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MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 1526 Press Mis.

168-170A

Dated 20—10— 1873.

11/12

Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department,
20*th October* 1873.

Read the following papers :—

No. 168. From H. S. THOMAS, Esq., President of the Municipal Commission, Mangalore, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Mangalore, 4th September 1873, No. 125.

After a deliberate consideration of the question whether the desire of the people of this town to allow burials in grounds situated within the heart of it can be complied with in any way without interfering with the sanitation of the town under their charge, the Commissioners have arrived at the conclusion that they can best compromise matters by allowing intramural interments only in closed masonry vaults. They therefore request the Honourable the Governor in Council will be pleased to approve of the following addition being made to the bye-laws sanctioned by Government in their Proceedings, dated 22nd February 1868, No. 234, Public Department :—

"5. (*a.*) No person shall bury or cause, permit or suffer, to be buried any corpse within the interior of any Protestant or Roman Catholic Church or Church verandah or grounds, and within the precincts of such of the Mussulman Musjids as the Commissioners may from time to time appoint for the purpose, except in vaults built at least two feet thick of laterite-in-chunam for single vaults and as much more as the District Engineer may advise for large vaults, with 1½ feet of lime all round each body, unless effectually embalmed, after obtaining the permission of the President, the interment being made in the presence of a Municipal Officer."

No. 169. To His Excel. the Right Hon. the GOVERNOR in COUNCIL,
Fort St. George.

The humble Memorial of KAUJEE ABDUL KAUDER MOILAR and KUTIK POKRE MOILAR, Trustees of the Moplah Musjids of Mangalore, and the undersigned Jamats of the Moplah community of that station.

May it please your Excellency,—Being highly aggrieved by an order of the Municipality of Mangalore, under date the 20th June last, prohibiting the use of the burial-grounds attached to our Musjids (mosques) at this station, we beg respectfully to submit this humble memorial for your Lordship's favourable consideration in Council.

2. Involving, as it does, questions affecting the nearer and dearer interests of a large and influential section of the community of Mangalore, this case demands careful attention of your Lordship in Council.

3. It might have been wished that the Municipality had thought over this important subject twice before coming to the resolution that gave birth to the order in question, which, however, they would seem not to have done.

4. Your Lordship in Council is aware that the question involved is purely a religious one affecting the wishes and feelings of the people concerned, and that such delicate and important questions require to be dealt with with extreme caution.

5. The only question arising for your Lordship's decision in this case is whether the Municipality were justified in issuing the order appealed against.

6. We beg respectfully to submit they were not both on political and sanitary grounds.

7. It is allowed on all hands that, while many of the European nations look upon the burial of their dead as a mere debt due to the memory of the deceased, the Mahomedans, like most other Eastern nations, regard it as a supremely religious, sacred, and inviolable duty. This duty they would discharge even at the sacrifice of their very lives. Any impediment thrown in the way of performing this their duty they have been accustomed to regard with feelings of disgust and suspicion as a violence and indignity offered to their religion and nation.

8. The religion of Islam enjoins on its followers the strict observance of certain rules and rites at, and on, burial, these rites having in view the salvation of the departed souls. Now, one of these rules requires the Mahomedans to bury their dead in the vicinity of their mosques in order that the deceased may hear and derive the benefit of the *bang*, or Aza, or prayer, daily offered aloud inside the mosque. Another rule imposes the performance of Liarittl Kabar every day at the conclusion of the usual ceremonials. This ceremony is neither more nor less than a prayer offered by the community, forming a ring round the sepulchre, for the eternal beatitude of the dead. This ceremony it is neither convenient nor possible to perform at places other than the mosques.

9. To ask us to bury our dead at a place remote from the mosques is, as your Lordship in Council will see, in effect to ask us to disobey the dictates of our religion and to deny the dead the benefit of the prayers offered, and the ceremonies performed, for them by the living. Such, at least, is the state of feeling of our community.

10. Such an intolerable interference with the religion of a people who are known to have pertinaciously adhered, conserved, and propagated their dogmas with a zeal scarcely to be equalled by any other race on the surface of the earth, would not, we feel sure, have been allowed for a moment if the Commissioners had possessed anything like a decent knowledge of the tenets of that religion.

11. Your Lordship in Council is aware that by a Proclamation made known to the people of India in November 1858 Her Majesty the Queen has been graciously pleased to vouchsafe to her Indian subjects the pledge that Her Majesty's Government "shall abstain from all interference with the religious belief or worship of her subjects, and that it is her pleasure that due regard be paid to the ancient rites, and usages, and customs of India."

12. Your Lordship in Council, representing, as you do, the Sovereignty of Her Gracious Majesty the Queen in this country, will doubtless see the desirability of fulfilling the sacred pledge of our Sovereign, of refraining from all acts tending to create and foster disaffection and discontent in the minds of an important class of people committed to your benign care.

13. Such considerations as these would seem to have led the Vice-President of the Rajahmundry Municipal Commission to write as follows to the President of the Municipal Commission in the Godavery District:—

* * * * * *

"As regards intramural burials, * * * *
I sent for the heads of the Mahomedan community, and, after some discussion, they agreed to make use of a burial-ground to be set apart for them outside the town in all cases except those of fifty families, who highly value the privilege of burying their dead in mosques and gardens, public and private, who have family burying-places there, where their forefathers, for a number of generations, have been buried, and alongside of whom it is naturally their wish to be buried. Every one knows how much importance the higher classes of Mahomedans attach to their family burying-places. The finest building in the world (the Taj at Agra) is a Mahomedan tomb, and nearly every Mahomedan private building of any pretensions is a tomb. The tombs and gardens round them are usually kept up with a care and a feeling of religious veneration which it would be unwise to shock without a stronger reason than the injury likely to result from burying the members of about fifty families, at the rate of a few individuals a-year, within the limits of the town. I think we shall have gone far enough for the present if the mass of the Mahomedan population are induced or obliged to bury outside the town. Time will enable the Government to complete the measure hereafter without giving offence when the importance of sanitary precautions is better understood and appreciated, as there can be no doubt they will hereafter be some day. The Mahomedan population of Rajahmundry was by last Census 1163. Two sites have been chosen outside the town for burial-grounds for the mass of the Mahomedan population, but I have not been able to complete the arrangements yet owing to various causes. But the latter has not been forgotten or neglected as the Government will see, and will no doubt shortly be amicably settled on the basis of the arrangements discredited if the Government approve of the views above expressed and do not insist upon more stringent measures."

Your Lordship's Government were pleased to appreciate in an order the consideration and good judgment with which Mr. Stuart's letter shows the operations of the Rajahmundry Municipality are conducted (*vide Madras Mail*, October 1872). We understand that no such prohibition has been made in the districts of Malabar, Salem, Trichinopoly, &c.

14. The disaffection which the order of the Municipality has engendered in the hearts of the Mahomedan population of this town is likely to increase from the invidious distinction which seems to have been made in favour of the Roman Catholic Christian community of Mangalore.

15. The prohibition of burials in the Musjid in question, then, being unjustifiable on political grounds, we beg to submit that it is equally so on sanitary. There is not a single instance in which people residing in the vicinity of the burial-grounds have complained that these grounds have proved dangerous to their living. Besides, burials are effected in such a way as to preclude all possibility of such danger.

16. Thus your Lordship in Council will see that the order of the Municipality is not justifiable on sanitary grounds either.

17. When such is the case, what avails this prohibition but to exasperate and alienate the hearts of an eminently peaceful and loyal people?

18. The prohibition in question has entailed on our Musjids the loss of a considerable amount of burial fees on which they mainly depended for support generally in the absence of any grant from Government.

19. In conclusion, we respectfully pray that your Lordship in Council may, on a kind consideration of the foregoing circumstances, be graciously pleased to reverse the order appealed against and allow us the use of the burial-ground attached to the Musjids in question.

And we shall, as in duty bound, ever feel grateful.

(Signed) KAUJEE ABDUL KAUDER MOILAR,
and others.

13th December 1872.

No. 171.

Referred to the President of the Mangalore Municipality for report.

(By order.)

FORT ST. GEORGE,
20th February 1873.

(Signed) J. STURROCK,
Actg. Under Secy. to Govt.

No. 170. From H. S. THOMAS, Esq., President of the Municipal Commission, Mangalore, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Mangalore, 4th September 1873, No. 126.

With reference to the accompanying petition addressed to Government by the Moplah community of this town and referred to me for report, I have the honour to state that the order of the Municipality prohibiting the use of the burial-grounds attached to some of the Moplah mosques was passed on sanitary grounds, in accordance with the Municipal Act, after a very thorough and most patient inquiry by a Sub-Committee composed of the Medical Officer and other Commissioners, amongst whom the Mussulman element was not omitted.

2. No partiality was shown in favour of the Roman Catholics, as alleged in the petition, nor to any other religionists; but on account of their clamour more consideration has been shown to the petitioners than to any one else. Such places as were less objectionable from a sanitary view have been allowed for ordinary unvaulted interments, which may be taken advantage of by people of limited means and not able to undergo the expenses of erecting vaults.

3. I would, however, state, for the information of Government, that the Commissioners have, in conformity with one of their recent resolutions, submitted with letter, No. 125, of this date, a bye-law on the subject, which, if sanctioned, will doubtless set this matter also at rest.

No. 170-A. ORDER THEREON, 20th October 1873, No. 1526.

Before sanctioning the proposed bye-law the Governor in Council desires to be informed as to its precise intention, for it is not clear whether "in such of the Mussulman Musjids as the Commissioners may from time to time appoint for the purpose," and in these only, burials must be performed in the manner specified, all

Proceedings of the Madras Government, Financial Department,
20th October 1873.

other Musjids in the town being left free from restriction on burials, or whether burials are to be allowed only in the selected Musjids and in the manner specified and prohibited in all other mosques.

2. If the latter be the intention the Government desire to know on what principle the selection "from time to time" is to be made. If there is no objection to interments in a mosque when selected, it may reasonably be assumed that there has been no good ground for previous prohibition.

(True Extract.)

Chief Secretary.

To the President of the Municipal Commission, Mangalore.

Exd. A. S. Rodgers.

Govt. of Madras, No. 1873 Municipal.

FINANCIAL.

To

THE PRESIDENT OF THE
MUNICIPAL COMMISSION,
Mangalore.

Dated October, 20th.

Recd.

Encl.

G. O., 20th October 1873, No. 1626.

OCTOBER.
Nos. 168—170-A.

Mangalore Municipality.—Further information called for as to the precise intention of the proposed bye-law respecting the prohibition of burials in grounds attached to mosques.

Financial Department

971

of the burial grounds attached to their Mosques and state that their religion enjoins the strict observance of certain rules and rites at and on burial; that they are required to bury their dead near their Mosques in order that the deceased may hear and derive the benefit of the daily prayer; that to ask them to bury their dead at a place remote from their mosques is in effect to ask them to disobey the dictates of their religion; that by a Proclamation made in November 1858, Her Majesty the Queen has

Government of Madras,

Financial DEPARTMENT.

Petition No. 171 of 1873.

From Abdul Kauder Moilar, Kutik Pokre Moilar Trustees

Occupation. of the Mapla Majid and others the Jamats of

Village. the Mapla Community

Talook. of Mangalore

District. South Canara

Dated 13th December 1872

Received 11th January 1873

Enclosures. 4

Abstract.

Appeal against an order of the Municipality under date the 20th June last prohibiting the use of

has been graciously pleased to vouchsafe to Indian subjects the pledge that Her Majesty's Govt shall abstain from all interference with the religious belief or worship of Her Majesty's subjects &c. that the disaffection which the said order has engendered is likely to increase from the invidious distinction which seems to have been made in favor of the Roman Catholics; that the order is not justifiable either on political or sanitary grounds

& pray that the Govt may reverse the order and allow them the use of the burial ground attached to the mosques

Fort Saint George
30th January 1873

By order
C. Brandreth
Asst to the Govt

Received 5 Feby 1873.

Memorialists for Petitioners

Petitioners to the President of the Municipality of Mangalore

Financial Department

97

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters from the President, Municipal Commission, Mangalore dated 4th September 1873, Nos. 125 & 126.

Order thereon

I do not quite see my way here and have for some time ferred that our Municipalities in this matter are doing violence to the feeling & of an Govt without real necessity.

Such a moral busy ing prevails are unwise condemned - and no doubt ably - for sanitary reasons - but these grounds are situated in more

The Governor-in-Council sanctions the proposed bye-law and directs that it be published in 3 successive issues of the District Gazette.

2. The Petitioners in No. 171 of 1873 (Financial) will be informed by Endorsement that the Governor-in-Council cannot interfere with the arrangements which after full consideration

the

or

the Municipal Commissioners
have been compelled to
make on sanitary grounds.

I. A.

or less crowded
towns - We have them
closed several in Newtown & elsewhere.
Again some grounds are pled - that
are legitimate reasons & should
be upheld - but do these reasons hold
good here? If they do - then I would
confirm the Com^rs proceedings - if
they do not, then we must not
consent in to requiring the grave
to be of such depth as is req.
-site & sufficient for the safety of the living -
I would ask to specific information
on these points - and I think it

11 7

be well to issue some general in-
structions to Com^rs in this matter -
I do not like the by laws - and
would prefer an absolute pro-
hibition - to such an imperfect
& restricted prohibition -

I. A.

I quite agree in the views expressed by Mr. Lui.
If it can possibly be avoided (and there seems little
reason to doubt that it can) the religious feelings
of Mussulmans ought not to be disregarded & per-
-mission to bury bodies ~~xxxxxxx~~ close to Mosques,
The proposed by-laws does not at all meet the
difficulty: for it hampers the conception with conditions
which render it valueless - We never wish to
suppress that at Hampton there can be any serious
danger to ~~xxx~~ health by allowing burials at a certain

Financial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters from

The President of the Municipal Commissioner, Mangalore, dated 4th September 1873, Nos. 125 and 126.

Order thereon

Reports sanctioning Bye-laws, asking for information as to the precise nature of a warning &c. &c.

The Governor in Council is not precisely informed as to the terms of the Order of which the Petitioners complain, but he is by no means satisfied as to the necessity for establishing the proposed bye-laws in Mangalore, and declines to sanction it.

The

Govt. of 187 } Madras.

To

Dated
Recd. } 187, No.

Nos.

Reply for the Municipality
Bye laws

as the matter stands at present, it is not clear that the Collector has any power to enforce the bye-laws which have been passed, or to punish persons who may infringe them. The Municipality should be informed that the Collector has no power to enforce the bye-laws, and that they should be modified.

S 20/73

Govt. not a prohibition of this kind of law can be made by means of a Bye-law, requiring sanction of Govt.? - only an "Order"?

Govt. disallow the Bye-laws and tell the Municipality to report on special grounds whether Govt. would extend regulation - with reasons &c. 22/9 JH

C 139

2. The Magistrate of the District will report on the special burial grounds to which the Municipal Commissioners desire to extend regulation with full information as to the reasons which are assigned in each case.

To

The Magte. of South Canara.

—u— Presdt. of the Muni. Comr., Mangalore.

Burial grounds in Mangalore

Govt.

(6)

Govt. of } Madras.
187 }

To

Dated
Rcd. } 187 , No.

Nos.

Financial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters from the President of the Municipal Commissioners, Mangalore, dated 4th September 1873. Nos 125 and ~~126~~.

Read Petn from Kazee Abdul Khader &c — 13 Dec 1873 —
Report of the Resident thereon — 4 Sep — 126 —

Order thereon. Cotacamund. 20 Octr 1873. No 1526.

Before sanctioning the proposed Bye-law the Govt in Council desires to be informed as to its precise intention, for it is not clear whether "in such of the Mahomedan Mosques as the Commissioners may from time to time appoint for the purpose" (burials must be this only

be performed in the manner specified, all other Mus-jids in the town being left free from restriction on burials - or whether burials are to be allowed only in the selected Mus-jids and in the manner specified - and prohibited in all other mosques.

2. If the latter be the intention the Govt desire to know on what principle the selection "from time to time" is to be made. If there is no objection to interments in a mosque when selected, it may reasonably be apprehended that there has been no good ground for previous prohibition.

(Ordered in Council)
17-10-78

To Magistrate of South Canara.

President of the Munl Comrs, Mangalore dated 9th
22 Oct 10-30

Govt. of {1873} Madras.

Financial

To

The Presdt. Munl. Commrs.
Mangalore

Dated Oct. 20
Recd. } 1873, No. 1526

Nos. 108-704.

Mangalore Mumy. Further information called for as to the precise intention of the proposed Bye-law respecting the prohibition of burials in grounds attached to Mosques or Dargahs.