressed his opinion in the opinion of the Governor General in Council that the proposed arrangements for effecting a partial change were inconsistent with their instructions. In view of the above directions, orders were issued to the Board to carry out the instructions of the Home authorities and the Supreme Government.

5. The 20th July 1941, No. 17, which promulgated the final orders of the Court on the subject.

It is by Regulation VII of 1917 that the Board of Revenue at Fort St. George is vested with the general superintendence of all endowments in lands or money granted for the support of Mosques, Hindu Temples or Colleges, and as the provisions of the Regulation are the same as those contained in the Bengal Regulation XIX of 1910, we are of opinion that a similar enquiry ought to be instituted and report may be made by the Board of Revenue in the Presidencies of Bengal and Agra with the view of relieving the officers of Government from the management of the lands and control of the funds and affairs of all religious endowments whatsoever.

We

Regulations above mentioned may be modified and that the rules which require any of our European officers to interfere in the management of the funds and affairs of any mosque, pagoda or temple may be rescinded, and we request that you will take into consideration the best means of accomplishing this object.

In all cases, however, where the
dowed religious institutions may be safely transferred to agents to be appointed by the parties in whom the management of the affairs and funds of such institutions may be vested, subject only to such penalties against exactions and other abuses of their trust as the native servants similarly employed on the part of Government would be liable to.

The foregoing observation is applicable to entire villages or distinct portions of villages which may have been assigned to temples or other religious institutions in all parts of

of the territories provided, however, that the revenue demandable from such villages or portions of villages has been clearly defined, and a Pottah or lease issued to each ryot, specifying the extent of land; the amount of the revenue and the periods it becomes due; but in all villages in which temples or other religious institutions derive only a limited portion of the revenue or Government share of the produce of the land in the form of percentages or fees must continue to be made by the officers who collect the revenue from which they are derived as any attempt to separate the two items of demand and to have the leave their collections in the hands of district agents would we fear expose the ryots to serious risk of abuse.

It is not our intention that the Revenues of Mosques and Pagoda lands should be exempted from any charges for irrigation and for the general management of the districts wherein they are situated to which they may justly be liable, and we desire that provision be made for defraying such charges before the revenues are applied to other purposes.

You will perceive that in the directions now conveyed to you, this is our object, to have a complete effect in the principles

patches to which we have referred.

6. In their letter of 1st Nov. /41, E.M.C. d/ 11-12-41, No. 1519.

No. 182, the Government of India re-

quested the opinion of this Government

on the best mode of carrying ^{into} ~~out~~ effect

the orders of the Court ^{conveyed} ~~intimated~~ in

the above Despatch, and upon the

practicability and the probable

effects of those orders. The reply of

this Government will be found in E.M.C.

d/ 29-11-42, No. 1389.

In pursuance of the policy of

the Home authorities and in view to

provide some law for the guidance of

trustees or Dharmakartas and for the

determination by Courts of the right

to offices and emoluments under them

the Board of Revenue drafted an Act

for the modification of Regulation 7

of 1817, which, after much discussion

and amendment, was submitted to the

Government of India in E.M.C. d/ 25th

April 1843, No. 431.

8. The Board of Revenue in their

Proceedings of 17th August 1843, recorded

ed in E.M.C. d/ 4th September 1843,

E.M.C. 9-3-44, No. 204.

No.

Letter, d/5-9-43, No. 952.

E.M.C., d/ 8-4-46, No. 414.

E.M.C., d/ 7-7-46, No. 715.

E.M.E., d/ 28-5-50, No. 513.

...ion of the arrangements made through
but the provinces for the withdrawal of the

Control over the Native religious institutions. In reporting it to the Government of India, orders were solicited about the relinquishment of endowment lands to trustees or resumption thereof on computed allowance; about the disposal of surplus Pagoda Funds; about the draft Act referred to in para 7, and a few other

points. The Supreme Government, in replying to the above communication, stated, that they would shortly forward a draft law for opinion. The draft Act promised was duly sent on the 20th June 1846, and the opinion thereon was submitted in E.M.C. d/ 16th March 1847, No. 343.

9. In E.M.C. d/ 19th March 1850, No. 364, is ^{re?} recorded in a letter from the Government of India in which the opinion of this Government ^{was} ~~was~~ sought on another Bill "to enable charitable institutions to hold lands & personal property in their own names", a legal measure which was asked for by some Bombay inhabitants. The Supreme Government was informed in reply that such a measure was unnecessary while Regulation 7 of 1817 was in force, and that it might receive consideration on the repeal of that enactment.

this subject again when Mr. H. Stokes

submitted propositions for the revision of the Revenue Code. His sketch

of the preliminary Act provided for

the revision of Regulation 7 of 1917

and his draft Act No. 3, in reinvesting

the Board of Revenue with the super-

intendence of endowments in general,

declared that "in the case of endow-

ments for the maintenance of religious

edifices and observances belonging to

the Hindu and Muhammadan communities

cease excepting so far as to see that

vacancies in the trust be duly filled

up when they may be applied to for

that purpose. The Board however

thought that such an enactment would

not effect a thorough severance of

Government from all interference with

the religion of the Natives and pre-

ferred on yet dedicated entirely to

the subject of religious endowments,

they would place them like other pro-

perty under the protection of the

Civil and Criminal Courts and define

the responsibilities and duties of

trustees and the mode of their

election

Vide Boards Proceedings, d/19-6-57,
No. 1884 printed in Rev. Cons. 2-57,
No. 1-3.

also

Boards Proceedings, d/ 6-4-59, No. 1218
embodied in E.M.C., 13-9-60.

E.M.C. d/ 18-11-58, No. 1545.

*
Forwarded by Mr. Forbes,
Member of the Legisla-
tive Council, Calcutta.

G.O. d/ 5-1-59, No. 19.

election and dismissal. The Government
concurring in these sentiments directed
the Board to submit a report as to the
best method of accomplishing the object.
Before the date of submission of that re-
port, a reference was made to the same
authority about a petition from certain
Protestant Missionaries of Bengal relative
to the repeal of the Regulation in ques-
tion.

The Board of Revenue submitted the
report called for as well as a reply to
the above reference in their Proceedings
d/ 6-4-59, No. 1213 & d/ 30-3-60, No. 1422,
recorded in G.O. d/ 16-9-60, No. 1586. They
forwarded, at the same time, a sketch Act
pointing out how and by which trustees were
to be appointed, and by whom their conduct
might be called in question, and placing
the endowments entirely under the pro-
tection of the Courts. On the other hand,
the Court of Sadr Adalat, to whom also
the petition from the Protestant Mission-
aries was referred, observed that the
Government should nominate committees of
Natives with power (1) to supervise the
affairs of trust (2) to appoint managers
and (3) to call for accounts &c. Vacan-
cies occurring in the Committees they re-
commended should be filled up by the
Government.

11. In the meanwhile the Secretary of State, at the instance of certain Missionary Memorialists, addressed a Despatch to the Governor General in Council in which he made the following observations.

"It is evident that the total withdrawal of all interference on the part of Government with the religious institutions of the people of India has not been completed and indeed it is difficult to perceive how such a

"all endowments of land or of the land revenues made for the maintenance of religious establishments be duly appropriated to the purpose for which they were destined by the Government or the individuals by whom such endowments were made, remains in force. It is the duty of the Government of India to see that those institutions enjoy the equal and impartial protection of the law, but it is not called upon to provide specially for their management or superintendence by its own officers. It appears to Her Majesty's Government that the repeal

of

No. 2, d/ 24-2-59, printed with
the Objects & Reasons of Sir
Bartle Frere's Bill in orig.
G.O. dt 13-9-60, No. 1586.

of the Regulations in question of such parts of them as relate to the management of the religious endowments should no longer be delayed; provision being made at the same time for an appeal to an established Court of Justice in all disputes relating to the appointment & succession to the management of Hindu and Mahomedan institutions and to the control and applications of their funds. I request you will take the necessary steps for bringing the subject under the consideration of the Legislative Council.

12. In pursuance of the instructions in the foregoing Despatch, Sir Bartle Frere brought in a Bill which simply ^lrepealed the Regulations in question and left the control of the institutions to the Courts in the exercise of an equitable jurisdiction. This Bill was referred to the Madras Government. The very identical course was proposed also by Sir Charles Trevelyan both before and after the receipt of the Bill. But it was ^{argued} ~~argued~~ against this course that the Courts ^{could} ~~cannot~~ act unless put in motion from without, that private interest which is the motive to the ordinary litigation would be wanting in these cases, that public feeling would not supply its place

...that consequently the Courts
would not be able to interfere and
that practically the endowments of
the temples would be unprotected and
speedily be wasted. To prevent these
evils, Messrs. Elliot & Morehead pro-
posed to leave the control of the Pa-
ndas in the first instance in the
hands of the Collectors, though they
disagreed in certain minutiae in res-
pect of that officers powers. The
above papers were transmitted to the

...the Hon. Mr. Beadon, expressed
ed in reply his adherence to the opi-
nion that the enactments on the sub-
ject should be ^erepealed and the entire
superintendence of the institutions
transferred to their respective
trustees, proper provision being made
to enable individuals complaining of
malversation to bring their case
before a Court of Justice.

15. Subsequently, in the year
1863, another Bill on this subject was
introduced by the Hon. Mr. Beadon of
the Imperial Legislative Council. In
respect of this Bill, it was observed

By

page 26 of abstract Proceedings
Governor-General's Council 1863

1865.
1865.

...that where the trustees or managers
had up to the present time, not been ap-
pointed or confirmed by the Government
they should in future be left wholly free
from Government control or interference,
the trustees exercising the functions &
performing the trusts committed to them,
subject only to the usual control of the
Civil Courts. But when the Government
had theretofore nominated or confirmed
the appointment of trustees the Govern-
ment should once for all in the first
instance appoint a committee to exercise
all the powers theretofore exercised by
the Government. When vacancies occurred
in any of these committees the Govern-
ment would have nothing to do with
filling them up. The vacancies will be
filled up by election under rules framed
by Government. If, when a vacancy occur-
ed, delay was made in proceeding to an
election any party interested might ap-
ply to the Civil Court either to order
an election to be made or to appoint a
new trustee or manager. * * * While the
earlier sections of the Bill affected
only the endowments to which the regula-
tions suggested by it related § 22 was
of general application and wholly

connection with these trusts in all
parts of India. Nothing less than
this would seem to mark the determina-
tion of the Government to rid itself
of a burden which had been bequeathed
to it by the former rulers of India,
and to abstain from all further con-
cern with religious establishments."

While Hon. Mr. Beaden's Bill, which was
finally passed into Law as Act XX of
1863, was under consideration, the

Hon. V. Sadagopachari, C. S. M. L. A.

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in the matter
of G.O. No. 1121, dated 24-6-63,
But the sanction requested was not
accorded and no further steps were
taken *in regard to the matter.*

Effect was given to Act
XX of 1863 under G.O. dated 24-6-63,
No. 1121. The Board of Revenue was di-
rected therein to call upon the Collec-
tors to propose committees for *Mutua-*
tions coming within the scope of *S 8*
of the Act. The Government remarked
that *election* should be resorted to
only when really necessary and that
local

G.O. No. 3-7-62, No. 1039.

...be better entered
by having several committees in each
District, and requested the Board to frame
rules for elections and appointment of
Members on the occurrence of vacancies.
The rules on the subject were promulgated
in G.O. dated 10th May 1865, No. 960, and
will be found in full in No. 142 of the
Board's Standing Orders, Dr. Maclean's
Edition.

15.14. A few orders worthy of note
issued with reference to this Act are
cited below.

G.O., d/ 17-6-65, No. 1355. This
order mentions the several cases in
which measures were taken under the
Act.

G.O., d/ 24-4-66, No. 965. In this
order it was decided that the ap-
pointment of Temple committees in
Malabar under § III was not requir-
ed as the religious institutions
in that District did not come with-
in the scope of that section.

G.O., d/ 22-10-64, No. 1952. In
this G.O. the Government expressed
its opinion that it had no power to
appoint a committee for the manage-
ment of the Tripali Temple.

G.O., d/ 22-10-64, No. 1951. The Govt.
said in this order that under § 12

*ie, Tripali Temple is referred
to in the report of the Com-
mittee on under disposal.*

on the committees immediately on
their appointment, and that His Ex-
cellency had no power then to pre-
vent them from entering upon their
duties and that after the appoint-
ment of the committee he had no
power to fill up a vacancy.

G.O., d/ 12-3-64, No. 267. In para-
7 the Government expressed the opi-
nion that a central committee com-
posed of ~~Residents~~ in Madras could

tion was not in the case of the
District of South Arcot where a
single committee was appointed for
the whole District.

G.O., d/ 19-11-70, No. 1806. It was
considered unobjectionable for a
committee member of one District to
hold a similar appointment in an
other.

G.O., d/ 21st November 1867, No. 2761
When a trustee to a temple forming
an appanage to his estate dies leav-
ing a minor zemindar the manager of
the estate as representing the

zemindar

continuance of the service in the temple

- G. O. d/ 19-8-64, No. 1499.
,, d/ 27-9-64, No. 1778.
,, d/ 22-10-64, No. 1954.
,, d/ 11-10-70, No. 1542.
,, d/ 31-1-72, No. 118.
,, d/ 8-5-74, No. 578.
,, d/ 12-1-75, No. 59.

In these G.Os. certain defects in Act XX of 1863 attracted the notice of Government. This subject will be dealt with more at length in the following paragraphs.

15. There were several Bills before Government each aiming at the amendment of Act XX of 1863. They are noted below:

1. ~~Mr.~~ Mair's Bill referred to in G.O., d/ 30-5-65, No. 1775.
2. Radhikar's Bill in G.O., d/ 31-1-72, No. 118.
3. Cunningham's Bill in G.O., d/ 27-2-74, No. 312.
4. Ragunatha Reddy's Bill in G.O. d/ 20-8-75, No. 1255.
5. Cornichael's Bill in G. O. dated 5-2-84, No. 58.
6. Bill of the Committee presided over by Sir W. Robinson.
7. ----Do.----Do.----Hon.H.E.Sullivan.
8. ----Do.----Do.----Sir T. Muthuswami Aiyar

which is now before Government.

It was unanimously admitted that the following defects exist in the present law in regard to Hindu Religious endowments.

There

sion for compelling them to perform their duty.

The powers and duties of the committees are indefinitely described and there are no adequate provisions for the preparation of register of voters and for the conduct of elections of committee members.

There is no effectual provision for supplying vacancies.

(d) Committees and trustees having to work without remuneration &

(e) trustees by a supervising agency is limited to only a fraction of the religious institutions.

The object of the several Bills enumerated at the beginning of this para was to remedy some or all of the defects pointed out; and the following paras show how they originated and how the first seven were disposed of.

In 1864 when the Act was hardly a year in operation, the Government of Madras, on a representation from the Board of Revenue, invited the attention of India to the necessity for

Leg. 90. 21 2. 11. 64. No. 291.

vide page 85 of Abstract Proceedings Vol. 1866.

vide G.O., d/ 30th May 1866, No. 1275.

vide G.O. d/ 11th Oct. 1870, No. ~~1542~~ 17. In the year 1870 certain suits were reported to Government which indicated the necessity for placing special restrictions upon the power of trustees to incur liabilities *detrimental* to the property under their charge. The Board of Revenue was thereupon desired to consult the Law Officers of Government as to the propriety of amending the law in this respect. The opinion of Mr. Haraley, and the reply of Board advocating a change in the law, will be found in B.P. dated 21st July 1871, No. 3051. About this time there were similar complaints in Bengal, and in letter, dated 5th January 1871, No. 42, the Government of India transmitted certain correspondence with

G.O. d/ 31-1-72, No. 118.

(Substantive file)

with Bengal and asked the Government
whether any remedial measures of ge-
neral application might be adopted. A
wish at the same time was expressed
that the ^{ruling} ~~policy~~ policy of Act ~~XX~~ ^{XX} of
1868 should be altered by in regard to
the withdrawal of active concern in
the management of these endowments; -
simultaneously with this, V. Ramienagar
an additional member of the Madras
Legislative Council at the time, whose
^{attention had been attracted to}
~~the subject~~ this subject
addressed a communication to Govern-

with Ramienagar's Bill was referred to
the opinions of the Board of Revenue,
the High Court and the Advocate Gen-
eral. In the meanwhile India was inform-
ed by Mr. Ellis' letter dated 21st Jan-
uary 1872, No. 130, that the Govern-
ment was sensible of the necessity of
legislation and a separate ^{act} ~~law~~ for
Madras, and that another communication
would be addressed ^{later on} ~~by the~~ on the
subject. The several authorities con-
sulted in regard to Ramienagar's Bill
were at one in considering, an

opinion

G.O. d/ 23-10-74, No. 1975 A.

which was also by the
ment, that the measures proposed by
were not adequate to meet the evils
to exist. Ramiengar's scheme is to ^{leave}

the trusts of which the management is
vested hereditarily or otherwise in par-
ticular families or classes on their pre-
sent footing as appointments; to pro-
vide in all other cases for the appoint-
ment of trustees by election of resident
land holders; and to appoint in every
District an auditing committee, whose
duty it should be to audit the accounts
of all religious trusts within the Dis-
trict, to determine on the correctness
and honesty of the accounts and when
necessary to prosecute dishonest trust-
Members of the Auditing Committee to be
made liable to be ^{sued} in the Civil Court by
any elector or resident inhabitant for
misfeasance or neglect of duty and
specific performance of such duty to be
directed by the Court. But in the cir-
cumstances already stated ^{the Bill} was allowed to
~~fall off~~ ^{was preceded with}

17. A. R. Ramiengar, being of the
opinion that the measures proposed by

Ramiengar's scheme is to leave
the trusts of which the management is
vested hereditarily or otherwise in par-
ticular families or classes on their pre-
sent footing as appointments; to provide
in all other cases for the appointment
of trustees by election of resident
land holders; and to appoint in every
District an auditing committee, whose
duty it should be to audit the accounts
of all religious trusts within the Dis-
trict, to determine on the correctness
and honesty of the accounts and when
necessary to prosecute dishonest trust-
Members of the Auditing Committee to be
made liable to be sued in the Civil Court
by any elector or resident inhabitant for
misfeasance or neglect of duty and
specific performance of such duty to be
directed by the Court. But in the cir-
cumstances already stated the Bill was
allowed to fall off.

provisions of the Bill were taken almost entirely from the English statutes on the subject. He proposed a central commission to consist of the Advocate General, 2 Barristers of 5 years standing in India, a Member of the Board of Revenue, 4 Vaishnava & 4 Siva Hindus; one of the Barristers to be Chief Commissioner; and the Board of Commissioners to have power to nominate District Committees of not less

of the proposed constitution of the central Board - firstly because the Commissioners are to be unpaid, and secondly because the composition of the proposed Board would contravene the principle laid down by Government, in that it is to include officers of Government as such as members. The Government simply recorded the papers.

10. Mr. Cunningham, the Advocate General, who was consulted as to the expediency of Ramiengar's Bill, after discussing the merits of the measures proposed by him, himself submitted an outline of another Bill for the better regulation

Bill were
provisions for a systematic
control, exercised from a single centre, over
all religious trusts and for an inexpen-
sive and expeditious remedy for misfea-
sance or non-feasance on the part of
trustees. Some changes in the details of
the scheme were considered desirable by
Sir William Robinson as well as the other
Members of Government; but, considered as
a mere out-line, the Bill was approved as
indicating the nature of the Legislation
required. In continuation of Mr. Ellis'
letter adverted to in para 17 the fore-
going facts were reported to the Supreme
Government, who were at the same time re-
quested to pass an enactment by which Ac-
XX of 1863 should cease to have effect in
this Presidency as soon as any fresh Act
on the subject passed by the Madras Legis-
lative Council has received the assent of
the Viceroy; for it was considered that
circumstances in various parts of India
differed too essentially to make it
possible to frame a general law on the
subject applicable to all the parts alike.
In Mr. Halderson's letter of 20th January
1876, No. 105, the Government of India
was reminded of the above mentioned facts
and their attention directed also to

which with reference to Bengal's
proposal to give extended power to the
local legislatures, the control of
native religious endowments was report-
ed as a subject better fitted to be
dealt with by the local than by the
imperial council. X

20. 19. At length, the Government of
India communicated their reply in Mr.
Howell's letter dated 29th February
1876, No. 805, in which His Government
was asked to submit a Trust Bill based

G.O., d/ 4-1-76, No. 629.

of direct interference 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 en-
quire into and obtain redress for
the delinquencies of the local
managers of the trusts were in the
opinion of the Government of India
calculated to meet with greater
success than the proposals made
by the other Members of Government.

ii. The Members of the Central Board and their staff, including Inspectors to inspect the work of the District Committees, to be properly remunerated, the members being appointed and removed by the Board.

iii. The trustees of the endowment of individual institutions to be appointed by the Board, their making having regard to the circumstances and past history of such trusts.

iv. The surplus funds of the endowments to be applicable to any useful public purpose such as the establishment of a school, or scholarship, or the construction of some official local work.

In G.O., d/ 14th April 1876, No. 689, a Committee presided over by Sir William Robinson was appointed to draft a Bill in accordance with the above principles.

20. Sir William Robinson, and the Committee presided over by him, submitted the Bill called for in November 1877.

The Bill was the subject of much discussion and was forwarded to the Government of India together with a draft Act prepared in accordance with the views of His Grace

G.O., d/ 10-1-79, No. 33

the

The Governor with Mr. Miller's letter

d/ 10th January 1879, No. 24.

24. In his Despatch dated 27th

G.O. 21-6-80, No. 1471.

May 1880, No. 8, the Secretary of

State intimated that he had no objec-

tion to the introduction of the Bill

into the Legislative Council, but re-

quested that it might not be passed

into law before he was in possession

of the views of the Government of In-

dia. But the Government of India in

their letter (para 3) recorded in

...

tion of the Bill in the newspapers

of Bombay. The Bill was then to be

over for the next three years.

22. On 3rd December 1886, Mr. Car-

G.O., 1/ 5-2-84, No. 58, Legislative.

michael, almost on the eve of his re-

tirement, submitted to Government a

draft Bill in view to make better pro-

vision for the administration of Hindu

and Muhammadan Religious Establish-

ments in the Presidency of Fort St.

George. In G.O. dated 5th February

1884, No. 58, the Government requested

certain gentlemen to form themselves

into a Committee, with Mr. Sullivan as

its

G.O. 17-4-86, No. 811.

to consider and report
upon Mr. Carmichael's Bill, as well as
the other Bill drafted by the Committee
of 1876.

23. This was received in March 1880.
In it a comparison is instituted between
the provisions of the two Bills. It is
pointed out that the Committee of 1876
intended all religious institutions of
whatever kind to be brought within the
operation of the Bill, so that the ad-
ministrative machinery suggested by them
was a Central Board of Civil Commissioners
who should have at their time to them
official duties, and should be vested with
controlling power in regard to the admi-
nistration of the schools throughout
the Presidency, while the local trustees
and managers appointed by the Boards
should exercise the executive power.
Mr. Carmichael's Bill on the other hand
it was said contemplated the election of
non-Committees of managers in respect
of institutions having no hereditary
trustees; that the administrative agency
proposed was District Boards constituted
under Local Board's Act, and that therein
it is enacted that these Boards should be
vested with the powers of control over
trustees and elected committees and that
they should further be empowered to in-
inspect

inspect the property and otherwise satisfy themselves as to the due administration of the trust and in default to remove them subject to appeal to the judicial tribunals. The Committee ~~sitting~~ ^{deliberating} after a good deal of ~~deliberation~~ decided to adopt the line of reform advocated by Sir W. Robinson's Committee. Their reason in their own words is this:-

"The present unsatisfactory condition has in a great measure been the result of the want of a strong central body which shall possess real power and real responsibility in the management of the endowments entrusted to their care." The important features of the Bill drafted by Mr. Sullivan and his Committee are (1) the investiture of the High Court with the power to appoint Members to the Central Board in the exercise of its administrative power and (2) the addition of local Committees to the agency of control. This Bill was referred for the opinion of the Advocate

General

Letter, d/ 1st June 1897, No. 33.

General, the High Court and the Board of Revenue in G.O. d/ 17th April 1896, No. 814, and was finally transmitted to the

Government of India on 1st June 1897 in view to their sanction being obtained to introduce it into the Legislative Council.

24. In Mr. Young's letter recorded in G.O., d/ 4th April 1896, No. 304, the Government of India declined to accord the sanction sought on the ground that the draft Bill was too wide in its application but said they could have no objection to the introduction of a Bill of a prescribed scope and form in harmony with the policy of Act XV of 1863. They further observed that such Bill might be right to provide for the removal of managing Committees (which are now of various kinds) most become extinct in the future. Such Committees, ^{need not} in the opinion of the Government of India, be the same as the Committees, but might be so constituted that each should represent an uniform class of institutions in a district. The Bill might also forth-fully the powers conferred on the Courts imposed under the old Regulations which are transferred by Act XV of 1863 to Committees and might impose upon Committees the duty of instituting suits for mesne profits on the part of trustees, and might empower the Courts to charge costs in the first instance in the institution concerned.

subject

subject to the provision that the court should have power to order otherwise in any case in which a suit turns out to be vexatious."

In G.O., 18/ 4th April 1888, No. 364, a fresh Committee was appointed for the purpose⁴ considering how the existing law might be best amended on the lines laid down by the Government of India. The members were requested to embody their ^{lit} suggestions in a new draft Bill and to report how far the

5.

Statement showing in substance the opinions they received from the several districts in regard to the provisions of their Bill. ^{The chief features of} ~~and~~ ^{This Bill are:-}

1/ The subordination of the hereditary trustees to the control of the Committee in that the latter can insist upon these trustees to keep regular accounts ~~and~~ and get them audited once a year; otherwise they are exempted from the Committee's control; but the hereditary trustees appointed by Government will be entirely under their superintendence

Law goes not good

superintendence. [Under the proposed Bill
the Mahant of Tripati comes within the
jurisdiction of the committee.]

(2) The ~~exclusion~~ ⁱⁿ for the facilitation
of the committee of

1. Buildings and dedicated sub-
sidiary land, say 1000, Hindu
communities.

2. Village fund, all aggregate in-
come of Rs. 1000 which is
paid by those that
contribute to the expenses in money
or in kind.

(3) The ~~inclusion~~ ^{inclusion} under the committee's
jurisdiction of Kuthais (10) endowments
for the performance of religious or chari-
ty connected with the temple.

(4) The ~~inclusion~~ ^{having} of the plan of the
Central Council. This is in reference
to the wishes of the Government of India.

(5) Enactment of special provisions for
the appointment of trustees for the main-
tenance and election of the members of the
Committee, for their powers and duties,

the tenure of their office, the conduct
of elections, the qualifications of voters
&c.

(6) Enactment of special provisions
for expenses connected with the audit
of accounts, the preparation of registers
maintenance.

Maintenance of office establishments.

(7.) Imposition of certain additional

duties upon the District Judges, who will have a hand in the nomination of members & trustees, who will sanction establishment for the

Committees; they will at their discre-

tion transfer a temple from the juris-

diction of one committee to that of

another or appoint special committees

for temples with income exceed Rs.

5,000, and who will have to undertake

for other temples below the Rs. 5,000.

But the District Judges will, on the

other hand, be asked to do a number of

in the case of temples.

The Committee observed that the demand for additional Committees suggested by the Government of India are numerous and impracticable.

The Committee have been were specially asked to report how far the rules framed under Act XX of 1908 require alteration. They submit that they have provided all the main things connected with elections in the Act itself and observe that the rules to be framed hereunder will relate only to minor details bearing on the conduct of elections

Chait. Sec 2 of the Act

elections. Vide para 31 of the report.

26. It remains now to thank the Committee and to refer their Bill and Report for the early remarks of the High Court, the Advocate General and the Board of Revenue.

is the first step to be taken. The Bill seems to carry out the intentions of the Govt. of India in so far as the Com. matters are concerned, but it involves too many functions of an administrative kind on the kind judges, who are hardly in a position to perform such functions e.g. framing regulations & conducting or supervising elections. The Com. matters should I think be entirely elective. However it is not yet time to go into detail. After the remarks of the Committee referred to are received, the Bill will have to go to the Govt. of India.

24/2/93

[illegible]

Submitted to the Chief
Secretary. This note has been
prepared by K. Rungachari
clerk, General Record Dept.

~~70B.~~
~~4/2~~

The report of the Hindu Relief Endowments Committee is full of errors & a clear account of the losses & the people and funds in which the people are interested. The necessary legislation has been introduced in the House and I should like to have been prepared for some time before the bill I have introduced for the purpose of settling the Hindu Relief bill as already pointed out, falls back for an excuse for including

MEMORIAL TO ENGLISHMEN
ON THE
HINDU TEMPLE ENDOWMENTS,
(Draft Bill)
BY A HINDU.

"We do strictly charge and enjoin all those who may be in authority, under us, that they abstain from all interference with the religious belief or worship of any of our subjects, on pain of our highest displeasure":— Her Majesty the Queen's Proclamation.

AND PUBLISHED BY THE NEUTRAL PRESS,

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AN APPEAL TO ENGLISHMEN

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AN APPEAL TO ENGLISHMEN.

India, a land of contentment under all evils in days gone by, by an un-looked-for influence of western education indiscriminately dealt out to its people, by the liberal minded Englishman, has now become and is becoming a factory, for moulding a noisy clique of discontented and malcontent agitators, ever seeking to upset the existing order of things, in order to realise their own ambitious and sordid ends. Observation with impartial judgment will not fail to point out, how the aristocracy of the country is dying out and deteriorating, and the lower orders are being uplifted into prominence. The deterioration of the time-honored aristocracy and a rising into prominence of a new class of men creates in the latter a craving for power and position unheard of by their ancestors. The education given is so inexpensive that even a cook, a waterman and a punchangam-wallah, supplementing his income a little by beggary, graduates his sons in our universities, only to make them roam about the country with mischievous discontentment and to urge reforms and changes, all to bring weight to their ragged and empty purse. Had special care been bestowed and inducements held out to educate the aristocracy, many an utterance now forced upon the public attention from this or

that congress, association, society, club, or reading room, would be more sensible, grateful and liberal-minded, than the resolutions now passed after a lot of spouting, and soaring high, all to benefit a class of men seeking new prominence, and to afford gain and lucre to themselves and their progeny. Under the cloak of that much abused word "patriotism," the provisions of the Income Tax Act, the Salt Act, the Forest Act and the Arms Act have all been cursed, detested and denounced. And why? Because they either touch one's pocket or wound one's newly plumed dignity. Movements and agitations like the Indian Council's Bill-agitation and any other agitation to give away half of Her Majesty's Civil and Military covenanted and commissioned appointments to natives (no matter of their origin) would be quite a welcome and a feast to the ever busy and hungry agitators, whose only redeeming feature, in some cases, is the alphabetical affixes to their names earned by beggary and cram.

The benighted Madras Presidency, in proportion to its pungent poverty, contains a greater number of this class of agitators than her sister Presidencies, and the result is that these not only join with men of similar propensities in the other Presidencies, in their common cause and clamour, but also create agitation of their own in this Presidency merely to benefit self.

India, once the centre of despotism, is now, a blooming garden of freedom under the British rule. Here, war has been replaced by peace, crime has been repressed, agriculture, irrigation and produce improved, the advantages of Railways and Telegraphs have been bestowed, commerce is augmented, religious fanaticism tolerated, personal security, personal liberty, and the right of private property

protected. What India was before, and what India is now, Englishmen stand as the guardian angels and protectors of India. Yet these untiring and greedy agitators are sorely discontented with the Government. They cry out for legislative interference, on matters wherein legislation is complete, wise, and politic.

The "Hindu Temple Endowments Draft Bill" is the forced outcome of an agitation. The agitators are men, who have nothing to lose and every thing to gain, and whose object and heart-burnings may be fairly understood to be for subjecting the endowments, to yield them their livelihood and to usurp the authority over these institutions, by upsetting the existing laws agreeably to their motives, especially so, as the openings in the public service are too few for the large number annually manufactured out of the forcing-houses called schools.

A brief reference to the past discussion on the question of Religious Endowments up to the time of the appointment of the present Committee that drafted the Bill, now under consideration, may be here necessary to show how often the matter was forced on the attention of the Local Government, the Government of India and even the Secretary of State, in the shape of different Bills and Reports and yet all ended in the result that Act 20 of 1863, as it now stands is a valuable enactment.

In January 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, and requested its opinion as to the measures that might be adopted, *without deviating from the policy of Act 20 of 1863*. In reply, the Government of India

2, ^{prepared} ~~V. Rama Iyengar~~ was under the consideration of the Government. On the 23rd of October 1874, a detailed report was submitted and 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 and which the Governor in Council approved, as a mere outline. A copy of the correspondence up to this stage was submitted to the Secretary of State for his information in November 1874. The Government, in February 1876, requested the Government of India to pass orders on the subject of the letter dated 23rd October 1874. The Government of India intimated *that the policy of Act 20 of 1863 should be maintained*, and that a Bill based on certain suggestions might be submitted to the Government of India for sanction and for transmission to the Secretary of State. A Committee was appointed, with the Honorable Sir William Robinson as President, to frame a Bill in the manner suggested. That Committee submitted its draft Bill and report, on the 12th November 1877. The Bill was the subject of considerable discussion and it was finally resolved in January 1879 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 desired to proceed with the last of the 3 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. In 1883, the Honorable Mr. Carmichael wrote a minute and submitted a draft Bill on the subject. By G. O. No. 58 dated 5th February 1884, a Commit-

tee, with Mr. M. Hammick as Secretary, was appointed to superintend upon the administration of Hindu Religious Endowments in this Presidency. On the 19th March 1886, the Secretary to the Committee submitted a report with a draft Bill and a minute of dissent recorded by Dewan Bahadur Ragnatha Row. The Government, after considerable discussion and hesitation, forwarded the draft Bill in June 1887, to the Government of India for the sanction of His Excellency the Governor General in Council, to introduce the Bill into the Legislative Council.

Mr. W. M. Young, Officiating Secretary to the Government of India, has forwarded the following letter to the Chief Secretary to the Government of Madras:—"I am directed to acknowledge the receipt of your letter, No. 23, dated the 1st June 1887, forwarding for the consideration of the Government of India a Bill to provide for the better administration of Hindu religious and charitable institutions in the Madras Presidency, and asking for the sanction of His Excellency the Governor-General in Council to introduce the Bill into the Legislative Council. In reply, I am to say that, after a careful consideration of the provisions in the Draft Bill submitted, the Governor-General in Council is of opinion that the measure, as at present drafted, is too wide in its application. If, however, legislation is essential for the due protection of Hindu endowments in the Madras Presidency, His Excellency in Council will have no objection to the introduction of a measure of more limited scope and more in harmony with the policy of Act XX of 1863. Such a modified measure might provide for the revival of Managing Committees (which it is understood have almost become extinct in Madras). Such Committees need not, in the opinion of the Government of India, be District Committees, but might be so constituted that each should represent an uniform class of institutions in a district. The Bill might set forth fully the powers con-

of 1863 to Committees, which might impose upon Committees the duty of instituting suits for misfeasance on the part of trustees, and might empower the courts to charge costs in the first instance to the institution concerned, subject to the proviso that the Court should have power to order otherwise in any case, in which a suit turns out to be vexatious. A Bill of the nature just suggested would be in keeping with the accepted policy of Government in this matter, and would, it seems probable to the Governor-General in Council, go far to meet the requirements of the Madras Presidency. I am to request that, should the Governor in Council concur in these views, the Bill proposed may in due course be submitted, for the consideration of the Government of India."

The Madras Government on the 15th March 1888 ordered that the foregoing letter be transferred to the Public Department, with original notes recorded by the Honorable Members, for the necessary action. In its Order of the 4th April, Government remarks:—"In view of the opinion expressed by the Government of India that the Draft Bill prepared by Mr. Sullivan's Committee is too wide in its application, His Excellency the Governor in Council resolves to request the following gentlemen, viz:—Hon'bles Mr. Justice Muttuswami Aiyar, C. I. E., S. Subramani Aiyar, Rai Bahadur, P. Chentsal Rao Pantulu Garu, C. I. E., M. R. Rys, T. V. Ponnuswami Pillai Avergal, C. Saikara Nair Avergal, V. Bashiyam Aiyangar Avergal Rai Bahadur, and Pundit Ranganadha Mudaliyar Avergal Rai Bahadur to form themselves into a fresh Committee, for the purpose of considering how the existing law in this Presidency, in regard to the administration of Hindu religious and charitable institutions may be best amended on the lines now laid down by the Government of India and to embody the results of their deliberations in a new Draft Bill. They will also consider and report how far, the rules framed under Act XX of 1863 require alteration.

As it is very probable that different Districts will require different treatment in respect to their religious endowments, the Committee will be requested to select and consult one or more corresponding members in every important District, who should be allowed the fullest opportunity for expressing their views. His Excellency in Council thinks that the Government of India is under a misapprehension, in assuming that Managing Committees have generally fallen into abeyance in this Presidency. Such Committees exist, at all events in some Districts, but the general complaint is that, owing to the defective state of the law, they are powerless for good."

Thus the present Committee, with full three years labour, brought forth the Draft Bill having had strict injunctions to frame the Bill *on the lines of Act 20 of 1863 and without deviating from its policy.*

After repeated rebuffs, the previous Committees, and their Reports and Bills met, at the hands of our Government, everybody expected that this Committee would act on the lines clearly laid down. Yet the cries of the few selfish agitators to govern others properly, perhaps weighed strong, that the Committee opportunely, with one stroke of its pen, dragged into its clutches *Atheenum Temples* also, which were distinctly exempted from all interference of Divisional and District Committees and their rules, by section 4 of Act 20 of 1863, for valid, equitable, and legislative grounds.

In the "Statement of Objects and Reasons" of the Draft Bill, the legislative justification disclosed for this inclusion of *Atheenum Temples* (or institutions falling under section 4 of Act No. 20 of 1863) is as follows:—

"Supervision over institutions falling under Section 4 of Act XX of 1863 was prior to that Act, exercised by the Board of Reve-

nue under Regulation] VII of 1817, and there is no reason why they should be now exempted from the control of Committees constituted under the Act and left only to be reached by special resort to Courts of Justice."

A summary disposal of an important and new question! It is like asking to show cause why anything and everything of a person should not be placed under the control and within the scope of this Bill. Act XX of 1863 distinguishes temples &c. as follows:—

Section 3.—"In the case of every mosque, temple, or other religious establishment to which the provisions of either of the Regulations specified in section 1 are applicable, and the nomination of the trustee, manager or superintendent whereof, at the time of the passing of this Act, is vested in, or may be exercised by, the Government or any public officer; or in which the nomination of such trustee, manager or superintendent shall be subject to the confirmation of the Government or any public officer, the Local Government shall, as soon as possible after the passing of this Act, make special provision as hereinafter provided."

Section 4.—"In the case of every such mosque, temple or other religious establishment which, at the time of the passing of this Act, shall be under the management of any trustee, manager or Superintendent, whose nomination shall not vest in, nor be exercised by, nor be subject to the confirmation of, the Government, or any public officer, the Local Government shall, as soon as possible after the passing of this Act, transfer to such trustee, manager or superintendent, all the landed or other property which, at the time of the passing of this Act, shall be under the superintendence or in the possession of the Board of Revenue or any local agent, and belonging to such mosque, temple, or other religious establishment."

After thus distinguishing, the Act by sections 5, 6, 14 and 18 lays down special procedure for temples under section 4, to meet cases of dispute, as to right of succession to vacated trusteeship, for powers of manager appointed by court, for any person interested in such temple to sue trustee &c. in case of breach of trust, misfeasance or neglect of duty, and to apply for leave to institute suit, and finally *exempts* the said temples from the control of the Division or District committees by section 7. Add to this the penal provisions of the criminal law (Indian Penal Code), whose jurisdiction for criminal breach of trust &c. is not excluded, by Regulation VII of 1817 or Act XX of 1863 (I. L. R. I. Madras page 1), and section 20 of Act XX of 1863 which says:—

"No suit or proceeding before any Civil Court under the preceding sections, shall in any way affect or interfere with any proceeding in a Criminal Court for criminal breach of trust."

There is also in the Civil Procedure Code (Act XIV of 1882) a separate chapter (chapter 40) for suits relating to Public charities, Trusts &c. The section is as follows:—

"In case of any alleged breach of any express or constructive trust created for public charitable or religious purposes, or whenever the direction of the Court is deemed necessary for the administration of any such trust, the Advocate General acting *ex officio*, or two or more persons having a direct interest in the trust and having obtained the consent in writing of the Advocate General, may institute a suit in the High Court or the District Court within the local limits of whose civil jurisdiction the whole or any part of the subject-matter of the trust is situate, to obtain a decree—

- a) appointing new trustees under the trust;
- b) vesting any property in the trustees under the trust;

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- (a) appointing new trustees under the trust;
- b) vesting any property in the trustees under the trust;

- (c) declaring the proportions in which its objects are entitled;
- (d) authorizing the whole or any part of its property to be let, sold, mortgaged or exchanged;
- (e) settling a scheme for its management, or granting such further or other relief as the nature of the case may require.

The powers conferred by this section on the Advocate General may, outside the Presidency towns, be, with the previous sanction of the Local Government, exercised also by the Collector or by such officer as the Local Government may appoint in this behalf."

This provision of law is very salutary and important, as it leaves the suits in the hands of disinterested and responsible authorities.

In the face of all the above wise safeguards of general and special laws protecting *Atheenum* temples, is now ventured by the Draft Bill, a special law of an inquisitorial nature, a law that is not in existence or in demand, in other parts of India, to convert private property into public property and that for the Hindu Community only in Southern India (the land of temples), leaving untouched the Mahamedan Institutions under Act XX of 1863. What is the wisdom, and what is the policy of a law like this? In 1884 Government impartially appointed a Committee intending to take both Hindu and Mahamedan Endowments under consideration and for this purpose, the Hon. Mir Humayun Jah Bahadur was appointed a member of the Committee, but certain obstacles "having been prominently urged by the influential member" of the Mahamedan Community, the Mahamedan Endowments were left untouched and the noble member retired from the Committee, "deciding that for the present, legislative action in connection with Mahamedan

Endowments was not called for." When under the existing self-same law or laws, both the Institutions had been brought to work, where was the impossibility for the proposed new law, if the proposed new law was a just and proper one, to include Mahamedan Endowments also? Are there not "influential" and noble members in the large Hindu Community to urge grounds and reasons against the proposed narrow-mindedness to include *Atheenum* Temples and to point out and expose its results and after-consequences to the rulers. Already, the fierce race antagonism between the two classes, in religious matters is keen, and now an invidious distinction, leaving the old law as it is to the Mahamedans, and framing a rigorous new law distrusting the Hindus alone, is neither just nor politic. Why treat the mild Hindu differently! Are there not greater number of *mosques*, *makans*, *ashur-khanas* and *musajerkhanas*, that get the aid of this and former Governments and nobility, than the Hindu Temples, now working under the self-same laws? If it is said that there are not so many "general complaints" (the burden of the Draft Bill) with reference to Mahamedan Institutions it is because there are not so many greedy agitators, versed in the art of agitation, in that noble and united community, as in the Hindu Community, always spinning cobwebs of airy nothings. Thus a separate law for Hindu Endowments only, is impolitic and unjust, and *a fortiori*, the attempt to include *Atheenum* Temples under the contemplated invidious law is highly uncalled for.

under the Draft Bill as already pointed out, falls back for an excuse for including

it would then have found some further justification for its aggression. As it is, an examination of Regulation VII of 1817 shows, that the committee has not correctly understood the scope and intentions of the Regulation. Section 12 of the Regulation states that "in those cases in which the nomination has usually rested with the Government, or with a public officer, or in which no private person may be competent and entitled to make sufficient provisions for the succession to the trust and management, it will be the further duty of the local agents to propose, for the approval and confirmation of the Board of Revenue, a person or persons for the charge of trustee, manager or superintendent." Section 13 says that, "on the receipt of the report and information required by the preceding clause, the Board of Revenue shall either appoint the person or persons nominated for their approval, or shall make such other provision for the trust, management or superintendence." Thus the provisions of the Regulation never assumed any pretension, to interfere in the case of temples, the nomination of whose trustees did not rest with Government or its local agents usually. It may therefore be seen, that even under the old Regulation, now relied upon, the Board of Revenue did not interfere and had no right to interfere, in the appointment and dismissal of *Atheenum* trustees, and in the general management of such temples and their affairs. But now the proposed Bill at great length and detail interferes, most inquisitorially, on the bare allegation that the Board of Revenue had interfered with *Atheenum* Temples, while it is a fact the Board did not so interfere. The General superintendence, over named and money endowed, with

superintendence, if the Board of Revenue exercised (for the Board, as a matter of fact did not exercise, at any time any control over the Endowments of many *Atheenum* temples and mosques) in reference to particular temples or mosques, the practice was given up by Act XX of 1863 and the management was left in the hands of the hereditary *Atheenum* trustees or managers, and those institutions were placed, free of the District Committees, created under Act 20 of 1863. Experience of half a century (1817 to 1863) proved to the Legislators, that even this limited superintendence over *Atheenum* temples and mosques, by the Board of Revenue, was unnecessary and inadvisable and they, by the enactment of 1863, while transferring the powers and duties of the Board of Revenue, to the District Committees, took away from the Committees' hands all the powers over *Atheenum* temples. And supposing the Board of Revenue, at some past distant date, (under a law now repealed for purposes of the present subject) exercised some control over the lands attached to *Atheenum* temples, still, is it an argument to compare the Board of Revenue with the Committees (already formed or to be formed under the Draft Bill) and place *Atheenum* temples in their protection? If the Board of Revenue and these Committees were equal in respectability, impartiality, and efficiency, and if frauds there were, in the management of *Atheenum* temples did the legislators of 1863, make a fun in giving away the lands &c., to these very authors of fraud, while these great Committees were being formed, for the better administration, of a local self-government system of all temples and Act 20 of 1863.

Regulation XIX of 1810, of the Bengal Code, so far as Religious Endowments were concerned. The discussions of the Legislative Councils, of the two Local Governments, and of the Government of India, and the Statement of Objects and Reasons of Act 20 of 1863, and all papers, including the Secretary of State's Despatches on the subject, that led up to the *repeal* of the two said Regulations and to *enact* a law *alike* applicable to Hindu and Mahamedan religious institutions in this and the Bengal Presidency would amply show, the justice of keeping up the distinction between *Atheenum* institutions and other institutions, as was demarcated by Regulation VII of 1817, as by Act 20 of 1863. The *legislators* of 1863 were no ordinary men and the grounds and reasons that existed then, to exclude *Atheenum* temples do exist now. Thus Regulation VII of 1817, very poorly helps, if it helps at all, justifying the inclusion of *Atheenum* temples, within the scope of this Draft Bill.

After examining the provisions of Regulation VII of 1817 and Act 20 of 1863, it becomes essential to see, whether the present Bill is drafted *in accordance with the views and intentions* of the Government of India and the Government of Madras (printed at pages 5 and 6), when rejecting the last Bill (Hon: Mr. Sullivan's) and appointing the present committee, or whether the present committee has gone out of its way to legislate on matters *never* contemplated under those references.

The Government of India's expressions are: "The measure as at present drafted is *too wide* in its application." "His Excellency in Council will have

a modified measure might provide for the *revival of managing committees* (which it is understood have almost become *extinct* in Madras)." "The Bill might set forth *fully* the powers conferred and duties imposed under the old Regulations *which are transferred* by Act 20 of 1863 to *Committees*." "A Bill of the nature just suggested would be in keeping with the *accepted policy* of Government in this matter."

Now then, can any one read from the above expressions that the *powers and duties, not imposed* under the old Regulations *and not transferred to Committees*, under Act 20 of 1863 should now be interfered with by the Draft Bill? Has not the Government of India strictly prohibited the intended Draft Bill from raking up old matters? Do not the expressions, only show an intention, on the part of the Government of India, on the mistaken impression, some how caused, that the Committees were *extinct*, that therefore the law should be so *amended* as to galvanize, the Committees, under Act 20 of 1863, into action and no further? When the Government of India pointed out that the last draft Bill rejected was, "*too wide*," in its application the present draft Bill has made its application *wider* still. When the Government of India said that, *if* legislation was necessary *a measure of a more limited scope* may be drafted, the present draft Bill has usurped *more unlimited scope than ever*. When the Government of India directed the measure, to be in *harmony* with Act 20 of 1863 and with the *accepted policy* of Government in the matter, the Bill is drafted directly contrary to the injunctions imposed. There is nowhere *even* an implication to *extend* the powers of the Committees under Act 20 of 1863 over *Atheenum* temples. Had Government of India understood the real and existing state of circumstances,

that the Committees under Act 20 of 1863 were *not extinct*, the last draft Bill would have been *finally* shelved in, and the present Committee would not have come into existence.

Now the expressions in the order of the Madras Government are:—

“How the existing law in this Presidency in regard to the administration of Hindu religious and charitable institutions may be best *amended on the lines now laid down* by the Government of India.” “His Excellency in Council thinks that the Government of India is under a misapprehension in assuming that Managing Committees have generally fallen into abeyance in this Presidency. Such Committees exist.” “The general complaint is, that owing to the defective state of the law they (*the Managing Committees*) are powerless for good.”

Now, can any one read from the expressions of the Madras Government either, that its intention in forming the present Committee is beyond that of the Government of India's, as already pointed out, and as only to *amend* the law or rules in reference to the *Managing Committees* under Act 20 of 1863?

Why then were *Atheenum* temples included? The answer, perhaps, is ‘general complaint.’ Is ‘general complaint,’ sufficient to set aside all considerations of law, policy, or promises and directions given by the Local Government and the Government of India? Are there not complaints, even on matters wherein the law is most decided and severely penal? Can any one yield to general complaints and upset the principles of law and rights under the law in the solemn name of the legislature? Several institutions have several complaints and the *Congress* has more complaints than all.

Yet Government knows its duty and does its duty. A *complaint* literally means, to beat the breast or head as a sign of grief especially with a noise. These noisy agitations are understood rightly by discerning men. The present committee will not yield to the clamorous writings in this or that newspaper, which boasts of its service to the country by advocating the cause of the *Congress*, while in the opinion of many, its advocacy often embitters the state of feeling between the governing and the governed. On the “Hindu Temple Endowments” question, a few agitators, with motives hidden underneath, emphatically declare and broadly advertise, that their voice is the *representative* voice of the people, though their ancestors have not left any the smallest Endowment to be affected by the most rigorous and inquisitorial law that may be passed, affecting large *Atheenum* Endowments, and the dignity of the endowers and their heirs. If the *representative character of the Congress* is estimated by the *English Press* in the following terms, what must be said of the agitators of the ‘Hindu Temple-Endowments’?

- (a) “The spouting Hindus no more represent the Indian nation than the unwashed Socialists of Trafalgar Square represent the British nation.” *Mirror* (London), January 27, 1890.
- (b) “The unvarnished truth is that the assembly was as much representative of the popular desires as Mr. B. is of the Church of England.” *Standard*, December 28, 1890.
- (c) “As for the alleged representative character of the Congress, it would just as much represent the inhabitants of Saturn or Jupiter as those of Hindustan.” *Globe*, December 28, 1890.

- (d) "We should like to know by what right the native members of the Congress take upon themselves to speak for the people of India." *St. James's Gazette*, December 28, 1890.

The attitude the *Hindu* (newspaper) has taken towards the subject is very unfortunate, though not surprising. Speaking of the inclusion of *Atheenum* Temples it declaims, "we may also have memorials presented to Government against this innovation, alleged to be signed and presented by the public." What a startling disclosure regarding Memorials presented to Government! The *Hindu* is a high authority on Memorials to Government. For its chief strength often consists in basing its demands and arguments on the numerical strength and the length of the Memorials presented. That the inclusion of *Atheenum* Temples is an innovation, the *Hindu* is kind enough to admit, but that memorials will be presented against this inclusion alleged to be signed by the public is its prophecy. Does this show its experience how these Memorials are generally signed and presented to Government, or does it mean that such memorials only, as are in its good graces, are genuine and the rest are 'alleged to be signed by the public,' or does it betray a 'guilty conscience,' the injustice of the cause (the inclusion of *Atheenum* Temples) being too apparent even to an ordinary mind? In another place, the *Hindu* with great taste says—"The inclusion of Adinam temples under the supervision of the Committees may rouse a howl of opposition from the so-called Dharmakartas of those temples." Why should any representation to Government be styled a howl of opposition, and why are the Dharmakartas called, the so-called Dharmakartas? Are the real Dharmakartas, in

the opinion of the *Hindu*, are those would-be Dharmakartas under the Draft Bill, not descended to the ancestors of the so-called Dharmakartas? If the representations, and the prophesised memorials, of the heirs of the original endowers, be a howl of opposition, what must be said of the howl of the unconnected agitators, not descended to the original endowers? Why should not the heirs of the endowers 'howl and oppose' when their property is unjustly and against all law attempted to be snatched away to the benefit of the selfish agitators or their connexions, under the cloak of doing gratuitous good to Religious Endowments? If the heirs of the original endowers have failed to be true to the conditions of the bequests, what guarantee is there, that strangers would gratuitously act otherwise? Services proffered gratuitously by strangers are to be suspected, is the Fable of the sow and the wolf.

Everything that fair doth show.

When proof is made, proves not so.

There might be here and there a gentleman or two, with English education, acting in favor of this, as in other agitations, only with mistaken views and impressions, without any further motive but the rest every body knows what. English education, amongst Hindus, has reached the unexpected and unmerited result, that many educated Hindus have turned to be the admirers of Mr. Bradlaugh's religious principles, and how, on earth, in such hands, Religious Institutions and Endowments will prosper, under the Draft Bill, is a riddle. In their hands God-worshipping will not prosper, but Mammon-worshipping will prosper. But,

'Ye cannot serve God and Mammon.'

Yet the *Hindu* is pleased to condemn its anticipated 'howl of opposition' from the heirs of the original endowers, and would

even warn and command the Legislature and Government, to listen to its salutary sayings in Religious matters also. When the *Native Press* howls and wails, when Government even justly wants to restrain it within proper bounds, no shame there exists, if the *Dharmakartas* howl also, when an unjust Legislation is about to be passed affecting their just rights under the law of the land they are living in. The *Hindu* has unfortunately, and, it is hoped, by a mistaken view, has portrayed an one-sided picture. It would be well if there is any journal to put forth the claims of the aristocracy on this question.

The Local Government has constituted the present Committee, unlike its predecessors, without a single disinterested Englishman in it, for *policy* unknown to any. Of course it is not to be inferred from this omission, that on this all important question Government is indifferent or apathetic. The consequences of a bad legislation operates on the Government that gives life to it. But the endowing public may feel confident of justice at the hands of the presently constituted Committee, *on the verdict of the members whereof, depends the prosperity or the annihilation of the Temple Endowment dispositions*—the only solace to the dying *Hindu*. Against the law of perpetuity the ingenuity of the *Hindu* (like other people), from the richest to the poorest, finds a consolation in his last moments, that property, large or small, may be tacked on to temples, to be managed by his heirs and successors in perpetuity in honor of his name, a small income only of the property being devotable to the temple and the rest being enjoyed by his successors for ever. The object is clear. Whether there is an intention to do charity or not, the intention to retain the property in

the family for ever and save it from dispositions of any sort, and above all save the property from *interference* by *strangers* (as is now proposed by the Draft Bill) is topmost in the mind of the testator and may be apparent to any and all. How many rich families of Southern India, now probably not in very affluent circumstances, have endowed large property in the shape of temple endowments, in view for the mere dignity that the families for ever would be in possession of *their* temples, and enjoy honors, respects and divine blessings in perpetuity, *through* their heirs and successors.

The framers of Act 20 of 1863 clearly understood the difference between public property and private property. *Atheenum* temples may be open to public worship but they stand *on the grant of private Endowments*. The act of worship by the public is not a legal right, the original endower or any other person in his position can enforce by law. A right, if the act of worship is a right, not enforceable by law, cannot convert private property into public property. There must be a legal right enforceable by law on both sides.

The present Bill when passed into law, including *Atheenum* temples, will form the favorite instrument to many for revenging quarrels or fomenting litigation, which the *Hindu* is so very fond of and for harassing the hereditary trustees eternally, and for depauperising the Institutions completely to the benefit of the ever increasing legal profession. The *Madras Mail* (6th July 1891) on the present Draft Bill observes, "A greater part of the litigation with regard to the misdoings, *real or supposed*, of temple trustees may safely be attributed to party spirit or private pique on the part of the promoters. For those motives of action scope is given in the Draft Bill as in the existing law; but it may be doubt-

ed whether a sense of duty to the public will be cultivated any more successfully under the proposed measure than it has been hitherto." The inexhaustible Hindu Law Succession Table, and experience of Hindu society will show, how many there are to watch with zeal the conduct of the *Atheenum* trustee, and to fan the smallest spark into the largest flame. Yet what anxiety have these kind hearted agitators for *Atheenum* Temples? There are any number of relations of the trustee interested in hauling him up before a Court of justice, expenses being no consideration for the Hindu litigant. And after all, are there real complaints or complaints of any substance and truth, before the present committee justifying its action to introduce a new law altogether? The records of the Madras High Court and the District Courts in the Presidency will amply show how frequently, false and futile applications are made to these courts to obtain their sanction (as is now required before commencing any action) to institute proceedings against Trustees. If a Tabular Statement, be obtained, from all the District Courts in the Presidency, for the last ten years or for any fixed period, of all applications and suits under Act 20 of 1863, regarding *Atheenum* and other temples, every one may be in a position to know the nature and number of those complaints, and how they were disposed of, and whether there is any legal justification or necessity, to include *Atheenum* temples. Hitherto, even the agitators were making noise, only of public temples and of the alleged powerlessness of the Managing Committees under Act 20 of 1863. But now finding the Draft Bill to include *Atheenum* temples also, the agitators have commenced to extend their complaints and operations against these too, with extreme

merriment. The details of the Draft Bill need not be gone into here, it is sufficient to say that the effect of all its provisions, is so inquisitorial, so vexing, so minutely distrusting, so tempting to litigation, and so sure to drain all the temple funds that all future chance of any Hindu endowing property to Temple Endowments is stopped and will be stopped for ever. Surely, when the charitably disposed Hindu ancestor made Endowments to be managed by his heirs in perpetuity, it had never entered into his head that at some distant date those that were not descended to him and his heirs would control, harass and persecute his heirs for the mistake he has committed in endowing property to these Religious Institutions. The present Bill when passed into law will bar all future chance of any Hindu endowing property, as he knows that it will fall into other hands than his heirs, with the risk of his heirs being persecuted by inquisitorial aliens. The dying Mahamedan with an easy heart may leave all his property in perpetuity, in the hands of his heirs, in the name of Religious Endowments, but the dying Hindu must, with an agonizing heart, with no law of the kind to protect his property in perpetuity in the hands of his heirs and successors, leave his property unrestrictedly to his heirs, rather than to the agitators, their heirs and successors, with no religious solace to him in his last moments. Thus, under British Rule, there is to be one law for the Mahamedan and another law for the Hindu of Southern India. The native 'patriots' are gradually bringing about the *extinction* of the Hindu Religious Institutions to the utter ridicule of other religionists. If such a thing is attempted at in England or other civilized country by a few of the country men, the nobility of the land will sternly and

constitutionally oppose it. The nobility of England have got their separate Chapels and Religious Houses and Endowments, and can any law like the Draft-Bill be attempted there *compulsorily* to bind them, as is attempted here *even retrospectively*?

Another and a more serious objection to the law as propounded by the Draft Bill, is the close connection Government is brought to possess in Religious matters by way of compulsory legislation authorizing taxation on all Hindu Temples. The *Madras Mail* observes that "it is the religious element that has created a difficulty.* * * That measure (the last Bill) was vetoed by Government because it was supposed to trench on the sacred principle which it had laid down, imposing on itself a self-denying ordinance in all matters of religion." Is the present Draft Bill an improvement on its rejected predecessor? While the last Bill or the lost Bill bluntly wanted paid superintendence and central control, the present Bill cleverly dispersed over different sections how the Temple Funds should be drawn to the last drop, yet imperceptibly. Under the present Bill, pay, not exceeding one hundred Rupees to a trustee, charges for inspection of the temples, pay of servants of the Committees, fees for lawyers, Court fees for Suits, Applications and Proceedings (Miscellaneous, Regular and Summary), election charges, auditing charges, printing charges and to crown everything else "and other charges necessary for carrying out the purposes of this Act" should all come out of the Temple Funds. And is the above exaction fair or legal in the case of *Atheenum* Temples and *Atheenum* Religious Institutions over which no official or compulsory superintendence was ever thought of by the endower. Be it remembered that all this

is to be consummated under the sanction of Government in the shape of a compulsory legislation. Such an unjust and compulsory interference cannot be said to be non-official because a number of native gentlemen only drafted the Bill. The solemn promise of Her Majesty the Queen cannot be altered by the Draft Bill. The Legislation proceeds in the name of Her Majesty the Queen. Legislative compulsion is official compulsion. Her Majesty the Queen's Proclamation cheerfully declares:—

"We do strictly charge and enjoin all those who may be in authority, under us, that they abstain from all interference with the religious belief or worship of any of our subjects, on pain of our highest displeasure."

His Excellency Lord Connemara, in September 1889, when the present Committee was sitting in solemn conclave, devising means and measures to appease the agitating deities, briefly and truthfully said:—

"You next speak of Devastanum mismanagement. I mentioned my views last night in answer to an address given to me at Kumbakonam. There seems to be a misunderstanding. There is the Act of 1863, and Government are not disposed to interfere with the religious endowments of this country. It is not a measure that would recommend itself ever to my judgment, but at the same time you have the power in your hands. The answer that I get continually is that it is expensive, and that persons will not take the risk or show enough public spirit by subscribing amongst themselves to raise sufficient money to enter upon a litigation with the trustees. I do not know that people are so very averse to litigation. I think the Act of 1863 gives you full power. I consulted the Government of India already on the subject and they do not see their way to going further and taking more responsibility upon themselves; for their action in the matter would make Government liable to the

imputation that they were interfering with the religious endowments of the people."

If, any interference, beyond what is provided for, in Act XX of 1863, even in the case of *public* Temples, is considered illegal and impolitic, by the conscientious and just Government, remembering its solemn promises and proclamations, how much more must it feel, the uncalled-for poaching into *Atheenum* Temples, now attempted at by the Draft Bill. Again the Honorable Mr. Carmichael "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." He divided Religious establishments into two classes—"those under the management of the 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." Thus the Indian-experienced Honorable Councillor echoed the provisions of Act 20 of 1863 and condemned the proposal to include *Atheenum* Temples as *unworkable and undesirable*. There is a good deal of law and policy imbedded in those two words *unworkable and undesirable*.

In spite of all these political and legal grounds and reasons, the agitators are exerting to cause a serious misapprehension between the governing and the governed in *Religious* matters, through feelings of self-aggrandizement, causing enormous pain of mind to the aristocracy of the country, by a proposal to interfere with their *Atheenum* Temples.

Summarising the whole, it follows, that the Draft Bill is the forced outcome of an agitation, that Regulation VII of 1817, Act XX of 1863, the opinions and dictates expressed and proclaimed, by the Secretary of State, the Government of India, the Local Government and by several great Statesmen, prohibit the course adopted by the Draft Bill in including *Atheenum* temples, that the Draft Bill is clearly against the good intentions of Her Majesty the Queen's Proclamation, that more evil than good would result from this inclusion of *Atheenum* temples, that an uncharitable and provoking distinction between *Atheenum Mahamedan* Mosques and *Atheenum Hindu* Temples is painful and impolitic and should be avoided, that the two races must be treated *alike*, by the same law as now by Act 20 of 1863, that the Draft-Bill's interference with *Atheenum* temples, the consequent taxation and litigation, are against the intents of the endower, that the inclusion of *Atheenum* temples, for committees to lord over them is assuredly to drain the Temple-Funds by eternal litigation, certain to shoot out *even* from the innocent rites of the distribution of the Holy ashes or *thulsy* up to the investment of the sacred garlands to the endowers and their heirs in recognition of the Endowments, they have created for their everlasting fame and honor, that the administrative ability of the Native has too well been tried and exemplified, through many Municipal Councils, that Government will not commit itself again by the experiment of including *Atheenum* temples under the Local Self-Government system, now contemplated by the Draft Bill, which is sure to result in dire consequences, that the existing law (Special, Criminal and Civil) provides ample means to meet all

cases of breaches of trust, misfeasance and neglect of duty, on the part of *Atheenum* trustees &c, that the introduction of the contemplated law over *Atheenum* institutions will promote ruinous litigation and base corruption, the two main things which a good Government ought to discourage and that therefore the existing immemorial distinction in regard to *Atheenum* Temples must be respected and left untouched as now provided for by Act 20 of 1863.

One of the greatest Statesman that India has seen and a high authority on Indian politics was Sir Thomas Munro; his unparralled success in Indian policy in religious matters was due to the rule of *nil innovetur*, he laid down for his guidance (Memoirs, Vol. II, 17 to 20).

Justice and remedy finally rest with Englishmen, on this proposed compulsory Legislation regarding Hindu *Atheenum* Temples, and to them this Appeal is humbly dedicated.

1891
Miscellaneous

No. 119

CHIEF SECRETARY
31 FEB 93
GOVERNMENT OF MADRAS

From

P. G. Melitus, Esq.,

Under Secretary to the Government of India.

To

The Chief Secretary to the Government of Madras.

one Department.

(Public)

Calcutta, the 27th January 1898.

Sir,

With reference to your letter No. 13 Public, dated the 16th instant, I am directed to forward a copy of the pamphlet entitled "An appeal to Englishmen on the Hindu Temple Endowments (Draft Bill)" which was referred to in the telegram transferred to the Madras Government for disposal with Home Department endorsement No. 2567, dated 31st December 1897.

I have the honour to be,

Sir,

Your most obedient servant.

P. G. Melitus

Under Secretary to the Government of India.

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Current No. 338

Public DEPARTMENT.

from

The Govt of India
No. 346

No. 119

Dated 17th July } 1893
Received 1st July

Enclosures one

SUBJECT.

Forwarding a copy of the pamphlet
entitled "An Appeal to Englishmen on
the Hindu Temple Endowments" as called
for.

Please see file put up
for the Hindu Religious
Endowments Commission Report
1-2-93

RECEIVED NO. 450

Madras,

9 February 1893.

From
Rai Bahadur P. Ranganada Mudali
Member of the Religious Endow-
ments Committee

To
The Chief Secretary to Government,
Fort St. George,
Madras.

Sir,

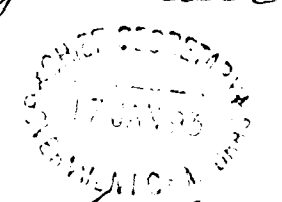
As directed by the President
of the Religious Endowments Committee
I have the honor to forward herewith
the replies to the Circular issued by
the Committee. A tabulated statement
of these replies has been sent with
the Committee's Report and Draft Bill.

I have the honor to be,

Sir,
Your most Obedient Servant,
P. Ranganada Mudali
Member of the Religious
Endowments Committee

8.030-113 CURRENT
Madras, 23
16th January 1893.

To,
The Chief Secretary to the
Government of Madras.



Sir,-
I have the honor to forward
herewith the Report of the Hindu Religious
Endowments Committee and the Draft
Bill which the Committee was required
to prepare.

The Committee regrets that there
has been a considerable delay in the
submission of the Draft Bill and
the Report, - a delay due partly to the
intricate nature of the subject, and
partly to the onerous character of the
professional duties that members of the
Committee have had to discharge.

I have the honor to be,
Sir,

Your Most Obedient Servant,

J. Muttusami Aiyer

President,
Religious Endowments Committee.

With 50 spare copies
of the Draft Bill and
of the Report.

3
MADRAS, 16th January 1893.

FROM

THE HINDU RELIGIOUS ENDOWMENTS COMMITTEE,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS.

SIR,

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

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

3. Our explanatory remarks on the several sections of the draft Bill proposed by us may be advantageously introduced by a brief sketch of the state of things in regard to temple management under Hindu, Muhammadan and British rule. Under Hindu rule, the rajahs exercised through their officers real and direct control over all religious institutions and endowments. The supervision of temple management was and is recognised in every Native State to be one of the essential functions of government. As instances in point, the Native States of Mysore, Travancore and Cochin may be mentioned. The native rajahs were deeply interested in the well-being and advancement of Hindu religious institutions. Many of these institutions had been founded and endowed by their ancestors, and most, if not all, of them continued to receive periodically pecuniary contributions from the State. Even under Muhammadan rule, this duty of the State was not completely ignored. Except during periods when religious intolerance was at its worst, the Muhammadan rulers of India considered it expedient to make some provision against the deterioration or decay of Hindu temples by neglect or peculation, and in some instances even added to their endowments. Under British rule, there was for many years no enactment or regulation bearing on the management of Hindu temples. The Collectors exercised practically absolute control over all classes of temples. Regulation VII of 1817 had the obvious intention and effect of continuing and maintaining the policy that had been in vogue under Hindu and Muhammadan rulers. Not only was there a distinct recognition of the principle that it was a duty incumbent on Government to keep a strict watch over religious trusts and endowments, but practical effect was given to this principle by the exercise of efficient and stringent control over the management of Hindu temples through the instrumentality of the revenue officers of the State. From 1817 to 1842, there was general satisfaction that Hindu temples were being properly managed, and that the danger of temple funds being misappropriated by the managers had been reduced to a minimum. The supervision exercised by Government over the management of Hindu temples during the period referred to was one of the many acts by which Government endeared itself to the hearts of its native subjects. This system of active supervision continued till 1839. Between the years 1839 and 1842, Government severed its connection with the management of Hindu temples. This change of policy led to the withdrawal of that control which had till then worked

with the results. Between the years 1842 and 1863, no supervision of any kind was exercised over the management of Hindu temples, though Regulation VII of 1817 still remained in force. In many cases in which the management had previously been in the hands of hereditary trustees, the temples were made over to them and left to be dealt with by them without supervision. In cases in which the management had not previously been in the hands of hereditary trustees, new trustees were appointed by the Board of Revenue under the orders of Government, and, in a few instances, the sannad of appointment of trustee also contained a provision for regulating the course of succession to the office. The inevitable result of this relinquishment of control was that trustees were under strong temptations to embezzle temple funds, as the check provided by the general law in the absence of an active supervising agency was utterly inadequate to meet the exigencies of the case; that religious institutions, with large revenues were often dealt with by the trustees without a due sense of responsibility; and that mismanagement prevailed without check or restraint and misappropriation of temple funds became a thing of frequent occurrence. The evil grew from bad to worse until it came to a head about the close of the period under review.

4. The necessity for providing a supervising agency being recognised and felt, Regulation VII of 1817 was repealed and Act XX of 1863 was passed. By this Act, local committees were appointed to exercise the powers of supervision vested in the Board of Revenue under Regulation VII of 1817, but their jurisdiction was limited to temples the nomination of the trustees of which vested in Government or was subject to the confirmation of Government or of a public officer. Other temples which under Regulation VII of 1817 had been subject to the supervision of the Board of Revenue continued to remain, even after the passing of Act XX of 1863, in the unsatisfactory state in which they had been between the years 1842 and 1863. It is generally considered to be a serious defect in Act XX of 1863 that, while it carried out the policy of severing the connection of Government with the management of Hindu temples, it made no provision for the exercise of any supervision over an important and large class of temples described in section 3 of that Act, notwithstanding that the subjection of such temples to the control of local committees was in no way incompatible with the policy of such severance. Another prominent defect was that the Act did not expressly extend the jurisdiction of local committees to temples of which the trustees, though not originally hereditary, became hereditary between the years 1842 and 1863, and that such trustees were treated as though their temples had been under the management of hereditary trustees from the very commencement. Other defects which have impaired the efficiency of the Act are—(i) that although temple committees succeeded to the powers and functions of the Board of Revenue, yet these powers and functions were not defined with sufficient clearness and precision; (ii) that they were not enabled to command funds for maintaining an office establishment and conducting a periodical audit of accounts; (iii) that they had no power to enforce obedience to their orders except by the tardy and cumbrous process of a regular suit, nor was provision made enabling them to obtain funds for conducting or defending suits connected with the temples under their jurisdiction; (iv) that committee members appointed under the Act held office for life and could only be removed for misconduct by a regular suit; and (v) that the provisions contained in the Act for the due and regular performance of the duty entrusted to committees of preparing registers of voters and of conducting elections of committee members were utterly inadequate. Before the Act had been in operation for seven years, it was considered by the native community at large to have utterly failed to check the evils and abuses that had been growing in magnitude since 1842. The late V. Ramiengar, then a member of the Legislative Council, brought the matter to the notice of Government and submitted a draft Bill embodying suggestions as to how some of the defects might be remedied. This draft Bill was circulated and opinions were invited from public bodies, revenue and judicial officers in the service of Government and leading members of the Hindu community. There was a consensus of opinion as to the urgent necessity of amending Act XX of 1863, but the provisions of the draft Bill framed by Ramiengar were generally considered to be unworkable. The Board of Revenue was of opinion that, "though it would be an improvement on the existing law, it was radically incomplete and would certainly not attain its object." Government concurred in this view and appointed in the

year 1876 a committee, with Sir William Robinson as President, to draw up a fresh Bill. This committee submitted its report with a draft Bill in 1878. The main features of this Bill were the establishment of a Central Board with paid members and the extension of control over temples of all classes. This Bill was forwarded in due course to the Government of India and to the Secretary of State for India. The Secretary of State, in his despatch, No. 127, dated 27th May 1880, wrote to the effect that he had no objection to the introduction of the Bill into the local Legislative Council, but that, as the subject was one of general importance, it should not be passed into law until he had had an opportunity of obtaining the opinion of the Government of India. The Government of India, however, in their letter to the Government of Madras, No. 475, dated 9th March 1880, said that they were of opinion that "it was not desirable to proceed with this legislation during the next few months," and the Government of Madras, in deference to the wishes of the Government of India, resolved to take no further action in the matter. The subject was next taken up by Mr. Carmichael, Member of Council, who, on the eve of his retirement in December 1883, drew up a Bill different in many essential respects from the Bill of 1878. This Bill aimed at the substitution of District Boards, constituted under the Local Boards Act, in the place of the Central Board in the Town of Madras, and at the exemption from all control of religious endowments under the management of hereditary trustees. In February 1884, a new committee was appointed by the local Government "to consider and report upon the matter, in connection with the draft Bills already before Government." This committee, presided over by Mr. H. E. Sullivan, Member of Council, sent in its report in March 1886, with a new draft Bill, which was in favour of the scheme of a salaried Central Board in Madras, and which endeavoured to secure the benefit of local agency by the establishment of District Committees. According to the Bill of 1878, the members of the Central Board were to be nominated by the Governor in Council. This was considered to be open to objection on the ground of its bringing Government into close connection with the management of religious institutions. The Bill of 1886 suggested that the members of the Central Board should be appointed by the High Court in the exercise of its administrative power. In their letter, No. 472, dated 23rd February 1888, the Government of India observed that this Bill was "too wide in its application," and suggested "the introduction of a measure of a more limited scope and more in harmony with the policy of Act XX of 1863." The present committee was constituted under G.O., No. 364, dated 4th April 1888, for considering how the existing law may be best amended on the lines laid down by the Government of India and for embodying the results of its deliberations in a new draft Bill.

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

that we consider necessary are so many, so varied and so substantial in character that we think it highly desirable to recommend that Act XX of 1863 should, so far as it relates to Hindu temples in this Presidency, be repealed, and that a fresh Act complete in itself, should take its place.

6. *Scope of the proposed legislation.*—It must be clear from the foregoing remarks that the necessity for amending the existing law is admitted on all hands. The only important point on which there is any difference of opinion is whether the new legislation should only apply to such institutions as fall under the operation of Act XX of 1863, or whether it should be of a wider scope so as to bring under control also those temples which are managed by hereditary trustees and which are in consequence exempt from the control of committees under Section IV of the Act. Leaving out the parties interested in the direct management of the temples, there is a very large mass of opinion strongly in favour of placing even hereditary trustees under the control of committees, and of making no distinction between hereditary trustees and elected trustees. But the zemindars in the Presidency, who are hereditary trustees of temples in their estates, strongly object to their being placed under the control of committees, and they consider that to be placed under such control would be highly derogatory to their position. They also assert, no doubt with some truth, that though they were nominally under the control of the Board of Revenue when Regulation VII of 1817 was in force, they were practically in no way interfered with. We have, after a careful consideration of the objections raised, arrived at the conclusion that while it is not desirable to grant absolute exemption from control to temples managed by zemindars or other hereditary trustees, some difference might be made in the extent and nature of the supervision to be exercised over such temples. We have accordingly provided in the Bill that Sections 46, 67, 69, 71, 72 and 93, which authorize the committee to examine the cash balance and all other property in the possession of the trustees, to call for accounts or such other information as the committee may deem it necessary to require, to enforce compliance with an order issued by the committee, to remove the trustee for misconduct and to regulate the scale of expenditure, shall not apply to hereditary trustees. The only control which the committee can exercise under the proposed Bill over temples managed by hereditary trustees is to insist upon the trustees keeping regular accounts and to get them audited once a year. If the accounts are not properly kept, or the audit of the accounts discloses any irregularities, the committees are authorised to redress the wrong only by a suit in a Civil Court. We feel convinced that the limited control we have suggested, while it can in no way interfere with the internal management of temples by hereditary trustees, or diminish the prestige enjoyed by them, is a sufficient check against malversation or improper expenditure. We have arrived at this conclusion not because we think there have been no instances of malversation or laxity of management in the case of temples under the management of hereditary trustees, nor because we think that they are in principle entitled to any concession, but because we know that temples of this kind often receive periodically voluntary contributions of money from the rajah or zemindar under whose management they happen to be, and that it is not desirable in the interests of the temples themselves to weaken or destroy such motives by alienating their sympathies. This reason may not be applicable in the same degree to the temples under the management of hereditary trustees other than zemindars, but we have not thought it proper to make any distinction between hereditary trustees of one and the same description simply on the ground of wealth or status, and we have, therefore, placed all hereditary trustees in one and the same category.

It must, however, be here observed that the hereditary trustees to whom the limited control is to apply are only those whose office had been hereditary before the year 1842 when Government began to sever their connection with the management of Hindu temples, or those who have been made hereditary by their founders since 1842. The limited control described in the preceding paragraph is not intended to apply to those temples which were under the direct management of Government or to trustees whose appointment was subject to the confirmation of Government prior to 1842, though hereditary trustees have been appointed by Government for some of them since that date. In the cases in which Government have, subsequent to the abandonment of their control, appointed hereditary trustees, the succession will, as provided for in Section 100 A, remain hereditary, but in all other respects such temples and trustees

will be under the full control of the committees. Many temples, as the famous temple of Tirupati for instance, which were under the direct management of Government prior to 1842, escaped coming under the jurisdiction of the committees appointed under Act XX of 1863 owing to the defective wording of the Act, and we feel it to be our duty to point out the error and to urge upon the legislature the necessity for its being rectified. We need scarcely add that this defect has given rise to great dissatisfaction, and is the main ground on which the demand for the amendment of the existing Act is based.

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

- (1) That matams are institutions primarily and specially designed for imparting spiritual instruction, not places of public worship in their essential character.
- (2) That Regulation VII of 1817 was not applied to them, nor was Act XX of 1863.

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

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

9. *The exclusion of temples with an aggregate income of less than Rs. 250.*—The scope of the Act has been further limited by the exclusion of temples, the gross income of which from all sources including kattalais is on an average below Rs. 250 per annum. They

committees should be at once dissolved and fresh committees established in their stead. It is, therefore, provided in Sections 25 and 26 that committees established under Act XX of 1863 shall be treated as committees constituted under the proposed Act. By Section 28 of the draft Bill, in cases in which existing committees are appointed for local areas, they will under the Act acquire jurisdiction over hereditary trustees. It will, however, be necessary to establish new committees in respect of some of the hereditary trustees whom it is proposed to place under the jurisdiction of committees to the limited extent already explained, if the temples under the management of such trustees are not included within the local areas over which existing committees exercise jurisdiction. The District Judge is empowered under Section 4 to change the jurisdiction of committees by withdrawing temples whose gross income is not less than Rs. 5,000 per annum for the purpose of placing them under the supervision of special committees, and by transferring a temple from the superintendence of one committee to that of another.

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

12. The abandonment of the plan of a Central Committee.—The Bills of 1878 and 1886 agreed in the essential respect of recommending a paid Central Board. The main arguments urged in favour of a paid Central Board were (i) that a Central Board in Madras would be able to exercise authority and control far more effectively than small local boards, and that such a Board would command something like the prestige that would be actuated by a far livelier sense of duty and responsibility than unpaid members of local boards whose interest in the supervision of temples was largely determined by personal likings and dislikes; and (ii) that the expenditure of a part of the temple funds for the purpose of securing efficient and honest control and administration and thereby saving these funds from misappropriation and reckless waste was considered to be open to no objection. On the other hand, it was held that centralization of authority would be prejudicial to the growth of a system of local self-government; that the large salaries paid to the members of the Central Board would be a heavy tax on temple funds; and that the appointment of a Central Board would introduce an elaborate and complex machinery and lead to a great amount of interference with local agencies. It is strongly felt that a Central Board would most effectively secure the interests of the temples and that a Central Board is a necessary and desirable institution.

13. The inclusion of all the temples.—The draft Bill provides that all the temples in the district shall be included in the jurisdiction of the committee. It is, however, provided that the committee may, if it thinks fit, exclude any temple from its jurisdiction. This is done in order to give the committee the power to exclude any temple which is not a public temple or which is not a temple of the same class as the temples included in the jurisdiction of the committee. It is also provided that the committee may, if it thinks fit, exclude any temple from its jurisdiction. This is done in order to give the committee the power to exclude any temple which is not a public temple or which is not a temple of the same class as the temples included in the jurisdiction of the committee.

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

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

16. Period of Tenure of Office by Members of Committee.—Another important change embodied in the draft Bill relates to the period for which members of committee are to hold office. Under Act XX of 1863, committee members hold office for life. The general opinion is that the apathy and neglect shown by some of the committee members are attributable to this circumstance. On no question is there a stronger agreement of opinion than on the evils of making members of committee hold office for life. There can be no doubt as to the desirability of providing for the displacement of an inefficient or dishonest member of committee by a process simpler and less costly and harassing than the tardy process of a law suit. With this end in view, it is proposed to make members of committee hold office for a term of five years only. The out-going member may get into the committee again by election or nomination, but unless he has secured the confidence of the voters he is not likely to be re-elected or nominated. It is necessary that voters should thus be given an opportunity of displacing a committee member who has lost their confidence or who has shown no interest in the work, and of putting into his place a more trustworthy and zealous person. Such periodical election will act as a powerful incentive to zealous and efficient conduct on the part of committee members. It has been suggested to us that the members of existing committees should vacate office on the coming into

the present, however, that members of existing committees shall continue in office only for five years after the Act comes into force, during the period for which under the present law a number of committees is in office. Whilst on this subject, we must note that the power of nomination is vested in the District Judge. It is obvious that is a responsible and important function as this cannot be fittingly discharged by any officer of a position inferior to the District Judge in whom, we may add, is vested under the existing law the power of nominating members to vacancies not filled up by election.

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

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

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

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

21. Rules.—Under the law now in force, the qualifications of voters are defined by rules under the Act, prescribed by Government. It is in our opinion desirable that a matter of such importance as the qualifications of voters should be defined by the Act itself as is the case in the Municipal and similar Acts. According to Act XX of 1863, the persons who have the right to elect are described in the general terms "those who are interested in the maintenance of the religious institution." We think it desirable that the electoral privilege should not be indiscriminately extended to the whole class of persons interested, but should be confined to such persons of that class as possess certain qualifications defined in the Act. The draft Bill is thus made to contain provisions regarding the qualifications and disqualifications of persons entitled to vote at elections, and of persons entitled to be elected members of committee. Mention has already been made of the provisions in the draft Bill governing the procedure to be followed in the consideration and final disposal of objections raised against the lists published under the authority of the District Court. In regard to several elections held under the existing law, there have been complaints of voters and candidates for election having been guilty of illegal and corrupt practices. With a view to check such practices, Section 100 provides a penalty, and clause (g) of Section 6 and clause (g) of Section 8 deprive persons convicted of an offence under Section 100 of the right to be elected or to vote. All the main things connected with elections being thus provided for in the Act itself, the rules to be framed under the Act will relate only to minor details bearing on the conduct of elections.

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

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

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

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

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

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

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

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

The change proposed in the preceding paragraph will afford relief to the District Judge, as this class of suits is numerous and takes up much time. The additional work assigned to the District Judge by the draft Bill is, in most cases, judicial, and, the jurisdiction being summary and special, can be safely entrusted only to him.

10	Trichinopoly.	Pandarakannai Pan- thasathi Aroomooga Avargal, the head of the Tiruvannamalai mutt, and the hereditary Hukhdar and Durmakartha of the deva- athanams of (1) Pranamalai, (2) Kundragudi, (3) Tirupatūr, (4) Thirukkallagudi and (5) Thanatothi Amman koil, resid- ing in Pranamalai and Kundra- gudi, Tirupatūr taluk, Siva- ganga semindari, Madura district.	(1) The Bill is an uncalled for and quite an illegal interference with, and usurpation of the rights and privileges maintained and enjoyed by the hereditary trustees from time immemorial. (2) The present law provides sufficient safe- guards, both civil and criminal, against breach of trust and misappropriation of temple funds. (3) The Bill aims at frustrating the very object and intentions of the original founders of these institutions and goes very much beyond the scope of Act XX of 1863. (4) The Bill is against the principle of religi- ous neutrality enunciated in the Procla- mation of Her Majesty in 1858. (5) Proposes some additions.
		L. Krishnaiyengar, Pensioned Sheristadar of the Trichi- nopoly District Court.	(1) The Bill is a great improvement upon the present Act XX of 1863 and contains very good provisions for the better management and security of the funds and properties of the Hindu religious and charitable institutions. (2) Proposes alterations in sections 3, 6, 9, 14, 15 and 18, 26, 29, 31, 53, 58, 59, 65, 66, 67, 71, 75, 81 and 82, 94 and 97.
		S. Krishnama Chari, 1st-grade Pleader, Trichinopoly.	(1) Act XX of 1863 works very unsatis- factorily and the present Bill will afford the public some satisfaction. (2) Proposes alterations in sections 16, 58, 31 and 54.
		The Secretary, Hindu Sabha, Tiruvanaikaval.	Suggests alterations in sections 6, 9, 29, 43, 53, 56, 61, 62, 73, 81 and 90.
		The President, Tanjore People's Association.	(1) The Bill is a necessary improvement upon the present Act. (2) Proposes certain additions and alterations in sections 3, 6, 10, 11, 26, 36, 38, 39, 41, 79 and 80.
14	Tanjore.	Ambalavana Desicar, Pandara- sunnathi and Matathipathy or High Priest of Thiruvadu- thurai Athinam in the Māya- varam taluk, Tanjore district.	(1) The Bill ignores the rights and privileges of athinakarths and managers recog- nised and maintained in section 4 of Act XX of 1863. (2) The Bill is likely to work a great deal of hardship. (3) Proposes certain new sections and suggests certain alterations to some of the sec- tions in the Bill.
		The Managing Member, Deva- thanam Committee, Kumba- kōnam.	(1) The definition of "temple" in section 2 of the Bill is a desirable improvement upon the present Act. (2) Proposes certain additions and alterations in sections 3, 10, 11, 26, 31, 38, 39, 41, 58, 79, 80 and 81.
16	Tanjore.	Gnana Sammantha Pandaram Sunnathe Avargal of Durma- puzam Adhinam.	(1) The present Bill is not in accordance with the policy of Act XX of 1863. (2) It is a disgrace for the priests to be brought under the category of the other trustees. (3) Section 79 of the Bill is objectionable.
		Thiruvambalam Chettyar, Managing Member, Deva- thanam Committee, Nagapatam Circle.	Suggests amendments to sections 5, 6, 7, 8, 9, 10, 35, 53 and 56.

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

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

No.	District.	Name.	Reply.
36	Godavari.	C. Nagojee Row Pantulu Garu, B.A., Inspector of Schools, Northern Circle.	Offers a few remarks about the machinery proposed in the Bill for the selection of members of temple committees and about the expenses of a suit between the members of a committee and temple trustee.
37	Godavari.	A First-Grade Pleader, Cocanada.	Objects to the elective system introduced in the Bill.
38	Godavari.	Do. do. ..	The Bill is suited to the present circumstances of the country. The elective system embodied in the Bill should be given a fair trial.
39	Vizagapatam.	Rajah G. N. Gajapathi Row ..	(1) An exception should be made in the case of temples under the exclusive management and control of its founders or their successors. (2) Additions and alterations proposed with regard to sections 6, 9 and 53.
40	Mangalore.	Subba Row, High Court Vakil.	Makes a few remarks about sections 2, 3, 6 and 56, 7 and 58, 18 and 15, 19 and 26, 31 and 37, 46, 52, 72, &c., 78 and 91.
41	Kurnool.	The Temple Committee of Koilkuntla taluk, Kurnool district.	(1) Clear provisions are wanted in the Bill on certain important points. (2) Suggests alterations in sections 2, 6, 10, 23, 29, 32, 33, 35, 39, 57-A, 63, 68, 72, 74, 76, 79, 81, 82, 90, 91 and 96.
42	Malabar.	Kerala Varma Rajah, the senior Rajah of Chirakkál kovilagam, in Chirakkál taluk, North Malabar.	Objects to legislation on the following grounds:— (1) It is Governmental interference in temple matters. (2) The Bill is against the order of Governor-General in Council and beyond the scope of Act XX of 1863. (3) It is against the orders of the British Parliament and against the promise of Her Majesty the Empress of India contained in the Proclamation of 1858. (4) It is against the cardinal principle of British rule, viz., non-interference in caste and religious matters. (5) The temples in Malabar are founded on the understanding that the income of properties after defraying the expenses of the temple should be appropriated by their owners and proprietors — our temples are founded on the above understanding. (7) The treaties between our ancestors and the Honorable East India Company sanction our independent management of our temple affairs. (8) Act XX of 1863 does not apply to Malabar. (9) Our temples and other temples in Malabar may be excluded from the operation of the Act.
43	Malabar.	A. Sankaraiah, President founder, Hindu Sabha.	(1) The Bill is based on the principle of usurpation. (2) The Bill is not in accordance with the general laws applicable to mosques and churches. (3) The Superintendence of Aohariars over temple affairs is suggested.

Malabar. Alakkat Illath Nambiathan Nambudri, uralen and proprietor of Thillangari temple and its subordinate temple Kuruvalloor of Thillangari desom, in Mozhakunnoo amshom, Kottayam taluk. Karakott Edathil Byrappan Nambiar of Ellarinhi desom, Kanhilari amshom, in Chirakkal taluk, North Malabar. Sikari Varma, Raja of Palghat.	Objects to the Bill as it includes the private temples of Malabar, and requests to exclude his temple from the operation of the Act on the ground of its being a private temple. Objects to the extension of the Act to Malabar— (1) Regulation VII of 1817 and Act XX of 1863 do not apply to Malabar. (2) The temples of Malabar are constituted on principles peculiar to Malabar. (3) It is public robbery. (4) No necessity for the interference in Malabar. The Bill is the outcome of complaints from other districts. (5) Malabar temples are governed by local usage and custom. Malabar should be exempted from the proposed enactment. Objects to the Bill— (1) It is against the orders and regulations of the Honorable East India Company and the promise contained in the Proclamation of the Queen Empress in 1858. (2) The temples in Malabar are private ones. (3) Regulation VII of 1817 and Act XX of 1863 are not applicable to Malabar. Malabar should be excluded from the operation of the Act. Objects to the Bill— (1) It is an interference in religious matters. (2) It is a source of grievance to the people of Malabar. (3) It is against the promise contained in the Proclamation of 1858. (4) It is against the Despatch of the Home Government in 1833. (5) Regulation VII of 1817 and Act XX of 1863 are not applicable to Malabar. (6) It will deprive many families of their tarwad property. (7) In many cases the family estates are registered in the name of the diety in order to prevent family dissensions and to check improper alienations of property by the members of the family. Malabar should be excluded from the operation of the proposed enactment. Objects to the Bill— (1) It is beyond the scope of Act XX of 1863 and in contravention of the orders of the Governor-General in Council. (2) It is against the promise contained in the Proclamation of 1858. (3) It is a source of grievance to the owners of temples in Malabar.
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District.	Name.	Reply.
19	The Nambudiries of Perinchelloor gramam in Chirakkal taluk.	(4) The temples in Malabar, unlike the temples in other districts, are private. (5) In Malabar only certain sects are allowed to enter certain temples, so the superintendence of these temples cannot be handed over to any but the members of this sect. Malabar should be excluded from the operation of this Act. Objects to the Bill— (1) It is a source of grievance to Nambudiries and Antharjannams (Nambudiri ladies). (2) It is opposed to the rules of management as laid down by Hindu Law. (3) It is opposed to the reasons which led to the non-applicability of Regulation VII of 1817 and Act XX of 1863 to Malabar. Malabar should be excluded from the operation of the Act.
50	(1) Murikkancherai Kizhakai	
51	Mulli Kot Kamaran; (2) Chengunitaith Puthen Veetil	
52	Chandu, uralers of Puthia	
53	Kavu devasom in Azhikot amsom desom, Chirakkal taluk.	
54	K. ishnan Nambudiri, uralen of Govindapuram devasom in Chirakkal taluk.	
55	The Uralen of Akbath devasom, Chirakkal taluk.	
56	Chalat Vengola Krishnan Nambudire, uralen of Chalat devasom, Puzhathi amsom, Chirakkal taluk and 4 others.	
57	Theeyarath Kunjamman Nambiar and 3 others, uralers of Vokyarathu devasom, Chirakkal taluk.	
	Etayeth Illath Raman Nambudiri and another, uralers of Narath devasom in Narath desom, Kannatiparamba amsom, Chirakkal taluk.	
	Kotakattari Kunji Puthia Veetil Chindan and 6 others, uralers of Kannati Paramba devasom in Kannati Paramba amsom desom, Chirakkal taluk.	
	Subramania Bharatikal, alias Pakarvur Swamiar, head of the Naduvil Mutt, Malabar.	
		(1) The Bill is against the orders and proclamation of the Government of India and against the current of High Court and Privy Council decisions. (2) It is opposed to the reasons which excluded Malabar from the operation of Regulation VII of 1817 and Act XX of 1863. (3) It impoverishes many Malabar families which are the founders and managers of these temples. (4) It is against the promise contained in the Queen's Proclamation of 1858. (5) Many temples in Malabar are private. Malabar should be excluded from the operation of the proposed enactment.
		Objects to the Bill— (1) The religious institutions of Malabar are in character very dissimilar to those of the other districts. (2) The Rajahs of Malabar never exercised any melkoima rights over the temples belonging to my mutt.

