

## CHAPTER XVII

### OTHER SOCIAL SERVICES

#### 1. LABOUR WELFARE AND ORGANISATION

**T**HE relationship between the employer and the employee is governed by a set of statutes ensuring regular payment of wages every month, fixation of minimum wages and the implementation of such wages, settlement of industrial disputes, registration of labour unions and other such welfare measures as laid down by Government from time to time. These statutes together with rules framed are being implemented by the Labour Department at the head of which is the Commissioner for Labour, whose headquarters is in Bangalore. He is also the Chief Conciliation Officer for the whole of the State. The Deputy Commissioner for Labour performs the statutory functions entrusted to him under the Industrial Employment (Standing Orders) Act and supervises and co-ordinates the working of the other offices which are under his control.

The Commissioner for Labour is assisted in his day-to-day work by the Assistant Commissioners of Labour in the several divisions of the State, who look after the administration of the department. These Assistant Commissioners are gazetted officers under whom are Inspectors who do field and supervisory work in their respective jurisdictions.

Labour statutes are generally the result of discussions at the annual conferences of the International Labour Forum and also at the several regional conferences held in various parts of the world. The decisions arrived at these world bodies are codified into conventions and circulated among member States who, in turn, consult employers and employees for purposes of necessary implementation through statutes. These statutes are circulated through recognised Trade Unions whose chosen representatives give their opinion as to whether it is worth-while to implement a new statute or not. Labour laws have been drafted and brought into force after a series of discussions with those concerned and the emergence of a set of rules and regulations governing labour has instilled a sense of security in labour ranks. All matters

affecting labour, like hours of work, leave, sickness benefits, gratuity and workmen's compensation are governed by a set of laws framed by the chosen representatives of the people. Prior to Independence, different Provinces and the princely States had their own labour laws which were not uniform. To evolve uniformity, the Union Government evolved a set of labour laws and these are now being implemented by the State Labour Departments in addition to their own laws, as labour is a concurrent subject under the Constitution.

If any dispute arises in industrial establishments, the *pros* and *cons* of such disputes are settled under the Industrial Disputes Act, 1947 on merits. The Union Government is the appropriate authority to deal with industrial disputes concerning industries carried on by them or under their authority or by the Railway Board. Conciliation work in other labour disputes arising in Bijapur district is done either by the Assistant Commissioner of Labour, Hubli, or by the Labour Officer, Belgaum. Disputes arising in railways running across the Bijapur district are dealt with by the Centre.

**Settlement  
of disputes**

In the district of Bijapur, there is no separate Labour Officer but labour problems are handled by the Labour Officer who is stationed at Belgaum, to whom the administration of labour laws is entrusted. There are three Labour Inspectors in the district with their headquarters at Bijapur, Bagalkot and Jamkhandi. They attend mainly to the enforcement of the Shops and Commercial Establishments Act, 1961, and the Minimum Wages Act, 1948.

The Assistant Commissioner of Labour, stationed at Hubli, is the officer who is directly looking after Bijapur district in matters of labour.

The various labour laws which are in force in the district are :—

(1) The Workmen's Compensation Act, 1923, (2) Indian Trade Unions' Act, 1926, (3) Payment of Wages Act, 1936, (4) Weekly Holidays Act, 1942 (5) Industrial Employment (Standing Orders) Act, 1946, (6) Industrial Disputes Act, 1947, (7) Factories Act, 1948, (8) Minimum Wages Act, 1948, (9) Indian Boilers Act, 1948, (10) Working Journalists (Conditions of Service and Miscellaneous Provisions) Act, 1956, (11) Mysore Maternity Benefits Act, 1959, (12) Motor Transport Workers Act, 1961, (13) Mysore Shops and Commercial Establishments Act, 1961, (14) Mysore Industrial Establishments (National and Festival Holidays) Act, 1963 and (15) Mysore Beedi Industrial Premises (Conditions of work) Act, 1964. In addition to these laws, the Employees Provident Fund Act, 1952 is also in force, administered by the Regional Provident Fund Commissioner, Bangalore, an officer of the Central Government.

The Factories Act, Payment of Wages Act and the Maternity Benefits Act are enforced in the district by the Inspector of Factories, Gulbarga, while all the other laws are enforced by the Labour Officer, Belgaum.

So far as the enforcement of the provisions of the Minimum Wages Act (1948) in the Bijapur district is concerned, the following scheduled establishments, *viz.*, (1) rice mills, flour mills or dhal mills, (2) tobacco-curing and beedi-making units, (3) oil mills, (4) road construction and building operations, (5) stone crushing or stone breaking units, (6) public motor transport and (7) tanners or leather manufacturers, are dealt with by the Labour Inspectors concerned.

The Labour Court at Hubli constituted under Section 10 of the Industrial Disputes Act, 1947 has jurisdiction over Bijapur district. The Labour Court acts as a Court of Adjudication in industrial disputes referred to it by the Government, the representative Unions, and jointly by the parties to a dispute.

References on points of Law can be made to it by the Chief Conciliator, Labour Courts, Wage Boards and by the Government. The Government may also make a reference to it for a declaration whether a proposed strike, lock-out, closure or stoppage would be illegal.

#### Trade Unions

In Bijapur district, there were as on the 1st October 1965, twelve Trade Unions registered under the Indian Trade Unions Act. They were (1) The Municipal Workers' Union, Bagalkot, (2) The State Transport Employees' Union, Bijapur, (3) Employees' Union of the Union Bank of Bijapur and Sholapur Ltd., Bijapur, (4) The Municipal Kamgar Union, Bijapur, (5) The Bijapur Municipal Employees' Union, Bijapur, (6) Bagalkot Cement Company Workers' Union, Bagalkot (7) Bagalkot Cement Company Kamgar Sangha, Bagalkot, (8) General Workers' Union, Bijapur, (9) Municipal Employees' Union, Mahalingpur, (10) Bijapur District Electricity Workers' Union, Bijapur, (11) Nava Bharat Slate Factory Workers' Union, Bagalkot and (12) Indian Hume Pipe Workers' Union, Bagalkot.

The Commissioner for Labour is the Registrar of Trade Unions. The work in connection with the administration of the Indian Trade Unions Act, includes registration of Trade Unions under the Act, the registration of amendments in the constitution of the Unions and preparation of the annual report on the working of the Act in the State.

#### Factories Department

The Factories Department is under the administrative control of the Commissioner for Labour, who is also the *ex-officio* Chief Inspector of Factories. The Chief Inspector of Factories has

complete control of the technical side of the work of the department over the whole of the State. The Department is responsible mainly for the administration of the Factories Act (LXIII of 1948) but the administration of the following Acts has also been assigned to it: (1) The Payment of Wages Act (1938), (2) The Cotton Ginning and Pressing Factories Act (XII of 1925), (3) The Employment of Children Act (XXXVI of 1938), (4) The Mysore Maternity Benefits Act, 1959 and (5) The Minimum Wages Act (XI of 1948).

The Inspector of Factories, Gulbarga, is the officer empowered to administer the many-sided provisions of the factory statutes in Bijapur district as well. The main function of the Inspector is to ensure that the provisions of the Factories Act are observed by the managements to which the Act is applicable. He is also responsible for the enforcement of the other enactments with the administration of which, the Factories Department has been entrusted. There were 120 registered factories in Bijapur district as on the 1st October 1965, employing 4,049 workers.

Under the Second Five-Year Plan, one Labour Welfare Centre was opened in 1959-60 at Bijapur to provide labour amenities like housing, recreation, music, gymnasium, reading room, library, etc. This Centre is manned by one Supervisor and two Class IV officials.

## 2. EXCISE AND PROHIBITION

Complete prohibition was introduced in the Ex-Bombay State on the 6th April 1950. Since then the administration of matters pertaining to prohibition was in the hands of the Excise Department. After Bijapur district formed part of Mysore State, the name of the Department was changed to Department of Excise and Prohibition. The Deputy Commissioner of Bijapur is in charge of this department. In relation to this department, the Deputy Commissioner is responsible to the Excise Commissioner in Mysore, Bangalore. Consequent on the States' Reorganisation from 1st November 1956, the Deputy Commissioner of Bijapur was invested with various powers under the Bombay Prohibition Act (XXV of 1949). He also exercised powers under the Dangerous Drugs Act (II of 1930), the Bombay Opium Smoking Act (XX of 1936) and the Bombay Drugs Control Act, 1952.

As it was considered expedient to amend and consolidate the law relating to the promotion and enforcement of, and carrying out the policy, of prohibition on a uniform basis, the Mysore Prohibition Act, 1961 which received the assent of the President on the 12th April 1962 was brought into force. The Bombay Prohibition Act, 1949 which was in force in Bijapur district till

then, was repealed, and the Mysore Prohibition Act, 1961 came into force in its place from the 12th April 1962.

Under the Prohibition Act, restrictions have been placed on the manufacture, import, export, transport, sale, possession, use and consumption of liquor, intoxicating drugs or hemp and articles containing liquor. The Deputy Commissioner has powers to grant, cancel or suspend licences and permits under the Act.

The Deputy Commissioner, Bijapur district, is assisted by the District Inspector of Prohibition and Excise, Bijapur, and is in actual charge of the work of the Department in the district. He is invested with powers under certain sections of the Prohibition Act, the Dangerous Drugs Act, the Indian Opium Act and the Bombay Drugs (Control) Act.

There are two Sub-Inspectors working under him, both with their headquarters at Bijapur. One of them is in charge of regular prohibition and excise work in all the taluks of the district. The second Sub-Inspector attends to the work relating to drugs control in the entire district under the supervision of the District Inspector. The two Sub-Inspectors have also been invested with certain powers under the Prohibition Act, the Dangerous Drugs Act, the Indian Opium Act and the Bombay Drugs (Control) Act. The District Inspector is in over-all charge of the excise and prohibition work in the district.

**Medical  
Board**

A medical board is constituted to examine persons applying for permits to possess opium, ganja or bhang for personal consumption and on proper examination to issue a certificate to such persons if it feels that the persons are in genuine need of the drug.

There is another medical board for foreign liquor permits on health grounds. The District Surgeon, Bijapur, is the Board and examines persons and grants certificates to applicants in Bijapur city. In the other areas of the district the medical officers in charge of the Government or Municipal dispensaries do this work and send the certificates to the District Surgeon, Bijapur, who has to countersign these certificates.

In the case of individual military personnel the quota of foreign liquor is allotted by the Station Staff Officer and the same can be purchased under the Military Vendor's licences only. In the case of Military Messes, permits are issued by the Station Staff Officer and liquor is issued under the Military Vendor's licences on the strength of transport permits issued by the Excise and Prohibition Department.

**Enforcement  
agency**

The Police Department is the chief agency to deal with detection, investigation and prosecution of offences under

the Prohibition Act. Though officers of the Excise and Prohibition Department above the rank of Sub-Inspectors have been invested with powers to investigate offences, these officers generally pass on information of the commission of offences and hand over the cases detected by them to the police for investigation. The Home Guards Organisation also assists the police in their work. Under Section 114 of the Mysore Prohibition Act, 1961, village officers, village servants, officers of other departments of the State Government and officers and servants of local authorities are bound not only to give information to the police of breaches of the provisions of the Act, which may come to their knowledge but also to take all reasonable measures in their power to prevent the commission of any such breach about which they may have knowledge. Officers and servants of local authorities are further legally bound to assist any police officer or person authorised to carry out any of the provisions of this Act. Under Section 113, occupiers of lands and buildings, landlords of estates, owners of vehicles, etc., are bound to give notice of any illicit tapping of trees or of manufacture of any liquor or intoxicating drug to a Magistrate, Prohibition Officer or to a police officer as soon as it comes to their knowledge.

All prohibition officers and police officers have been authorised under Section 104 of the Prohibition Act to arrest without a warrant any person whom they have reason to believe to be guilty of an offence under the Act and to seize and detain any article of contraband. The officer so authorised, when he arrests any person or seizes and detains any article has to forward such person or article without delay to the officer in charge of the nearest police station.

As was to be expected, illicit distillation followed in the wake of prohibition in the district. The following table indicates the number of cases detected and the number in which convictions were given during the years 1962 to 1964.

<i>Year</i>	<i>No. of cases detected</i>	<i>No. of cases in which convictions were given</i>
1962	2,793	408
1963	2,674	528
1964	1,460	355

In 1945-46, the total revenue under excise was Rs. 14,38,638. This has dwindled almost to nothing on account of the introduction of prohibition.

Different permits are granted under different categories for possession, use, etc., of foreign liquor. The permits are classified **Issue of permits**

as emergency permits, health permits, temporary residents' permits, visitors' permits and tourists' permits. Rules are framed for issue and renewal. Permits for possession and use of denatured spirit upto a maximum quantity of two bottles per month are granted for domestic purposes. Permits for the use of country liquor and wine for sacramental purposes are granted to priests of certain communities, viz., Christians, Parsis and Jews. There are also rules governing the possession, use, transport, etc., of dangerous drugs, mowra flowers, molasses, rectified spirit, and absolute alcohol for industrial, medical and other similar purposes.

Ganja, bhang and opium are allowed to a person for his personal use, only under a permit which is granted on production of a medical certificate from the Medical Board, the quantity he is allowed to possess, at any time under a permit being two tolas in the case of ganja or bhang and half a tola in the case of opium.

Since October 1952, there was an organisation called the Bombay Village Industries Board for working the neera and palm-gur product scheme and licences were granted in accordance with the Bombay Neera Rules, 1954. This is however, not in existence since the year 1963.

**Prohibition  
Sub-Committee**

There is a Prohibition Sub-committee of the District Development Council, Bijapur, consisting of about ten members including the District Inspector of Prohibition and Excise as Secretary. The Chairman of the sub-committee is chosen from among the non-official members. The functions of this sub-committee are to advise the Prohibition and Excise Department in carrying on the prohibition work and to make suggestions in matters pertaining to vigilance, prohibition propaganda, publicity, recreation amenities and the like.

In addition to this Advisory Committee, there are five Samskar Kendras in the district, all under the control of the respective Village Panchayats. The object of these centres is to wean people from drink habits by means of indoor and outdoor recreational activities, cultural activities, adult education, etc.

In order to rehabilitate persons thrown out of employment on account of the introduction of prohibition, the erstwhile Government in the district authorised the issue of certificates to such persons by the Deputy Commissioner. This scheme had benefited quite a large number in getting suitable employment. Prohibition in this district has brought peace and happiness to many houses of ex-addicts and prosperity to their families.

### 3. ADVANCEMENT OF BACKWARD CLASSES AND TRIBES

The history of the backward classes welfare in Bijapur district dates back to the year 1931 when as a result of the recommendations made in the year 1930 by the Depressed Classes and Aboriginal Tribes Committee, Government of Bombay, of which Bijapur was a part, the Department of Backward Classes was started. The classification recommended by the Committee and adopted by Government included in the backward class, persons of three different categories, *viz.*, (1) Scheduled Castes, (2) Aboriginal and Hill Tribes (Scheduled Tribes), and (3) such other classes of persons as Government may class as other "backward classes". Such of the castes or sections who no longer needed protection or aid could have their classification removed from the list of backward classes. Thereupon they ceased to have any special protection or connection with the Backward Classes Department.

The classification of communities under Scheduled Castes and Tribes has to be approved by the President according to the Indian Constitution. The Constitution has also provided for special protection and encouragement to be given to the Scheduled Castes and Tribes in view of their extremely backward state.

After the States' Reorganisation in 1956, the Union Ministry of Home Affairs published a new list of Scheduled Castes and Tribes.

According to the 1951 census, there were 121,521 persons belonging to the Scheduled Castes in the district of Bijapur, out of the total backward class population of 272,187 and according to the census of 1961, the total number of persons of Scheduled Castes in the district was 163,472 and of the Scheduled Tribes, 9,405.

The work of protecting and safeguarding the interests of the backward classes in Bijapur district, is the special responsibility of the District Social Welfare Officer. He is in the grade of a Tahsildar and works under the immediate supervision of the Deputy Commissioner of the district and the Director of Social Welfare, stationed in Bangalore.

The Director of Social Welfare seeks to co-ordinate the work of the various departments in relation to the backward classes, in accordance with the directives of Government and the relevant provisions of the Constitution. The Social Welfare Department, therefore, maintains close touch with other departments of Government in order to secure the fullest help and co-operation from officers of the Revenue and other departments and to see that the Government's policies and programmes for the amelioration of the Backward Classes are effectively implemented.

There were 34 hostels in the district during the year 1964-65, which received an annual grant-in-aid of Rs. 1,01,036.

There are several centres in Bijapur district working for the welfare of the backward classes. Chief among them are : (1) Samskar Kendra, Amingad, run by Sangameshwar Educationalists' Association, Amingad, and (2) Samskar Kendra at Dhulkhed conducted by the Bijapur Depressed Classes League.

Grants-in-aid are paid to these voluntary agencies for conducting the centres.

**Reservations  
in services**

Reservation of posts in the public services is made for members of the Scheduled Castes and Tribes. According to the percentage figures as fixed by Government, the Scheduled Castes get 15 per cent and the Scheduled Tribes, 3 per cent. These percentage figures represent the minimum number of vacancies to be filled in by appointment of members of these communities and it is open to the appointing authorities to recruit members of these classes in excess of these figures, if they are otherwise considered suitable for such appointments *vis-a-vis* the other candidates. Similar facilities are also offered in local bodies and institutions receiving Government grant-in-aid.

Concessions in age limit have also been made for appointments in the various posts. In the case of the Scheduled Castes and Tribes the limit is relaxed by two to five years.

**Housing  
facilities**

The Social Welfare Department is specially charged to provide housing accommodation for backward classes. The department acquires sites at Government cost and together with the provision of subvention helps the members of the Scheduled Castes and Tribes to build houses.

During 1948-49 the Government of India sanctioned a central aid scheme which is being continued. This scheme, sponsored and left over at the time of the reorganisation of States, provides financial help to backward classes to build their own houses. The scheme envisages loans which are granted to backward classes who are members of housing societies, upto an amount not exceeding 75 per cent of the estimated cost of the house. The loan carries no interest and is repayable in 25 annual instalments. These societies are also granted housing sites free of cost from available Government lands and, if they are not available, a subsidy equal to the cost of acquisition is given. Acquisition may also be made from private lands.

After August 1953, this housing scheme was restricted to societies of Scheduled Castes, Scheduled Tribes and ex-criminal tribes. Housing societies of other backward classes registered after 14th

August, 1953 were eligible to concessions only in genuine cases of hardships and with the special approval of Government.

Government have also sanctioned a number of schemes for imparting training to artisans and their children in various industrial subjects. Stipends are granted to students who are admitted to these schools. The backward class students are also awarded scholarships for taking training in the various technical and industrial institutions. In addition to these concessions, there are other measures for the uplift of these backward classes. Chief among them are: (1) grant of cultivable waste lands, (2) grant of forest lands on Agri-Silvi systems, (3) grant of Tagai lands, (4) provision of special concessions to backward classes in respect of removal of timber, minor forest products, cutting of fuel, etc., (5) grant of monetary assistance for the formation of backward classes co-operative farming societies and (6) grant of forest coupes at an upset price.

#### Training Schemes

Government attach special significance to the welfare of nomadic tribes and semi-nomadic tribes in Bijapur district. Among the backward classes in Bijapur district, the nomadic and semi-nomadic communities are perhaps the most backward. They have no settled way of life and go on from place to place in search of a living. Because of illiteracy and poverty they have not been able to take much advantage of the various schemes implemented by the Government for the welfare of the backward classes. Special schemes have been included in the successive Plans for the uplift of these people. Three ashram schools for the amelioration of the nomadic and semi-nomadic tribes have been started in Hungund, Bijapur and Badami. The Hungund school was started in 1957-58, the Bijapur school in 1959 and the one at Badami in 1961-62. A total grant of Rs. 23,960 was sanctioned for the maintenance of these schools during the year 1964-65.

#### Welfare of tribes

An all-India Act known as the Untouchability Offences Act, 1955 is also in force in the district by which complete removal of untouchability is envisaged. The dedication of girls as devadasis has been prohibited in the district under the powers of a Bombay Act which is still in force. Officers of the Backward Classes Department help the backward class agriculturists to secure relief available to them under the various ameliorative measures.

There are special committees in the district to help and advise the Social Welfare Department in their activities. Voluntary agencies who work for the uplift of the backward classes are given necessary encouragement by the Social Welfare Department. The maintenance of hostels, establishment of ashram schools, bala-wadies and samskar kendras are some of the important activities sponsored by Government and undertaken by voluntary agencies.

**Scholarships**

Lumpsum scholarships for the purchase of books, stationery and the like are being sanctioned to deserving students of the Scheduled Castes. During the year 1964-65, 844 students were awarded scholarships amounting to Rs. 10,000. Merit scholarships amounting to Rs. 14,250 were awarded during the same year to 258 students studying in primary, middle and high schools in the district. Seventy-six students belonging to the Scheduled Castes were also awarded pre-matriculation scholarships during the year, amounting to Rs. 4,800.

**Women's welfare centres**

Under the scheme for the welfare of women and children belonging to the backward classes, seventeen Women's Welfare Centres were functioning in the district during the year 1965-66 at the under-mentioned places: (1) Bijapur, (2) Bableshtar, (3) Toravi, (4) Nidoni, (5) Bagewadi, (6) Managoli, (7) Guled-gud, (8) Badami, (9) Kerur, (10) Bagalkot, (11) Jamkhandi, (12) Rabkavi, (13) Hungund, (14) Almel, (15) Devar-Hippargi, (16) Indi and (17) Bilgi.

Pre-primary education has been introduced as one of the main activities of these welfare centres. Children between the ages of five and seven are provided with free mid-day meals and also free garments. Craft classes are conducted for the benefit of women, where sewing and cutting, and embroidery are taught. A sum of Rs. 53,500 was spent on the maintenance of these institutions during the year 1964-65.

Twelve women belonging to the Scheduled Castes were given training during 1964-65 at each of the Tailoring Centres at Bijapur and Jamkhandi. They were each paid a stipend of Rs. 25 per month. On the successful completion of the training, they were given one sewing machine each free of cost to enable them to earn a living. A sum of Rs. 8,400 was spent for the maintenance of these institutions during 1964-65.

An Occupational Institute for backward class women was started on the 21st September 1965 to impart training to backward class women in tailoring and stenography. The sanctioned intake for each of these courses is 25. A pass in primary VII standard is prescribed for the tailoring course, while a pass in the S.S.L.C. or equivalent examination is prescribed for admission to the course in stenography.

**4. RELIGIOUS AND CHARITABLE TRUSTS**

The Bombay Public Trusts Act, 1950 is still in force in the Belgaum Division which consists of four districts— Belgaum, Bijapur, Dharwar and North Kanara. The provisions of this Act are applicable to the religious and charitable trusts of all the communities, and are mandatory as regards registration of each

trust, maintenance and audit of accounts, protection of and investment of the trust funds, and non-alienation of trust property. A separate fund known as Public Trusts Administration Fund has been created and the expenses of administration paid from State funds are reimbursed from this fund, at the end of each financial year.

Under Section 113 of the States' Reorganisation Act, the Charity Commissioner, with headquarters at Bombay, continued to exercise jurisdiction over the Belgaum Division, and administered the Act. But with effect from the 1st April 1959, the Secretary to the Government of Mysore, Law Department, has been appointed as *ex-officio* Charity Commissioner, and he is now discharging the functions and duties of that office under the Act. There is an Assistant Charity Commissioner with headquarters at Belgaum, to assist the Charity Commissioner in the administration of the Act in the Belgaum Division.

The Act has been made applicable to the following classes of public trusts :—

(1) Temples, (2) Maths, (3) Wakfs, (4) other public trusts created or existing solely for the benefit of any community or communities or any section or sections thereof, (5) Societies formed either for religious or charitable purposes or for both, registered under the Societies Registration Act, (6) 'Dharmadas' that is, any amounts which, according to the custom or usage of any business or trade or agreement between the parties to any transaction, are intended to be used for a charitable or religious purpose; and (7) all other trusts for either a public, religious or charitable purpose or for both.

The Act imposes a duty on the trustee of a public trust to make an application for the registration of the trust within three months of the application of the Act, or its creation, giving particulars of the approximate value of moveable and immoveable properties owned, the gross average annual income of the trust property and the amount of average annual expenditure. No registration is, however, necessary in the case of 'Dharmadas', which are governed by special provisions of the Act in certain respects. Trusts registered under any of the previous Acts are deemed to be registered under this Act.

**Duties of trustees**

A registration fee ranging from Rs. 3 to Rs. 25 is levied depending on the value of the property of the public trust. An annual contribution at the rate of 2 per cent of the gross annual income is also recovered, which is credited to the Public Trusts Administration Fund created under the Act. The contribution does not form part of the general revenues of the State. Public trusts meant exclusively for the purpose of advancement and

propagation of secular education or medical relief, and public trusts having a gross annual income of Rs. 300 or less, are exempted from the payment of contribution. Deductions from the gross annual income for the purpose of computing contribution, are allowed in respect of amounts spent on the advancement and propagation of secular education, medical relief, donations, grants received from Government or local authorities, interest on depreciation or sinking fund, taxes to be paid to Government or local authority, etc. The contribution is levied on the net annual profits in the case of public trusts conducting a business or trade.

#### **Accounts and Audit**

Every trustee has to keep regular accounts of the trust which have to be audited annually by Chartered Accountants or other persons authorised under the Act. A Chartered Accountant can audit accounts of any public trust, but the persons authorised under the Act are permitted to audit accounts only of public trusts having a gross annual income of Rs. 1,000 or less. The auditor has to submit a report to the Assistant Charity Commissioner of his region on a number of points, such as whether accounts are maintained according to law and regularly, whether an inventory has been maintained of the moveables of the public trust, whether any property or funds of the trust have been applied on an object or purpose not authorised by the trust, whether the funds of the trust have been invested, or immoveable property alienated, contrary to the provisions of the Act.

If on a consideration of the report of the auditor, the accounts, and the explanation, if any, furnished by the trust or any other person concerned, the Assistant Charity Commissioner is satisfied that the trustee or any other person, has been guilty of gross negligence, breach of trust or misapplication or misconduct, resulting in a loss to the trust, he has to report to the Charity Commissioner who, after due inquiry, determines the loss, if any, caused to the trust and surcharges the amount on the person found responsible for it. No sale, mortgage, exchange or gift of any immoveable property and no lease for a period exceeding ten years in the case of agricultural land, and three years in the case of non-agricultural land or building belonging to a public trust, is valid without the previous sanction of the Charity Commissioner. The trustee of a public trust is bound to invest the surplus funds of the trust in public securities or first mortgage of immoveable property, on certain conditions. For making an investment in any other form, the permission of the Charity Commissioner must be obtained.

If the original object of a public trust fails wholly or partially, if there is surplus income or balance not likely to be utilised, or if it is not in the public interest expedient, practicable, desirable, necessary or proper to carry out, wholly or partially, the original intention of the author of the public trust, or the object for which the public trust was created, an application can be made to the

District Court for application *cy pres* of the property, or income of the public trust or any of its portion.

If there is a breach of trust or a declaration is necessary that a particular property is the property of a public trust or a direction is required to recover the possession of such property, or for the administration of any public trust, two or more persons, having an interest in the trust or the Charity Commissioner, can file a suit in the District Court to obtain reliefs mentioned in the Act. **Breach of trust**

The Charity Commissioner may, with his consent, be appointed as a trustee of a public trust by a Court or by the author of a trust, provided his appointment is made as a sole trustee. In such cases, the Charity Commissioner may levy administration charges on these trusts as prescribed in the rules framed under the Act.

Inquiries regarding the registration of a public trust or regarding the loss caused to a public trust or trusts registered under the previous Acts, in consequence of the act or conduct of a trustee or any other person, have to be conducted with the aid of assessors, not less than three and not more than five in number. The assessors have to be selected, as far as possible, from the religious denomination of the public trust to which the inquiry relates. The presence of assessors can, however, be dispensed with in inquiries where there is no contest. A list of assessors has to be prepared and published in the Official Gazette every three years.

Contraventions of the Act amount to offences and are punishable with maximum fines ranging from Rs. 500 to Rs. 1,000 depending on the nature of contravention. The Charity Commissioner is the sole authority for launching prosecutions in the case of such contraventions.

The following statement furnishes statistics relating to the public trusts in Bijapur district registered in the Public Trusts Registration Office, Belgaum region, Belgaum till the 31st December 1954. Particulars relating to the period subsequent to this date, are not available.

Property, income and expenditure of Public Trusts in Bijapur district, registered till 31st December 1954 :—

Section	Total No. of Trusts regis- tered	Value of property		Average annual income	Average annual expenditure
		Moveable	Immoveable		
		Rs.	Rs.	Rs.	Rs.
'A'-Trusts for the benefit of Hindus	1,334	4,57,162	46,23,029	4,78,954	2,37,442
'B'-Trusts for the benefit of Muslims	221	8,884	9,63,855	83,024	26,733
'E'-Cosmopolitan Trusts	52	2,43,478	4,90,360	1,34,446	55,540
'F'-Trusts registered under the Societies Registration Act, 1860	21	9,25,561	13,84,450	9,70,065	52,691
<b>Total</b>	<b>1,628</b>	<b>16,35,085</b>	<b>74,61,694</b>	<b>16,66,489</b>	<b>3,72,406</b>

#### Board of wakfs

The Central Wakf Act (29 of 1954) was brought into force in the ex-Mysore State with effect from the 15th January 1955. Under Section 10 of the Act, the Government, in their notification dated the 25th April 1956, constituted a Board of Wakfs, consisting of seven members. The Commissioner for Endowments was appointed as the Commissioner for Wakfs, under Section 4 of the Act, and action was taken to conduct a survey of all the Muslim endowments in the ex-Mysore State.

As regards the Bombay Karnatak area, the provisions of the Bombay Public Trusts Act, 1950, which was applicable to the religious and charitable trusts of all the communities (including that of Muslims) was in force in the area, till the 1st December 1961, and the Assistant Charity Commissioner, Belgaum, was in charge of these trusts. By a notification dated the 20th November 1961, however, the Central Government brought into force the provisions of the Wakf Act, 1954 in the Bombay Karnatak area of the State also (namely Belgaum, Bijapur, Dharwar and North Kanara Districts), with effect from the 1st December 1961.

The State Board of Wakfs has now taken steps to conduct a survey of all the Muslim endowments in the area.

A Bill intended to provide a uniform law relating to the Religious and Charitable Institutions and Trusts throughout the new State, in replacement of the five different Acts which are in

force in the several integrating areas, is now under consideration of Government.

The Bill is generally modelled on the Bombay Public Trusts Act, 1950 and the Mysore Religious and Charitable Institutions Act, 1927.

The main features of the Bill are :—

(i) It is made obligatory for every trustee or manager of a religious or charitable trust or institution to apply for and get the trust or institution registered, on payment of a prescribed fee. For this purpose, provision is made to have a Religious and Charitable Trusts Registration Office in every district under the charge of an Assistant Commissioner, who will assist the Deputy Commissioner, in the administration of the Act.

(ii) The Bill provides for the establishment of a Religious and Charitable Trusts Administration Fund, to which every trust or institution whose annual income is not less than Rs. 200 is to contribute from its gross annual income, an amount not exceeding 8 per cent in the case of a notified institution and 5 per cent in the case of others.

(iii) Such trusts or institutions now under the management of Government known as Muzrai institutions in the old Mysore area, and similar institutions in the Hyderabad Karnatak area, become notified institutions under the Bill. Government will continue to exercise greater powers of control and supervision over such trusts and institutions. Provision is also made for the appointment of Boards of Trustees for their management, by Government.

(iv) Provision is made for the control and administration of the amount known as "Dharmada", collected by parties in transactions in any business or trade, for the purpose of being used for charitable or religious purposes.

(v) The application of the doctrine of *cy pres* is restricted only to cases where the original object for which the trust was created has failed or where the income or any surplus balance is not utilised or is not likely to be utilised for purposes of the trust created.

(vi) Provision is made for the removal of the manager of a Mutt in certain cases, and for the assumption of management, or for making arrangements for its proper management when a manager applies for it, or when he dies, or is under any disability.

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