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(3) Initials of the Referencer _____

MADRAS RECORD OFFICE

Government of Madras

Judicial

DEPARTMENT

G.O. No. 639.
B.P. No. _____Press
Mis. _____*Original*

Dated

4. 41876
195Not to be folded or roughly handled

Native Religious Endowments.

No. 41. Read the following letter from A. P. HOWELL, Esq., M.A., Officiating Secretary to the Government of India, Home Department (Public), to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Fort William, 29th February 1876, No. 306:—

I am directed to acknowledge your letters noted on the margin regarding the present state of the law regulating the administration of Native religious endowments.

No. 120, dated 31st January 1872.
„ 1975-A, dated 2nd October 1874.
„ 105, dated 2nd January 1876.

2. In reply, I am to say that the Government of India agree with the Government of Madras that Act XX of 1863 has failed to prevent malversation of the endowments dealt with under its provisions, and that fresh legislation in the matter is necessary.

3. It must be understood, however, that the policy of which the Act of 1863 is the expression should, as far as possible, be maintained; and in this view it appears to the Government of India that there is more probability of a successful solution of the question in the scheme propounded by Sir William Robinson in his Minute of the 10th October 1874, than in any other scheme that has yet been proposed. His proposals involve no direct interference in the administration of the endowments by the European officers of the Government, but provide that the duty should be entrusted to a strong Native Board exclusively devoted to the work, and armed with full powers to inquire into and obtain redress for abuses of their authority by the local managers of the trusts.

4. It is doubtful whether it will be possible to appoint in the districts efficient local Committees, unless the European element be included in them; but, as suggested by Sir W. Robinson, there would seem to be no difficulty in providing for the effective discharge of most of the duties which would be assigned to District Committees by the appointment of Inspectors acting under the orders of the Central Board. For the work to be done thoroughly the members of the Board and their staff must be well paid; and there seems to be no reason why their salaries should not be defrayed from the funds of the endowments. It will probably be better that the members should be appointed and removed by the Government, as any system of election for the first or future members of the Board would not be likely to answer well.

5. The appointment and removal of trustees might be vested in the Central Board, subject to rules to be approved by His Excellency the Governor in Council. It does not seem necessary to fix the number of trustees for each endowment; this must vary according to the nature and previous history of the trust.

6. There would seem to be no objection to provide for the application of the surplus funds of the endowments to useful public purposes, such as the establishment of a school for general education, or of a scholarship, or the construction of some beneficial local work.

*Proceedings of the Madras Government, Judicial Department,
4th April 1876.*

7. I am to take this opportunity of acknowledging your letter, No. 59,* dated 12th January 1875, relative to the sale of certain villages under judicial decrees for debts due by the manager of the property, notwithstanding that the estate had been held on a rent-free tenure for charitable purposes. In the opinion of the Government of India provision should be made for the protection from alienation, under decrees of Courts, of inams granted for religious or charitable purposes.

8. I am to request that, with the permission of His Excellency the Governor in Council, a Bill, based upon the above suggestions, supplemented and modified according as local experience may suggest, may be submitted to the Government of India for sanction under Section 43 of the Indian Councils Act and for transmission to the Secretary of State. Steps will then be taken here at the proper time to repeal Act XX of 1863, as far as the Madras Presidency is concerned, so as to remove the objection, under Section 42 of the Indian Councils Act, as to the competency of His Excellency the Governor's Council to deal with this subject. I am also to request that the fullest information available may be supplied as to the actual facts of the misappropriation of the funds of the endowments. It is gathered from some expressions used in the Proceedings of the Madras Board of Revenue, dated the 18th July 1874, that the Board and the Government had before them specific instances of misappropriation which were regarded as affording strong confirmation of the opinion on which the recommendation in favor of fresh legislation was founded, but the papers showing this have not been sent up.

No. 42.

ORDER THEREON, 4th April 1876, No. 639.

In view to giving effect to the suggestion of this Government on the subject, approved by the Government of India, His Grace the Governor in Council resolves to invite the following gentlemen to form a Committee for the purpose of drafting a Bill for regulating the administration of Hindoo Religious Endowments in the Madras Presidency in accordance with the principles laid down in the letter from the Government of India, and reporting to Government generally on the subject:—

The Hon. Sir W. Robinson will be requested to be President of the Committee with a casting vote.

M.R.R. The Hon. V. Ramaiyengar, C.S.I.

„ P. Somascondrum Chetty.

„ P. Srinivasa Rao.

„ P. T. Ramanjooloo Naidoo.

„ T. Mootoosami Iyer.

„ P. Chentsal Rao.

„ K. Ragoonadasami Row.

„ Sri Kristna Tata Chari.

„ V. Kristnama Chari.

The Advocate-General.

A Secretary will be appointed by Government.

*Proceedings of the Madras Government, Judicial Department,
4th April 1876.*

2. The papers relating to the subject will be communicated to the Committee who will be requested to collect all necessary information and to take evidence on the subject.

3. All Collectors of Districts, District Judges, and other officials will be directed to supply any information required by the Committee.

(True Extract.)

W. HUDLESTON,
Chief Secretary.

To the Hon. Sir W. Robinson, K.C.S.I.,
the Hon. V. Ramaiyengar, C.S.I.,
M.R.R. P. Somascondrum Chetty,

„ P. Srinivasa Rao,

„ P. T. Ramanjooloo Naidoo,

„ T. Mootoosami Iyer,

„ P. Chentsal Rao,

„ K. Ragoonadasami Row,

„ Sri Kristna Tata Chari,

„ V. Kristnama Chari,

the Advocate-General,

the Revenue Department.

the Board of Revenue.

all Collectors.

all District and Session Judges.

with papers.

Exd. J. Wright.

No. 306

FROM

ARTHUR HOWELL, Esq.,
Offg. Secretary to the Govt. of India.

TO

THE SECRETARY TO THE GOVERNMENT
OF MADRAS.

Home Dept.
Public.

FORT WILLIAM, the 24 February 1876.

SIR,

I AM directed to acknowledge your letters noted on the margin regarding the present state of the law regulating the administration of Native religious endowments.

No. 120, dated 31st January 1872.
" 1975 A, dated 23rd October 1874.
" 106, dated 20th January 1876.

2. In reply I am to say that the Government of India agree with the Government of Madras that Act XX. of 1863 was intended to prevent malversation of the endowments dealt with under its provisions, and that fresh legislation in the matter is necessary.

3. It must be understood, however, that the policy of which the Act of 1863 is the expression should, as far as possible, be maintained; and in this view it appears to the Government of India that there is more probability of a successful solution of the question in the scheme propounded by Sir William Robinson in his Minute of the 10th October 1874 than in any other scheme that has yet been devised. His proposals involve no direct interference in the administration of the endowments by the European officers of the Government, but provide that the duty should be entrusted to a strong Native Board exclusively devoted to the work, and armed with full powers to enquire into and obtain redress for abuses of their authority by the local managers of the trusts.

4. It is doubtful whether it will be possible to appoint in the districts efficient local committees, unless the European element be included in them; but, as suggested by Sir W. Robinson, there would seem to be no difficulty in providing for the effective discharge of most of the duties which would be assigned to district committees by the appointment of Inspectors acting under the orders of the Central Board. For the work to be done thoroughly the members of the Board and their staff must be well paid; and there seems to be no reason why their salaries should not be defrayed from the funds of the endowments. It will probably be better that the members should be appointed and removed by the Government, as any system of election for the first or future members of the Board would not be likely to answer well.

Govt. of 1876, Madras.

JUDICIAL.

To

THE HON. SIR W. ROBINSON, K.C.S.I.,
Ac., Ac., Ac.

Dated April, 4th.

Issued

Recd.

Post.

G.O., 4th April 1876, No. 633.

APRIL

Nos. 41-42.

Native Religious Endowments.—Certain gentlemen invited to form a Committee for the purpose of drafting a Bill for regulating the administration of Hindu Religious Endowments in the Madras Presidency, and reporting to Government generally on the subject.

5. The appointment and removal of trustees might be vested in the Central Board, subject to rules to be approved by His Excellency the Governor in Council. It does not seem necessary to fix the number of trustees for each endowment; this must vary according to the nature and previous history of the trust.

6. There would seem to be no objection to provide for the application of the surplus funds of the endowments to useful public purposes, such as the establishment of a school for general education, or of a scholarship, or the construction of some beneficial local work.

7. I am to take this opportunity of acknowledging your letter ^{* To the Department of Revenue, Agriculture and Commerce.} No. 59,* dated 12th January 1875, relative to the sale of certain villages under judicial decrees for debts due by the manager of the property, notwithstanding that the estate had been held on a rent-free tenure for charitable purposes. In the opinion of the Government of India provision should be made for the protection from alienation, under decrees of Courts, of inams granted for religious or charitable purposes.

8. I am to request that with the permission of His Excellency the Governor in Council a Bill, based upon the above suggestions, supplemented and modified according as local experience may suggest, may be submitted to the Government of India for sanction under Section 43 of the Indian Councils Act and for transmission to the Secretary of State. Steps will then be taken here at the proper time to repeal Act XX. of 1863, as far as the Madras Presidency is concerned, so as to remove the objection under Section 42 of the Indian Councils Act as to the competency of His Excellency the Governor's Council to deal with this subject. I am also to request that the fullest information available may be supplied as to the actual facts of the misappropriation of the funds of the endowments. It is gathered from some expressions used in the proceedings of the Madras Board of Revenue, dated the 18th July 1874, that the Board and the Government had before them specific instances of misappropriation which were regarded as affording strong confirmation of the opinion on which the recommendation in favour of fresh legislation was founded, but the papers shewing this have not been sent up.

I have the honour to be,

SIR,

Your most obedient Servant,



Offg. Secretary to the Govt. of India.

1871-

Judicial DEPARTMENT.
No. 575.

From The Govt of India, Home Dept, dated
29 February 1876 - communicating views
regarding the state of the law regulating
the administration of native religious
endowments.

Bol - 12/3

FOR ORDERS.

The scheme sketched in the minute of mine alluded to in this letter is merely an attempt at a rough adaptation of the principles and practice of the Charitable Trusts Law and Commission to the circumstances with which we have to deal in relation to Religious Endowments and Trusts in this Country.

11th March 1876 M.H.

The Commissioner gave us every facility for doing so

I made a point of examining the law & working of the Charity Trust Commission in England in 1872 and as stated

Supervise (1876/1876)
Native Religious Endowments
Home Dept
10.6.76
1876
1875
706
Coming views on the subject of the present state of the law relating to the administration of Native Religious Endowments - sent in the Dec

1871
1875

Stated in my remarks
I believe that the solution
of the question lies in this
direction - in perfect
compatibility with the primary
principle of perfect religious
neutrality as respects
Government. Mr. Hobhouse
was himself a Charity
Trust Commissioner and
no mean judge in the
matter. He, I know, accepts
the suggestion I have made.
I would therefore at once
act on the permission to
draft a Bill for thorough
consideration here, in Scotland
and in England.

Of course the matter will
have a severe lifting at
all hands and probably
will take long to get into
legislative form, but the
sooner we get to work the
better as it seems to me.

I propose that the
Govt. appoint a Committee
to draft a Bill, with powers
to call for information, examine
evidence &c. - I would have
some of the Trustees of various
large institutions before the

Am. V. Ramayappa Esq
I. Muttuvaran Esq

Committee -

We must have a strong
and really able & liberal
Native Committee - I suggest
the names in the margin
as persons who should be
on it - together with the
Advocate General and
perhaps another Lawyer
(Mr. Shepherd would do).

If my Hon. Colleagues
think that I do take a useful
part in the matter I shall be
glad to take a useful
part in the matter. I am much
interested in it, I will give the Committee

I think that great
pain should be taken to
get specific cases of
malversation in support
of our case. I am satisfied
that a very earnest attack
will be made in England
on any project of legislation
which has for its object
the protection of religious
endowments. In fact I
have had warning of this
effect from friends at home
who know my proposals
and take a different view
of our obligation to our
Native Subjects in this
behalf. We must therefore
place

place the necessity of
legislation beyond Carib
as suggested by the Govt.
of India letter.

1873 M.C.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

READ the following letter from

the Government of India, Home
Department dated 29 February
1876 No. 306.

Order thereon in April 1876 No. 639.

In view to giving effect
to the suggestion of this Govt.
on the subject, approved
by the Government of India,
His Grace the Governor in
Council resolves to invite
the following Gentlemen
to form a Committee for
the purpose of drafting
a Bill for regulating
the administration of
Hindoo Religious Endow-
ments in the Madras
Presidency in accordance
with

M.C.
4/4

M.C.

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as suggested by the Govt.
of India letter.

1873 M.C.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

READ the following letter from

the Government of India, Home
Department dated 29 February
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In view to giving effect
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Hindoo Religious Endow-
ments in the Madras
Presidency in accordance
with

M.C.
4/4

M.C.

with the principles laid down in the letter from the Government of India, and reporting to Government generally on the subject.

The Honourable Sir W. Robinson will be requested to be President of the Committee with a Casting vote.

Mr R. N. The Honble V. Ramalingam

" P. Somasundaram Chetty

" P. J. Srinivasa Rao,

" P. J. Ramaswami Aiyar

" J. Srinivasan Iyer

" P. Chenthamil Rao

" K. Raghunadhasami Row

" Sri Krishna Tata Charar

" V. Krishnaiah Charar

The Advocate General

A Secretary will be appointed by Government.

2 The papers relating to the subject will be communicated

communicated to the Committee who will be requested to collect all necessary information and to take evidence on the subject.

3. All Collectors of Districts, District Judges, and other officials will be directed to supply information to be required by the Committee.

L.R.

The Honble Sir W. Robinson, K.C.S.I.
The Honble V. Ramalingam, C.S.I.
Mr R. N. P. Somasundaram Chetty
" P. Srinivasa Rao.
" P. J. Ramaswami Aiyar.
" J. Srinivasan Iyer.
" P. Chenthamil Rao.
" K. Raghunadhasami Row.
" Sri Krishna Tata Charar
" V. Krishnaiah Charar
The Advocate General
Revenue Dept.
Board of Revenue.
All Collectors
All District & Session Judges

in Oct 1876

with Papers.

in Oct 1876

in Oct 1876

in Oct 1876

in Oct 1876

Dec 6/76

Dec 6/76

4-1-03

6-1-11

Solt. of 1872 Madras.



Judicial

To

2064
2420

Dated 4th of July
1876

No. 639

Nos. 41-2

Native Religious Ceremonies

Bestow of the same since
to form a Commission to
inquire of the same and
for the purpose of the same
the Commission of the same
the Commission of the same
and referring to the
same in the
subject.

17. 6. 30. 14

29-7-08 11

with the principles laid down in the letter from the Government of India, and reporting to Government generally on the subject.

The Honorable Sir W. Robinson will be requested to be President of the Committee with a Casting vote.

In R.R. The Honble V. Ramalingam
" P. Somasundaram Chetty
" P. J. Srinivasa Rao,
" P. J. Ramajooloo Aidedo
" J. Sootosami Iyer
" P. Chentail Rao
" K. Ragoonadasami Row
" Sri Krishna Tata Charis
" V. Krishnaama Charis

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L.B.

The Honble Sir W. Robinson. K.C.S.I.
The Honble V. Ramalingam. C.S.I.
M.A.A. P. Somasundaram Chetty
" P. Srinivasa Rao.
" P. J. Ramajooloo Aidedo.
" J. Sootosami Iyer.
" P. Chentail Rao.
" K. Ragoonadasami Row.
" Sri Krishna Tata Charis
" V. Krishnaama Charis
The Advocate General
Revenue Dept.
Board of Revenue.
All Collectors
All District & Session Judges

with Papers.

Decd 7/4/76

4-1-08

6-18-11

Govt. of 1874



Judicial

To

700 2069
700 2420

Dated 4 April
Recd.

1876 No. 539

Nos. 11-2

Native Religious Ordinances

29-7-08
17. 6. 31. 14

Contains provisions which
to form a Commission to the
purpose of settling a Bill
for regulating the admini-
stration of Justice in
the various Provinces in
the various Districts,
and reporting to the
Government on the
subject.