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PART VI.

**Bills introduced into the Council of the Governor-General of India
and Bills published before introduction in that Council.**

REVENUE AND DEVELOPMENT DEPARTMENT.

NOTIFICATION.

The 27th May 1939.

No. 1805-D.—The following Bill, introduced in the Council of State by the Honourable Kunwar Hajee Ismaiel Alikhan and published by the Government of India, Legislative Department, is republished for general information.

2. A motion was adopted in the Council of State to the effect that the Bill should be circulated for the purpose of eliciting

opinion thereon. Any person or public body in Orissa desirous of offering an opinion on the provisions of the Bill is requested to communicate the same by the 25th June 1939 to the Government of Orissa in the Development Department for transmission to the Government of India who will not accept any opinion submitted direct.

By order of the Governor,

W. W. DALZIEL,

Secretary to Government.

[AS INTRODUCED IN THE COUNCIL OF
STATE.]

A

BILL

TO

*Make better provision for the administration
of Masajid and the Endowment of the
Jama Masjid, Fatehpuri Masjid and
Kalan Masjid of Delhi.*

WHEREAS it is expedient to make better
provision for the administration of the
Jama Masjid, Fatehpuri Masjid and Kalan
Masjid, Delhi; it is hereby enacted as
follows:—

Short title and com-
mencement. 1. (1) This Act
may be called Delhi
Masajid Act, 193 .

(2) It shall come into force on such
date (not later than six months after this
Act receives the assent of the Governor
General) as the Chief Commissioner may by
notification in the *Gazette of India*
appoint in this behalf.

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

(1) "Committee" means the Masajid
Committee constituted under this
Act;

(2) "Court" means the principal Court
of original civil jurisdiction;

(3) "Masajid" means the institutions
known as Jama Masjid of Delhi,
Fatehpuri Masjid of Delhi, Kalan
Masjid (generally known as Kali
Masjid) of Delhi and any other
Mosque or Mosques which may
come under the management of
the Committee under section 16
of this Act, and includes the
premises called the *Masajid*
property with all buildings con-
tained therein, together with all
additions thereto or alterations
thereof which may be made after
the commencement of this Act;

(4) "Masajid Endowment" includes—

(a) all Mosques as defined 2 (3);

(b) all buildings and moveable
property within Masajid;

(c) Masajid property including all
land, houses and shops and all
landed property wheresoever
situated belonging to Masajid;
and

(d) all other property in India, and
all income derived from any
source whatsoever, dedicated to
the Masajid or placed for any
religious, pious or charitable
purposes under the Masajid
Administration.

(5) The words "trustee, Manager or
Superintendent" used in this Act
shall have the same meaning and
application as under the Religious
Endowments Act, 1863.

3. This Act shall have effect notwith-
standing anything
Act to override Act XX inconsistent there.
of 1863. with contained in the
Religious Endowments Act of 1863.

4. (1) The administration and control of
the Masajid Endow-
ment and of build-
ings connected therewith shall be vested in
The Committee. a Committee constituted in the manner
hereinafter provided.

(2) The Committee shall bear the name
of the "Masajid Committee, Delhi", be a
body corporate and shall have perpetual
succession and a common seal and shall by
the said name sue and be sued through its
President.

5. The Committee
Composition of Com- shall consist of twelve
mittee. members of whom—

(a) one shall be Imam of Jama Masjid
for the time being *ex-officio* or his
nominee;

(b) one shall be Imam of Fatehpuri
Masjid for the time being *ex-officio*
or his nominee;

(c) three shall be elected by the
Muslim members of the Delhi
Municipal Committee;

(d) one shall be elected by the Muslim
members of the Delhi District
Board;

(e) one shall be elected by the Muslim
members of the New Delhi
Municipal Committee;

(f) two shall be elected by the Muslim
members of the Indian Legislature;

(g) three members to be co-opted by
the members elected or nominated
under the preceding sub-sections
(a) to (f);

and

Provided that no person other than
Hanafi Muslim shall be a member thereof.

Members elected under sub-sections (c),
(d), (e) and (f) may not be members of those
bodies.

6. No person shall be qualified to be a
Qualifications of candi- candidate for election
dates. or nomination to the
Committee
unless—

(a) he can read and write Urdu;

(b) he has not been convicted by a criminal Court of any offence involving moral turpitude, and sentenced to any imprisonment;

(c) he has attained the age of twenty-one years; and

(d) he has not been adjudged to be of unsound mind by a competent Court.

7. A member of the Committee shall hold

Term of office of member of Committee. office for a term of five years from the date of election or nomination :

Provided that a member elected or nominated to fill up a casual vacancy shall hold office only so long as the member in whose place he was elected or nominated would have held office if the vacancy had not occurred, casual vacancies shall be filled up by the authority which has the power to appoint the members.

8. (1) The Committee shall elect a President and a Vice-President from among its members except those who are elected or nominated under items (a) and (b) of section 5.

(2) When the office of the President is vacant or in the absence of the President from any meeting, the Vice-President shall exercise the functions of the President.

(3) In the absence of the President and Vice-President, a meeting of the Committee may be presided over by a member elected by the majority of the members present at the meeting.

9. The Committee shall take place of and shall supersede the Powers and duties of Committees appointed under the Agreement, dated the 24th November 1862, made by the Managers of the Jama Masjid, Delhi, with the Government and the Agreement, dated 1st May 1877, made by the Trustees of the Fatehpuri Masjid with the Government.

10. The Committee may establish such Sub-Committees as it thinks fit, to exercise such powers and perform such duties as may be delegated to them by the Committee.

11. Save as otherwise provided under any enactment for the time being in force, the Committee shall, in the exercise of its powers and the discharge of its duties, follow the rules of the Mohamadan Law applicable to Hanafi Musalmans in British

India; and shall conduct and regulate the established rites and ceremonies in accordance with the tenets of the Hanafi Sect.

12. The Chief Commissioner may make Rules. rules, not inconsistent with the provisions of the Act, to provide for the manner of elections under sections 5 and 8.

13. (1) The Committee may make Bye-Laws. laws to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such bye-laws may provide for—

(a) the division of duties among the President and members of the Committee;

(b) the establishment and term of office of Sub-Committees and their power and duties;

(c) the time and place of, the quorum for, and the procedure and conduct of business at, the meetings of the Committee and Sub-Committees;

(d) the security, if any, to be taken from the servants of the Committee;

(e) the books and accounts to be kept at the office of the Committee;

(f) the custody and investment of the property and funds of the Masajid;

(g) the details to be included in or excluded from the budget of the Masajid;

(h) the persons by whom receipts may be granted for money paid to the Committee;

(i) the accounts, returns and reports to be submitted by the trustee, Manager or Superintendent;

(j) maintenance of peace and order within the Masajid compound;

(k) the duties and powers of the trustee, Manager or Superintendent and other officers and servants of the Masajid;

(l) the manner of entering into contracts by or on behalf of the Committee.

(3) All bye-laws made by the Committee under this section shall first be published in draft for objection by being hung up on the premises of the Masajid.

14. The Committee shall not be empowered to use the property, moveable or immovable, for the Masajid Endowments for any purpose other than those intended by the founders of the Masajid.

15. The provisions of Act XLII of 1923 shall be applicable to the Masajid and the Committee shall also publish once every year a report on the administration of the Masajid with a copy of accounts duly

audited and certified by a chartered accountant or an auditor holding a certificate from the Government.

16. The Chief Commissioner may extend the provisions of this Act to any other Mosque or Mosques within Delhi Province by notification in the *Gazette of India*, and hand over the management to the Committee.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to bring about a desirable change in the present constitution of the Committees of the Jama Masjid and Fatehpuri Masjid, by reducing the term of office of the members from life to five years and increasing the number of independent and representative Muslim members in the Committee so as to provide for popular and effective control over the Mosques and Endowments attached thereto, which have hitherto remained almost

exclusively in the hands of persons who were never represented by any democratic principle, and further to ensure the proper collection of income, disbursement of expenditure, maintenance and publication of the accounts and observance of discipline in the Mosques.

These changes cannot be brought about except by express legislation.

ISMAIEL ALIKHAN.

The 4th January 1939.