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## PART VI.

### BILLS OF THE GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Bill was introduced in the Council of the Governor General of India for the purpose of making Laws and Regulations on the 26th March 1897 :—

#### No. 58 of 1897.

*A Bill to amend Act XX of 1863 (an Act to enable the Government to divest itself of the management of Religious Endowments).*

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

1. (1) This Act may be called the Religious Short title, extent, appli- Endowments Amendment cation and commencement. Act, 1898.

(2) It extends to the whole of British India and applies to all non-Christian Religions and Charitable Institutions and Endowments of a public character, the annual income of which does not fall below two hundred and fifty rupees ; and

(3) It shall come into force on the first day of January 1898.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "Religious and Charitable Institutions" include all temples, mosques, pagodas, shrines and charitable institutions by whatever local designation known, and all property endowed or purchased, and all offerings of pilgrims connected

therewith, whether applied to religious or charitable or other purposes, which are not the personal property of, and offerings to any individual :

(2) "trustee" includes all persons, by whatever local designation such persons may be known, who have charge or management of any institution, or the property of any institution, in trust : and

(3) "Civil Court" means the Court of the District Judge in the district in which the institution is situated.

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

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

the lists so prepared, may be recommended or objected to.

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

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

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

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

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

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

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

11. Each Central Committee shall, in the first quarter of the last year of its tenure of office, either confirm or reverse

the lists of District electorate, and shall in the last quarter of the same year cause the District Committees and District electorates to make their respective elections under sections 4 and 5: Provided that, in case such District Committees or District electorates fail to act, the High Court of the Province and the Civil Court of the District shall respectively exercise powers conferred under this section.

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

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

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

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

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

17. In addition to the powers conferred by section 13 of Act XX of 1863, the Central Committees of each religion or sect shall have power to call for explanation from the trustees subject to their control and to hold enquiries into the management and the conduct of such trustees. The Civil Court within whose jurisdiction such enquiries are held shall, on the application of the Chairman of such Central Committees, issue the necessary processes for production of documents and the appearance of witnesses at such enquiries.

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

XLV of 1860.

18. The Central Committee of each religion or sect in consultation with the District Committee of that religion or sect shall have power to frame necessary bye-laws and rules for the election of the members of the said Central and District Committees, and for the proper management of the institutions and properties within their respective jurisdiction, and for the due discharge of their duties by the aforesaid trustees. These bye-laws and rules and the annual report of the administration of the institutions and properties in their respective jurisdiction shall be published in each provincial Gazette not later than the middle of June of every year.

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

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

Amendment of section 18, Act XX, 1863.

#### STATEMENT OF OBJECTS AND REASONS.

1. The object of the Bill is to remove certain defects in the management of Religious and Charitable Endowments under the law as it stands at present.
2. The Bill proposes to leave the existing trustees where they are. It allows their successors to come in, in accordance with the usage in vogue in each institution, in that behalf. It leaves untouched all the trust property and income in the very hands which now hold them. It leaves them to carry on the customary expenses as hitherto, but only subject to budgeting previously and subject also to providing for possible contingencies which might arise for revision of such budget—a revision which no Committee would be found to make repeatedly or largely in the face of long-standing usage.
3. As regards the cost of the controlling agency, advantage is taken of the widespread ambition and readiness to render *unpaid* service in public interests, and each endowment is laid under a contribution, which is the veriest minimum that can be imagined as needed for maintaining a fairly efficient subordinate official staff.
4. As to the *constitution* of the controlling machinery, the Bill provides for two sets of Committees for each religion or sect. It makes the District Committees exercise *direct* supervision over the trustees, and the higher or Central Committees, as they are called, to exercise *general* supervision and act as an appellate tribunal to correct mistakes and remedy the effects of likes and dislikes on the part of the District Committees.
5. The Committees are formed on the basis of election by the better class of worshippers of each religion or sect. An electorate formed by such classes should, it is thought, suffice for all practical purposes.
6. The members of the Committees would hold office *for a term of years* and *not for life* as now.
7. The Bill proposes to abolish the distinction which the present law makes between the endowments which had been under the direct control of the Government at one time and those that had not been so, malversation of the one class being as culpable as of the other.
8. It is proposed to enlarge the powers of the Central Committees relative to holding enquiries into the conduct of trustees, and dispense with the necessity on their part to obtain prior sanction to sue which the present law enjoins; while the trustees will continue to enjoy the present safety against harassment by any action of Committees by being liable to dismissal only by means of the decree of a Civil Court.

The 22nd March 1897.

(Signed) P. ANANDA CHARLU.

J. M. MACPHERSON,  
Secretary to the Government of India.