

on which the Bengal Municipal Act, 1932, is extended to Tripura, the Tripura State Municipal Act, 1349 T.E. shall stand repealed.

This is the brief background of the Bill. There is no controversy about it and I hope the House may be in a position to accept it without much discussion.

Mr. Chairman: Motion moved:

"That the Bill to provide for the repeal of the municipal law in force in the Union territory of Tripura be taken into consideration."

I see no Member standing and wanting to speak. I shall put the question. The question is:

"That the Bill to provide for the repeal of the municipal law in force in the Union territory of Tripura be taken into consideration."

The motion was adopted.

Mr. Chairman: We shall now take the Bill clause by clause. As there are no amendments, I shall put all the clauses together.

The question is:

"That clauses 2 and 3, clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clauses 2 and 3, clause 1, the Enacting Formula and the Title were added to the Bill.

Shri Karmarkar: I beg to move:

"That the Bill be passed."

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

Shri Karmarkar: I am grateful to the House.

15.46 hrs.

[SHRI MULCHAND DUBE in the Chair]

RELIGIOUS TRUSTS BILL

The Deputy Minister of Law (Shri Hajarnavis): I beg to move:

"That the Bill to provide for the better supervision and administration of certain religious trusts, be referred to a Joint Committee of the Houses consisting of 45 members; 30 from this House"

I shall give the names later on

Shri Braj Raj Singh (Firozabad): On a point of order. Is it the procedure that the names of the members of the Joint Committee which is going to be appointed can be given to the House later on?

Shri Surendranath Dwivedy (Kendrapara): The motion cannot be complete without the names.

Mr. Chairman: They will be given in due course.

Shri Braj Raj Singh: What is the ruling?

Mr. Chairman: They will be coming in due course.

Shri Surendranath Dwivedy: The motion cannot be complete without the names.

Pandit Thakur Das Bhargava (Hissar): The motion is not complete unless the names are given. The names are to be read out.

Mr. Chairman: They will come in a short time, before he finishes.

Shri Surendranath Dwivedy: There cannot be any motion without the names.

Mr. Chairman: Before the speech ends, the names will be there.

Shri Hajarnavis: ". . . . and 15 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee,

[Shri Hajarnavis]

the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the end of the first week of the next Session;

that in other respects, the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

There has been in this country and also from all sections of this House a widespread demand that legislation should be undertaken in order that various trusts which are administered as religious trusts should be controlled and supervised by a statutory authority set up by Government. We have given a great deal of thought to this subject . . .

Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes): On a point of order, Sir. The Order Paper says:

" . . . names of members to be mentioned at the time of making the motion . . ."

Shri Hajarnavis: I am still making the motion.

Mr. Chairman: The motion is being made. The speech is continuing. Will he read the names of the members if he has got them?

Shri Hajarnavis: Yes, Sir. The names are Shri C. R. Pattabhi Raman, Shri K. R. Sambandam, Shri Thirumala Rao, Shri Venkatasubbaiah, Shri Radhelal Vyas, Shri Ram Sahai Tiwari, Shri Jaganatha Rao, Shri

Ghanshamlal Oza, Shri V. N. Swami, Dr. Pashupati Mandal, Shrimati Mafida Ahmed, Sardar Ajit Singh Sarhadi, Shri Manikya Lal Varma, Shri C. Krishnan Nair, Shri Krishna Chandra, Lt. Col. H. H. Maharaja Manabendra Shah of Tehri Garhwal, Shri Nardeo Snatak, Shri Mahendra Nath Singh, Shri Bholi Sardar, Shri K. G. Wodeyar and Shri V. Eacharan.

Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes): That does not make 30.

Shri Rameshwar Sahu (Darbhanga—Reserved—Sch. Castes): He is completing it.

Shri Hajarnavis: Shri Chintamani Panigrahi, Shri C. S. Gupta, Shri Prakash Vir Shastri, Pandit Braj Narayan "Brajesh", Shri N. Siva Raj, Shri Khushwaqt Rai, Shri N. G. Ranga, Shri Asoke K. Sen, Shri R. K. Khadiikar and myself.

Shri Jaipal Singh: Is that 30?

Shri Rameshwar Sahu: He can count for himself.

Shri Jaipal Singh: I want to know whether it is 30.

Mr. Chairman: Is it 30?

Shri Braj Raj Singh: The Minister has to make sure that the number is 30.

Shri Hajarnavis: If there is an error, I am sure the hon. Member will rectify it by moving an amendment.

Shri Jaipal Singh: When a Minister moves a motion he should ensure that at least the number is correct.

Shri Hajarnavis: I believe I have read 30 names.

Shri Jaipal Singh: He must know the number.

Shri Braj Raj Singh: The Minister must come prepared.

Mr. Chairman: Yes, this should have been seen to before.

Shri Hajarnavis: As I mentioned some time earlier, there was a demand from all sections of this House that legislation should be undertaken so that these religious public trusts should be subject to some kind of control or supervision. And if I might mention the main features of this Bill, it does not in any manner attempt to interfere with the internal management of any of the trusts. The only thing that we attempt to do by this legislation is to see that where certain rights are claimed, certain privileges are claimed, certain exemptions are claimed on the ground that the trust is a public trust, it shall be registered, it shall be declared before the authority that it is a public trust. Secondly, whatever the aims and objects of the trust, they shall be placed on record saying these are the terms of the trust. Thirdly, they shall be liable to render periodical accounts and, fourthly, the funds and the property belonging to the trust shall be so held, shall be so secured that the managers, even if they were so minded, will not be able to misappropriate or appropriate otherwise than in terms of the trust.

The first thing that I have to observe is this. The income of the trusts, but for the fact that they are claimed to be either religious trusts or charitable trusts, would be liable to income-tax and the other taxes also, but being funds which are professed to be set apart for the purpose of religious activities or charitable activities they are exempted from taxation under section 4(3)(i) of the Indian Income-tax Act. Therefore, it is not as if it is somebody's private income which is being applied according to his own wishes, according to his own will for the purpose which he deems fit. A substantial portion of that income comes from money which would have gone into the public exchequer. That being the position the contribution, if I might say so, to that extent being out of....

Shri Jaipal Singh: May I just point out that there has been a certain

error in arithmetic? The hon. Minister has suggested 31 names. I am not allergic to 31. It can even be 41. But....

Mr. Chairman: It should be 30, it cannot be 31.

Shri Hajarnavis: I suggest that my name may be omitted.

Some hon. Members: No, no.

Pandit Thakur Das Bhargava: Some other hon. Member can withdraw his own name.

Shri Surendranath Dwivedy: After having moved a motion himself, how can he suggest like that.

Shri Braj Raj Singh: It is the property of the House.

Mr. Chairman: The motion is not complete. Only a speech on the motion is being made.

Shri Braj Raj Singh: After having moved the motion he is explaining it.

Shri Ranga: Until he completes his speech and until he formally moves the motion it is not a motion.

Pandit Thakur Das Bhargava: The difficulty can be solved by one of the hon. Members withdrawing his name. What is the difficulty in it? It is all right.

Shri Naushir Bharucha: Draw lots.

Shri Hajarnavis: For the present, I would request the House to proceed on the basis that my name is not there.

Pandit Thakur Das Bhargava: His name must be there, because he is the Law Minister. He must ask somebody to withdraw his name.

Shri Hajarnavis: May I point out to the House that so long as the Law Minister is there, in my capacity as Deputy Law Minister I can attend all the meetings of the Joint Committee.

Shri Ranga: That is right. As long as the Law Minister is there, there is no need for the Deputy Law Minister.

Shri Hajarnavis: In my capacity as Deputy Law Minister I can attend any meeting.

Shri Jaipal Singh: I am sorry to interrupt the proceedings again. I am not concerned with the question whether it is the Deputy Law Minister or full Law Minister. The question is that we are told "consisting of 30 members" and then 30 becomes 31. I am only worried about that.

The Deputy Minister of Community Development and Co-operation (Shri B. S. Murthy): If you deduct one then there is nothing to worry about.

Mr. Chairman: Will the hon. Minister kindly say that he has withdrawn his name?

Shri Hajarnavis: With your permission, Sir, I withdraw my own name.

Shri Jaipal Singh: There is no question of withdrawal when he proposes his own name.

Mr. Chairman: That is all right.

Shri Hajarnavis: I was mentioning to the House that most of the money which flows into the religious fund or out of what may be called a charitable fund, unless they were exempted from taxes, would find its way into the public exchequer. Since the State allows that money to be spent in accordance with the terms of the trust, or in accordance with the intentions of the person who created charity in the first instance, it is but right that the State should assure itself that the money is being applied for the purpose for which the trust was created, that it is expended towards those charities which, in the first instance, were mentioned by the person who found money for the charity. That is the limited scope of this Bill.

16 hrs.

By section 2 a machinery has been created for the purpose of enforcing these provisions. There are only three or four broad features in this

measure. The first is about registration. We have required that every institution which claims itself to be a public trust should declare itself to the authority who is going to be responsible for the working of this Act. So, the first main feature is that there shall be registration. The second feature is that they shall maintain accounts which can be scrutinised. Thirdly, the property shall be reserved and if it is money shall be invested in a particular manner in particular securities. Similar provisions are found in the Trust Act which applies only to private trusts. Fourthly, the managers of these institutions shall not be able to part with any property unless they have obtained the permission of the authority who is to work this Act. We have called that authority the Commissioner. So in clause 2(a) we have defined the Commissioner as follows:

" 'Commissioner' means the Commissioner of Religious Trusts appointed under sub-section (1) of section 3"

The duties of that official are contained in clause 3. Clause 3 says:

"The State Government may, by notification in the Official Gazette, appoint a person to be the Commissioner of Religious Trust for the State for exercising the powers conferred, and performing the duties imposed, on him by or under this Act."

The State Government may also, by like notification, appoint as many Deputy Commissioners or Assistant Commissioners to assist him, as it thinks fit.

Another person whom we must notice is given certain rights and whose status has been defined by clause 2(c) of the Bill is the person interested. That definition is somewhat important. It says:

" 'person interested', in relation to a religious trust, means—

- (i) any person who has a right to worship or to perform any

rite, or to attend at the performance of any worship or rite in any religious institution connected with such trust, or to participate in any religious or charitable ministrations made under such trust,....”.

Mr. Chairman: Now it is four o'clock. We have to proceed to other business. The hon. Minister may continue tomorrow.

16:2 hrs.

MOTION RE: DEMOCRATIC
DECENTRALISATION

Shri Ram Krishan Gupta (Mahendragarh): Mr. Chairman, Sir, I beg to move:

“That this House takes note of the scheme of democratic decentralisation as formulated in the Report of the Team headed by Shri Balwantray G. Mehta, appointed for the study of Community Projects and National Extension Service and adopted in Andhra Pradesh, Madras and Rajasthan and certain other States.”

जहाँ तक इस मोशन का सम्बन्ध है सब से पहली बात मैं यह कहना चाहता हूँ कि इस टीम को मुक़रर करने की ज़रूरत क्यों महसूस हुई। यह आम तौर पर महसूस किया जाता था कि कम्युनिटी प्रोजेक्ट और नेशनल एक्सटेंशन स्कीम का जो काम है वह तसल्ली-बख़्श नहीं हो रहा है, इसलिये ज़रूरत थी कि एक कमेटी या टीम नियुक्त की जाती जो देश के तमाम हिस्सों का दौरा करती और यह मालूम करती कि किस तरीके से खर्चा कम किया जा सकता है, फिज़ूलखर्ची रोकी जा सकती है और किस तरह से ज्यादा से ज्यादा लाभ उठाया जा सकता है तथा एफिशियेंसी बढ़ाई जा सकती है। इन सब बातों को मद्देनजर रखते हुए इस टीम की नियुक्ति हुई। जो टर्म्स आफ रेफरेंस इस टीम के थे वे बहुत वाइड थे और उस को इस बारे में भी अपनी

राय देनी थी कि किस तरीके से एफिशियेंसी को बढ़ाया जा सकता है और जिले के अन्दर जो मौजूदा एडमिनिस्ट्रेटिव मशीनरी है, अगर वह ठीक तरीके से काम नहीं करती है तो उस को किस तरीके से इम्प्रूव किया जा सकता है।

इस रिपोर्ट को देखने से ही शुरू में सफ़ा ५ से पता चलता है कि टीम का क्या कहना है। टीम ने ठीक तौर पर इस चीज़ को महसूस किया है। उस का कहना है :-

“Admitted, one of the least successful aspects of the CD and NES work is its attempt to evoke popular initiative”.

कहने का मतलब यह है कि जब यह तहरीक देश के अन्दर जारी की गई तो सब से वाह़िद मकसद यह था कि लोगों के अन्दर इनिशियेटिव पैदा किया जाये, पापुलर इनिशियेटिव पैदा किया जाये। मकसद यह था कि देश की तरक्की के लिये, गांव की तरक्की के लिये जो भी प्रोजेक्ट्स हैं, चाहे वह छोटी हैं या बड़ी, लोगों का कोआप-रेशन लिया जाये क्योंकि किसी भी चीज़ की कामयाबी का दारोमदार सब से ज्यादा इस बात पर है कि लोग मदद करें, सहयोग दें, और उस काम को अपने हाथ में लें। इस टीम ने यह महसूस किया कि इस मामले में हम को सब से कम कामयाबी हासिल हुई है। उस ने कहा कि ज़रूरत इस बात की है कि लोगों में पापुलर इनिशियेटिव क्रियेट किया जाये और किस तरह से यह हो सकता है इसी को मद्देनजर रखते हुए यह रिपोर्ट पेश की गई है। यह रिपोर्ट बहुत बड़ा है। लेकिन आज हमारा ताल्लुक इस रिपोर्ट के वाल्यूम १ से है जिस के अन्दर डेमोक्रेटिक डिसेंट्रलाइजेशन के मुताल्लिक राय है।

जहाँ तक कमेटी की राय का सम्बन्ध है उस के बारे में मैं अपने विचार बाद में हाउस के सामने रखूंगा। शुरू में मैं सिर्फ इतना कहना चाहता हूँ कि हमें देखना है कि आया प्राज इस बात की ज़रूरत है या नहीं। मेरा अपना ख़्याल