CHAPTER III

SITUATION RECONNAISSANCE OF

ENEMY FORCES AND
In this chapter an effort is made to analyse critically the various acts, particularly the Hindu Religious and Charitable Endowments Act of 1933 and the Madras Municipal Corporation Act 20 of 1979.

It is commonly believed that whenever a new act is passed replacing the old one, it would usher in better administration which would be its main objective. With the introduction of a new act it is presumed that a change has been brought in, so suit need be required for to-day and to-morrow on the basis of what happened yesterday. It is with this understanding that the latest Act of 1979 governing the city administration has to be judged as to whether it is in tune with the times and whether it has kept in view the future as well. To assess the validity and efficacy of this latest measure, an inescapable comparison with the previous Act is imperative.

A new Act was enacted with due care and consideration making certain changes in the structure of the city organisation. It was preceded by promulgation of an ordinance in such circumstances seemingly normal.
The question that could arise for a joint facility-orientedminster, whether it was necessary to
lodge an ordinance in the first instance, the haste
with which the state government had promulgated the
ordinan 1 then ultimately became the act 2 of 1979
invites greater scrutiny and analysis.

1. Ordinance No. 10 of 1979 of the Govt. of Andhra Pradesh.
2. The Hindu Religious Endowments Act of 1925 of the Madras
State.
in 1933 passed by the Vadehra Government exclusively for the purpose of administering the Act. By virtue of this Act the administration of the Act was taken over by the Government from the Trust. Under this enactment the administration of the Act was entrusted to a Committee assisted by the Advisory Councils viz., Religious Advisory Council and Socio

Religious Advisory Council was to advise the Trust on the matters of religious nature, etc., while the Socio Advisory Council was to advise on all matters connected with the administration of the Act. As a result, the tenure of the Committee was for a period of three years.

The Committee was administering the Act through an executive officer designated as Commissioner. Neither the Committee nor the Commissioner were able to provide effective and efficient administration. In order to meet the situation, the Vadehra Legislature thought it fit to bring the Act administration under the direct control of the Government by disbanding with the test religious institutions court and by creating in its place a separate department in the Government known as the

Endowments department with the Commissioner of Indowments

3. The Bill No. 15 of 1931 or I.T. Devasthanams Bill, latter it was enacted as I.T. Devasthanams Act 1933.
as the head of the department for the entire State under a more comprehensive legislation passed in 1931. The head of trustees for the TRP came into existence in the place of the previous committees. The commissioner of the TRP was redesignated as the executive officer. The fundamental change was that the power of general superintendence was vested in the state government and it could be exercised through the superintendence of members, his deputies and assistants. The government felt that there was no need to have a separate act for the sevayanas since there was no difficulty in bringing the administration of TRP within the purview of the new Act. No doubt, there were a few special provisions in Chapter II of the 1931 Act exclusively applicable to the TRP, such as those designed to secure the health of the pilgrims by modification of Tirumala hills area, as manchayat and placing in charge of the executive officer of sevayanas and to utilise the surplus funds of the TRP for other specified purposes, besides maintenance of religious and educational institutions. The Madras religious and charitable endowments Act 1931 repealed the TRP Act 1933. In 1953, it was adopted by the Madura state government after the formation of the Madura state and later by the state of Madura Prajesha in 1956. This Act was a comprehensive legislation for the administration
of all religious and charitable institutions in the state including the IR. The IR was reckoned as a major religious institution. At that time, there were two enclosures in state - one in the andhra area and the other in the Telangana area of andhra pradesh. The "Andhra Regulation of 1949" (1935) - a regulation passed by the andhra state was applicable to the religious and charitable institutions in the Telangana area of andhra pradesh state. Thereby, after the formation of andhra pradesh, there were two enclosures prevailing in the state, one for Telangana area and the other for andhra area. With a view to securing uniformity of law throughout the state, the state legislature of andhra pradesh had brought out a new enactment. The enactment of 1966 had taken into account, the experience gained in the administration in respect of religious and charitable institutions and also the recommendations made by the different committees and commissions and brought out a full fledged enactment which was comprehensive enough to deal with all types of problems relating to religious


and charitable institutions. The Improvement Acts in 1950 dealt over the enactment of 1951 related to the following:

1. Appointment of Joint Commissioners with certain quasi judicial functions.

2. Enabling the trustees to notify prohibition of certain acts within the premises of the institution which are not conducive to the religious atmosphere of the institution and to make them cognizable offences punishable under the Indian Penal Code.

3. Consulting the archimandrites and the ordinaries, in the matter of provision of ' bitrate' i.e. code of provisions, for the purposes of performing any ritual or function or utavam.

4. Grouping of the religious institution into three categories with reference to the income derived by them for the purposes of administration (Section 6 of 1950 Act).

5. The executive officer has been given power to abstain from implementing the directions, resolutions or orders of the Trust Board or Trustees in certain circumstances.
6. The Government are empowered to create and establish what is known as 'Common Good Fund' to be administered by the committee with Chief Minister as Chairman and Commissioner as Secretary and they have provided for contribution being made by the different religious charitable institutions up to a certain percentage of their net income with the object of utilising it for the benefit of such institutions and for construction of new ones.

As far as the "lakhasthrams" is concerned, there was a chapter dealing exclusively with the matters connected with them as in the 1931 Act in Chapter XIV. The Legislature has also provided for constituting a civic committee for Thirumala Hills area. As far as the "moolam" is concerned, 1950 Act enabled the lakhasthram to establish what is known as "Hindu Oorva Prasthithanam" with the specific object of managing Hindu Religious tenets. Provision has also been made for applying the provisions of the Andhra Pradesh Court Fees Act and the suits valuation Act.


9. Ibid, Sec. 90.

10. Ibid, Sec. 91(3)(a).
Now all the 1970 enactment provides for constitution of a religious advisory council for the State as a whole to function under the Endowments Commissioner so that it may advise the department on matters connected with religion, rituals etc., as and when such advice is sought. Thus there has been individual involvement in different enactments which have been made right from the time the "visitors" came into the picture.

The government notified the following objectives in unrolling the 1979 legislation:

"...as the oldest and biggest religious institution in India with vast resources and extensive jurisdiction. It was considered that provisions in the Act of 1966 were inadequate and it was not possible for the management of the temple to take quick decisions in the matters of its administration where considered necessary. The full rigorous control and supervision by the Endowment, Indrajalam Department which are no-doubt essential for smaller temples, were actually working as an administrative disincentives to a huge organisation like the JEO. In the light of the past experience, the government decided to have a separate self-contained enactment..."
for the better administration and governance of the TM.\textsuperscript{11}.

The government also framed rules to carry out the purposes of the said Act\textsuperscript{12}.

The latest Act No. 20 of 1979 is intended to provide a better administration of the TM. It may be useful to compare the Act of 1979 with the 1933 Act as there appears to be some important similarities between both. Whether the latest Act is a progressive measure or a retrograde step could be inferred from comparison and contrast with the salient provisions of the Act of 1933.

Firstly in 1933 Act the administration was vested in the "Investigations Committee" appointed by the "provincial government". Under the 1979 Act it is vested in a management committee appointed by the government\textsuperscript{13}.

Secondly, the qualifications and disqualifications for membership of the committee of 1933 Act, are the same for the present management committee\textsuperscript{14}.

Thirdly, as regard the membership and chairmanship of the committee, the Act of 1933 provides for a committee

\begin{enumerate}
\item An extract from the statement of objects and reasons appended to the TM Bill No. 15 of 1979.
\item Act No.20 of 1979 and notified rules in G.O.Ms.No.1238, Revenue (Endowments III) Department, dt. 12.10.1979 of the Govt. of Andhra Pradesh.
\item Ibid, Sec. 7(1).
\item Ibid, Sec. 8.
\end{enumerate}
consisting of 7 members of whom the chairman is willing to serve as to be the resident. Similarly the management committee under the act 29 of 1979 consists of 5 members of which the chairman of the board shall be ex-officio chairman of the committee. According to 1933 act, the chairman was an ex-officio member while according to the latest act of 1979, the managing officer has been made ex-officio chairman of the committee.

Under section 9 of 1933 act, any member of the committee including the chairman could express his inability to serve as a member or resign his office as a member by giving a notice in writing to the commissioner and on such notice of inability or resignation his office was deemed vacated, the system of relinquishment of office by member is repeated in the latest act.

In the act of 1933, the government had the power to dissolve and reconstitute the committee on the recommendations of the minds religious institutions board. Similar provision is made in the present act 4 i.e. Management committee can be dissolved on the recommendations of.

15. Ibid, Sec. 6.
16. Ibid, Sec. 11.
17. Sec. 10 of TPO Act, 1933.
Commissioner, Pandav Marg Department. 19.

Out of the committee are similar and subject to the provisions of these acts and the rules made thereunder, the committee shall manage the properties and affairs of the Devasthanam and arrange for the conduct of the daily worship and ceremonies and of the festivals in every temple according to its usage. 21.

The Government could appoint a Commissioner, who is re-designated as the Executive Officer to be appointed by the Government in 1979 Act and the tenure of office being 3 years in both the cases. An outgoing Commissioner was eligible for another term. The same provisions exist in the new Act 22.

According to 1933 Act, the Commissioner and under 1979 Act the Executive Officer was the Chief Executive Officer of the Devasthanam. 23.

The Commission could make regulations regarding the methods of recruitment, conditions of service, pay and allowances, discipline and conduct of the officers and

19. Ibid, Sec. 15 (i).
20. Section 17 of 1933 and Section 7 of 1979 Acts.
21. Sec. 18(1) of the 1933 Act and Sec. 17(1) of the TM Act 20 of 1979.
23. Ibid, Sec. 20(1)(a) 1933 Act.
arvance constituting the establishment of investments. The extraordinary powers of the Commission of 1933 Act are reproduced in the new Act.

The provisions under Section 43(2) of the 1933 Act is also repeated in Section 30(2) of 1979 Act.

There were many other sections in both the Acts which are identical in content.

LICENSE IN THE 1979 ACT:

It is not quite clear as to why the Government had to go back to the administrative set up that existed in 1933 overlooking the several progressive provisions of the subsequent legislations enacted during 1951 and 1966. Of course, the administration of the Act under the 1933 enactment was not however, sound effective in the sense that full vigour of control bestowed by the Commission under the powers vested in him by the 1933 Act, had acted as disincentives resulting in delay in decision making.

but the Act of 1979 did not improve the situation. Besides, the new Act failed to adopt the following provisions:

24. Ibid, Sec. 27.
25. Ibid, Sec. 23.
which were followed under 1966 Act.

Firstly, provision denying the appointing authorities for civil service staffs was not been made, as it was made previously. Secondly, provision for punishment of office holders (both honorary and non-honorary of the C.S) has not been made. Thirdly, provision for emption of state land, has not been made, and Fourthly, provision for exemption of suits has not been made.

The above provisions are essential and ought to have been incorporated in these amendments so as to ensure smooth functioning of the administration. Apart from the above reasons the authors of the 33 Act 20 of 1979 have failed to incorporate the following important provisions also.

a) Order to the court bans on the documents under the Act.

b) Provision enabling the government to grant exemption from the operation of the provision of the Act.

c) Provision for constitution of religious advisory council in 1979 Act.

28. Sec. 32 of the 1956 Act.
29. Ibid, Sec. 71.
30. Ibid, Sec. 79.
31. Ibid, Sec. 101.
32. Ibid, Sec. 103.
33. Ibid, Sec. 105.
(a) provision to the effect that the law of limitation is not applicable in 1979 Act 34.

(a) provision to treat the offences under the Act of 1979 as punishable offences, as in the 1930 Act.

Several certain of the above conclusions were made good subsequently by the amendment 35. Thus, it appears that the Act no. 30 of 1979 was drafted and legislated in a haphazard manner by broadly copying the 1933 Act, making verbal alterations here and there ignoring all the developments that had taken place in the law relating to the administration of law from 1933 to 1979. There could absolutely be no-doubt that as a result of the 1979 Act, the administrative machinery which had been geared up from time to time to suit the changing conditions had been allowed, in several respects and put back on the wheels of the administration as in 1933.

Conjectures and Hypothecations

It is unfortunate that the TR is unable to contribute towards the inadequate administration Fund 36. Though in the matters of administration of the TR, there is no

34. Ibid, Sec. 103.
35. The Amendment Act 8 of 1980.
36. Sec. 20(1) of the TR Act 20 of 1979.
particular function or service that is being rendered either by the autonomous departmental officers or by the officials of any other departments of State Government.

Common-wealth fund is created for the purpose of giving aid to the civic, religious and charitable institutions and also for the benefit of the community at large. This provision was made earlier in the previous Act. This provision is adopted by the new Act. However the Act was having power to donate for the repairs, renovations or widen other than those belonging to the Act, from out of the surplus funds. As the Act was making such contribution in different ways, indirectly, it was resulting in helping the glory and splendour of Lord Venkateswara spread everywhere. Now, under the new Act, the Act cannot make any contributions, either for repairs, or for renovation or for construction of any work other than that relating to the Act and it has been obliged to make contribution towards the Common-wealth Fund. Even, here, the contribution, that is to be made has to be calculated in the manner that has been specified in the old Act. Then required to calculate the amount as

38. Ibid.
encouraged in law the quantum of assistance will be practically negligible. Now, because of the pressure from the Government, the CPI has been making contribution to the tune of Rs. 75 lakhs towards loans and relief. In spite of this, the need of the 110 is not well known to the benefactorate and they are unable to understand that it is the benefactorate that is giving the contribution from its own pockets.

The move for the shift from these nakshanas to the new and more the National nakshana has not yet been undertaken. Under the 1965 act the annual bima nakshana was an institution established by the Government, with a foundation grant of Rs. 5 lakhs then and later of Rs. 5 lakhs. No expenditure was ever incurred about three lakhs. The aims and objects of the 110 are the same as that of the 110.

This 110 is mounting large sums of money on loans and grants which have started programmes like old age study, vocational and academic, etc. There is a criticism among the public that the 110's money is being spent without any restriction on Vedaparaayaana Schana, Sankrutiyanaka Schana, Viyugayaana Schana, aid to valia pathshala, and Sankruti pathshala etc. It is also criticised that

40. Ibid, Sec. 25.
41. Sec. 24 of the Act 20 of 1979.
from the above institutions only a particular section of the society is enjoying all the benefits, and Venkatacharu Dattamahaligayana is supposed to be established by the 25%, by making an foundation grant and the institution will push through its objects and reasons for which it has been established. it could meet its expenditure from out of the interest derived from the foundational grant made by 25%, but it is understood that no such foundation grant has been made so far for the reasons best known to the administration of the 25%, the establishment of an all mata nada institutions of higher study and research under 25% has to be established which is expected to become an international nucleus to attract scholars for higher noble studies from all over the world. there is a need to indicate the section as the earliest.

there is a provision in the 25% Act of 1979 for handing over the educational institutions to and when found necessary from 25% to the government 42.

it is clear definition of the 25% 43 that 25% has been defined as to mean the temples as specified in the first schedule and in the institutions specified in the second schedule to the Act. The second schedule to the

42. The 25% Act 20 of 1929, Sec. 28(1).
43. Ibid, Sec. 2(4).
Let is a list of educational institutions maintained
from the funds of the U.S. and a list of other charitable
institutions maintained by them. There are 21 educational
institutions and 2 charitable institutions in the said
list. It can thus be seen that the U.S. are both a
religious and charitable institution. The expression
"charitable purpose" has been defined in clause 0 of
Sec. 3, as including education and also relief of poverty
and distress. It is most unfortunate that the大面积
impacted youth, who have been barred from teaching
under religious homes in their own institutions. The
overhead educational institutions do not provide even
for a single period for it for imparting Hindu religious
tones to the children. This itself shows that the
very object with which the U.S. has started educational
institutions is an utter failure. This state of affairs
is because of the fact that the U.S. is approaching the
government for grants from the U.S. and also from the
vice-chancellor or of Education, etc., on any other educational
institution run by the government or a local body. The
grants in the government will not be available if the
U.S. institutions are not secular institution. It is
in these circumstances, that those gigantic Hindu religious
institutions insist of the fact that the U.S. is running
24 institutions have not been teaching or imparting anything
relating to Hindu religion to its several thousands of students in this connection. It may be pointed out that a convent run by the Missionaries in Ceylon impart their religious education regularly each day and by the time a student comes out from the school, he is thorough with the Bible. It is felt that if the T.N. are not hesitating about the policy grants of either local or government, it can certainly be at liberty to insist Hindu religious education in its institutions. It is not clear why the administrators are not thinking on these lines.

Originally, the administration started educational institutions with the primary object of propagating Christian mission and Hindu religious benefits through the schools. Every year several thousands of students go out of the T.N. educational institutions. If the T.N. authorities can make it possible to impart Hindu religious education as a part and parcel of the education in the schools and the colleges, there will be full justification for the T.N. in running and administrating the colleges and schools. If that can be done the huge expenditure that is now being incurred on the schemes under M.D. and S.M. can conveniently be divided. It is understood that the budget for 1980-81, provided about Rs. 80 lakhs towards the expenditure on the various schemes
under the T and N.W. In fact, the T and N.W. is obliged not to impose such religious instructions in their colleges and schools on the ground that they are receiving educational grants from the government, and as it can afford the same as well forego the grants and divert the expenses on that being incurred under the laws and rules for the purpose of imparting religious education in the colleges and schools to make up the loss likely to occur in giving up the grants from the government. However, this is a matter in regard to which legal opinion has to be obtained from the experts.

"An important factor which played a significant role in the growth of national awakening was the spread of western education. Through western liberal and revival of Hinduism instilled a sense of self-confidence in the people. English education brought the people in touch with the philosophy of the western thinkers...."

While dealing with the efforts to convert Indians into Christianity, it was observed that "another reason that served as fuel to the resentment of the people against the British rule was the activities of the missionaries to convert the natives into Christianity, the British authority

44. R.C. Agarwala, "Constitutional History of India and National Movement, Including the Comparative Study of Modern World" - Chapter V - p.76 & 83.
encouraged an association with a sinister political design.  

It can be seen that even in the educational institutions started by the missionaries, it was not only the western type of education that was introduced, but they also introduced the missionary schools wherein Christianity was associated with a missionary zeal. The missionaries have gone to the extent of banning religious education in government institutions, on the plea that they are secular institutions run by government and that the government cannot be biased towards any particular religion, in view of the fact that in India we have got different types of religions like Hindu, Islam and Judaism,Christian etc. etc.

It can thus be seen that the missionaries still agreed their Christianity to the vast and corners of the British empire by imparting Christian religious education through their missionary institutions. It is also a Hindu religious institution. It is one of the oldest religious institution in India, and in the world itself. There is absolutely no need for it to depend on Government to run its educational institutions. The fact that the funds

45. Ibid, Chapter IV, p.65 : 49.
occur, and not merely through the empty offerings by which however it is not by any other religious people. As on that, and we have no inhibitions to take up the cause of and propagandize of the Hindu religion in all its sectional limitations. If it turns out seriously as already stated, it can attempt to receive any grant from the bureaucracy and fairly realize itself and the clutches of the Government as far as financial matters are to take up distinctly, with religious propaganda on instruction through that. That some limitations - an old notion by the Christian missionaries. It is pointed out that the value Indian and national of Hinduism instilled a self-confidence in the people of India. It is this self-confidence which can be instilled with unity by devoting their religious instructions and their sense of discipline and in fact may have achieved their objective to a very great extent.

Taking lessons from the manner in which the Christian religion has been spread through the length and breadth of Hindustan, there is no reason why the same method will not be adopted by the to which is an independent body corporate and which is dependent on the government for any purpose and there is no reason why for the sake of little amount which it received from government, it should

46. Ibid.
sacrifice and claim from doing a highest service to
India. In keeping up the India’s religious tenets
and the principles in the young students we study in
their numerous institutions and come out as the citizens
of India in thousands every year.

In the matter of appeals, revisions and reviews,
which on the 1st. of 1973, Sec. 32 revokes for appeals
against orders passed by the Central Government
institutes. In other words, the provision relating to
the State appeal, and to the special appeal or superior
appeal against orders of Government of the Central
Government on orders of the line. While in Act, one
certainly in the 29th of 1973, deals with appeals, revisions
and reviews. The provision relating to appeal in Sec. 32
are not restricted only to the orders of proceedings
relating to punishment. The provisions are very compre-
hesive. Any other appeal under any provision of the Act,
are the special appeal. Similarly, has been made available.
Provision has also been made for special appeal, revision
and review by the Government. While it is so, it has been
provided that the person that files an appeal need not
necessarily be a person, who has been subjected to punish-
ment as under the old Act and need not necessarily be a
servant of the King, under the new act, not only by the
bonds, another servant or otherwise, nor or they
are hereditary or non-hereditary conviction, are unable
to file local and applications. In fact, even a person
interested in the act is able to file application to the
Government for the revival of its orders. The expression
"a person interested" taken in a pilgrim, a devotee and
a warrior or any person that regularly visits the
rund. Hence, only a person is also able to file
an application for revival of the orders of the govern-
ment. If he finds that any injustice has been caused
though not to him, to any other person, or in the matter
of public administration, unless the provision further
and concerning the administration, any pilgrim is entitled
to file in any application before the Government, if he
finds that any officer of administration is not proper or
that any order passed by any superior authority or
executive officer is not proper or that any order of
proceedings issued by any executive authority in the act
is not proper. According to it such a special provision
enabling any interested person to file an application or
an appeal for review by the Government, if taken seriously,
will go a long way to improve the administration at every
stage. One or two, every one of every executive authority
in the ITD can be objected to by an interested person, and
he can seek review before the government. But will be
the consequence if it is actually put into practice,
there will be a serious and gross in the ITD administration
as such. There is absolutely no point in making such
a provision in the IT Act of 20 of 1970. This means all
the difficulties and shows that the authors of the IT Act 20
of 1970 are oblivious to developments that have taken place
in the administration and in the recent past from time to time
for 19th century concepts. It is time that the IT administration
recognises the provisions of VIII in the IT Act
20 of 1970, so that the administration may not run into a
lot of litigation on a later date prompted by interested
persons. For instance, the ITD has asserted schemes called
modern income schemes, fiddling distribution income
schemes etc. etc. There has already been adverse comment
in the press and public. Evidently, public are not aware
of the specific provision in the chapter VIII of the act
that they themselves can file review petitions before the
government and fight out that schemes are not proper and
are not in the interests of T D administration. The whole
trouble is that if the provision comes to the knowledge
of common man, there will be plethora of applications
for review.
Civil Committee

Under 1966 Act, originally a provision was made in Sec. 91 of Tirumala area, the population according to 1971 census was to the tune of 13,000. It was considered that the Tirumala administration should be in the hands of the TD and should be governed by the Executive Officer of TD for the purpose of maintaining the sanctity of the temple as such. This decision is further strengthened that TD was the owner of the entire land of pagoda being the centre. The Tirumala village grew from time to time private petty lands which came into being as a result of adverse position and as a result of leasing out of lands by the Thiruman. So the pilgrim influx went on increasing the commercial activities at Tirumala also grew leaps and bounds. Consequently, there has been enormous increase in business population and the labourers and coolies that depend on the businessmen. Added to that, to meet the increasing pilgrim influx and with a view to create more and more facilities and addition to the pilgrims, the TD has been expanding its construction programs of choultries and cottages year after year. This has resulted in large number of labour population settled there unauthorisedly claiming TD lands. The TD employees at Tirumala are working around the clock and at present they themselves account for a population of eight thousand. Further the
The town has taken upon itself the burden of maintaining roads, lighting, of the roads and residential localities, residential sanitation as a whole and supply of protected water etc. etc., which are normally the duties of a civic body.

In almost all the major functions of the civic body are being carried out by the TRM. It was thought fit to entrust the administration of Timmala Village under the Village Act and Public Health Act of 1934 to the Executive officer, thereby the old provision relating to civic executive was deleted and the Executive officer has been authorised to carry on the administration of Timmala Village yet as under the Public Health Act. In other words, there is no such thing as a representative civic body there, no civic executive administration and also the health administration is vested in one individual i.e., the Executive officer. It was necessary and essential to do so for the single reason that in being the Chief executive authority so far as the Timmala Village Covasthena is concerned, he has been made responsible for the proper maintenance of the village surroundings of the Pagoda, to keep sanctity of the place in tact, and to see that Timmala Village as a whole is maintained in hygienic manner to avoid spread of any contagious diseases among the pilgrims which comprise of persons coming from different
parts of the world not only the Indians. It is in those circumstances, that the entire administration of Tirumala Village as such has been entrusted to executive officer. It may perhaps be desirable to continue the executive officer as the chief executive for the Gram Panchayat and Health Act, and if for any reason the census taken for 1931 reveals that the population is above the population prescribed for Panchayat and less than the population prescribed for municipality, then where, it is highly desirable to continue the same structure of administration as it is to-day. It may further be stated that if a representative body is put in charge of the Tirumala Village being secular in its outlook, it may not hesitate, to-carrow to gram panchayat for the construction of a church, mosque, cinema halls or for issue of permits for running bars, than one can imagine the result of this that the entire capacity of Tirumala Hills, will be greatly affected. It is to avoid such a situation, the legislators thought it well to put the administration of Panchayat as far as Tirumala is concerned in charge of the executive officer, who is the chief executive authority of the Jto.

The population of Tirumala must have already crossed 20,000 to declare it as a Municipality and the local interested party may agitate to bring in a Municipal Council in being. It is hoped that the legislators should bear in mind and
so that on no account the sanctity of Tirumala is adversely affected by any such legislation.

Tolls:

One more aspect in this regard that is to be commen-
ted is that while the Act and rules made there provided for collection of tolls i.e. only on the vehicles that fly in between Tirumala and Tirupati and that too in respect of only one trip during a period of 24 hours, it is found that the toll gate authorities at Tirumala have been collecting toll fee for every trip for e.g. if a vehicle makes two trips within 24 hours, they are collecting toll fee for 3 trips; if it makes three trips they are collecting for 3 trips. It is felt that this is an illegal act which if any interested party questions in the court of law, will have no face to stand before the court. Similarly, that toll as such is in respect of the vehicle that flies on the ghat road leading to Tirumala from Tirupati or on any other such ghat road. The Act and the rules provide for levy of toll on the ghat road without any reference to the number of persons travelling in the vehicle. Of course, different rates have been prescribed for different types of vehicles. It has however become a regular feature for the TRD to levy penalty (fine) on the vehicle owners if the number of persons carried is more than the number
prescribed by the Authority. While it is so, during the researcher’s observation, it is found that the authorities of the toll-gate are collecting extra fees to be fined for instance in a taxi with more than five passengers, they are collecting the fine at the rate of Rs. 3/- for an extra person or at the rate of Rs. 3/- for an extra child. It is felt that this is against the provisions of both the Act and rules framed under the Act. If there are excess passengers in a vehicle, it is the look out of the road transport authorities or the police to book them for offence of overloading and to take action under the appropriate law governing the subject. It is certainly not within the province of the toll-gate authorities to collect such penalties in the manner in which they are doing to-day. It is earnestly suggested that the PWD should stop such illegal action and illegal collection in the best interests of the Tirumala Tirupati Devasthanams.

Encroachments:

Section 31 of the PWD Act 20 of 1979, deals with encroachments. It is more or less drafted on the lines of Sec. 73 of 1966 enactment. The only difference being there that the PWD authorities have to submit an application before the Assistant Commissioner of Endowments complaining that such and such person or such and such
institution has encroached on the land or building or structure belonging to the R.O and it is left to the Assistant Commissioner to decide the matter after hearing both the parties. An appeal also under 1966 enactment has been provided against the orders and proceedings of the Assistant Commissioner given to executive officer himself when the executive officer finds that any person or institution has encroached on any lands of the R.O he can initiate proceedings, hear the parties concerned, pass such orders as he deems fit in case he decides that there was encroachment and that encroachment has to be evicted and his orders can be implemented if necessary by taking the assistance of police for this purpose also. Section 31 of the enactment provides a procedure after the orders of executive officer declaring encroachment. If the encroacher does not evict, the matter has to be taken to the notice of a magistrate of 1 class and under his direction the encroacher can be evicted taking the help of police.

In fact, according to the census of 1951, the population of Tirumala was only about 6,000. It can just be imagined that it would have been in the earlier years, say at the commencement of 20th century, therefore, there was need for the R.O authorities to encourage persons who are rendering service in the temple at Tirumala. For that purpose, the then authorities allowed them to occupy lands
around the 6 bda streets. In those days, the persons who were rendering service in the temple were Arabakottam Murallar, Vadukallar (Pati Murallar), Jiyangara, Ongillas, (Kalkottuca) and such other persons whose services were required day in and day out to conduct the rituals, functions and festivals in the Tirumala temple at Tirumala.

At a later date about 300 acres out of 6,000 odd acres were converted into private potta, by virtue of adverse position thus necessitated the T&O to alienate in their favour odd acres portions to other individuals. thereby slowly several people began to inhabitate at Tirumala. As already stated the potta lands amounting to about 300 acres and remaining land was either barren or forest land.

In this connection, it has to be stated that as the importance of the temple increased and as the influx of pilgrim population increased, the trade and commerce increased and the building activities resulting in more and more population at Tirumala, anticipating that the persons who occupy 2½ lands, should claim ownership because of adverse position for a period of 13 years. These legislators with a fore-thought, have enacted that the law of limitation shall not be made applicable to the Tiru lands and also to all the lands belonging to the other religious institutions (Sec. 103 of 1956 Act). It so happened that by virtue of

47. G.O., No. 1784, dt. 4.11.1963 of the Revenue Department of the Govt. of Andhra Pradesh.
this position, any occupation made subsequent to 1933, in spite of being in adverse position of individuals and institutions for over 12 years, still the land and apartments belong to TTD and occupants of the lands other than those lands which are already occupied prior to 1933 in respect of which they became pattaees by virtue of adverse position, all other persons who are in the occupation of 10 lands from 1933 onwards continue to be encroachers on the 10 lands in spite of being in their adverse position of the lands for over five decades. It can thus be seen that except for the lands about 366 acres, every other bit of land at Tirupati which is under the occupation of private individuals whoever it may be shall have to be deemed as encroachments. This provision in Sec. 31 is specially intended to remove such unauthorized encroachers from the 10 lands and to claim the land for the purpose of the TTD. However, in practice it is found that the TTD being a charitable and religious institution is dominated more by the sympathy and merciful elements and it may not be out of place to point out that in due course say after 2 decades, the individuals that are inhabitants at other places (though far off at present) may become the central places for purposes of TTD activities and the very same need or circumstances or contingencies that are now prompting
the T.O. authorities to evict the unauthorised encroachers from the four一组 streets with a view to keep up the sanctity. We may find it necessary to evict the very same tenants from the places at which they are being rehabilitated at present. It becomes a regular unending process of rehabilitation followed by eviction after two decades. This is a vicious circle dominated by the element of sympathy and mercy on the persons who are eking out their livelihood by doing some petty business or some type of labour. For the purpose of meeting their livelihood, with all respects to the T.O. authority, it may be pointed out that this may ultimately be categorised as misplaced sympathy and it may result in indirectly encouraging over population at Tirumala. In fact, there have been proposals to curtail the growth of Tirumala for the simple reason that the Tirumala village as such, has to be kept at the highest pedestal in the realm of sanctity. For that purpose every step has to be taken to see that is maintained in such a manner which satisfy to the desire of the pilgrim public. If it is over populated it will become one among several other temple towns like Kanchi, Kumbakonam, Tirupur, etc. The objects thus on the part of T.O. should be only:

1) to keep the T.O. lands intact without being encroached by the unauthorised persons.
2. for maintaining sanctity of Tirumala Hills by the pilgrims; and

3) to see that the temple authorities provide all the facilities and amenities required for the pilgrims at Tirumala in the best possible manner.

Moreover be the appreciation due for the union of the 1st of 1979 for all the lofty aims and objectives, it a year not comprehensive and the aims can be gauged from the source of which has been subsequently and inevitably brought out to make it more comprehensive and purposeful.