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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Judicial DEPARTMENT

G.O. No. <u>62-A. and</u>	Press
B.P. No. <u>63-e.</u>	Mis.
Dated <u>15-2-1980</u>	

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

15th July 1880, No. 1681.

Bills—Legislative.

Read the following paper :—

No. 63-A. From C. BERNARD, Esq., C.S.I., Officiating Secretary to the Government of India, Home, Revenue, and Agricultural Department (Public), to the Chief Secretary to Government, dated Fort William, 9th March 1880, No. 475.

I am directed to acknowledge the receipt of your letter, No. 177, dated the 24th January last, intimating that the Government of Madras are desirous to introduce into the local Council for making Laws and Regulations the Bill for the better administration of Hindu Religious and Charitable Institutions, which was approved by His Grace, the Governor and accompanied your letter, No. 34, dated 10th January 1879.

2. In reply, I am to say that the Governor-General in Council would be glad to be favored with the remarks of the Government of Madras on the memorials which have been presented to the Government of India in regard to the Bill. In the event of the introduction of the Bill being sanctioned by Her Majesty's Secretary of State for India, His Excellency in Council would suggest that, before introducing it into the Legislative Council, the Madras Government should consider the expediency of striking the word "European" out of Section 4. The introduction of that word appears to restrict unnecessarily the field of choice of a legal member of the Board, for which appointment a competent Native Barrister might be found to be well fitted.

3. I am to add that in the opinion of the Government of India it is not desirable to proceed with this legislation during the next few months; for, although the proposed measure is framed solely in the interests of the native public and has been undertaken at the instance of members of the native community, it is a subject on which the action of the Government may be easily misrepresented, and, in fact, has been misrepresented, in some of the native newspapers published in the Bombay Presidency. For this reason, although the Governor-General in Council would not postpone legislation indefinitely, His Excellency in Council would defer it to a more convenient season than the present. In this respect the situation has materially changed since the Home Department letter, No. 1558, of 26th August 1879, was despatched.

No. 63-B. To the Secretary to the Government of India, Home, Revenue, and Agricultural Department, dated Fort St. George, 15th July 1880, No. 1681.

In continuation of my letter, dated 24th January last, No. 177, and with reference to your letters marginally noted,

Dated 9th March 1880, No. 475.

" 22nd " " " 523.

" 7th May " " 705.

" 22nd " " " 820.

" 10th June " " 970.

I am directed to inform you that notwithstanding that the Secretary of State in his despatch (Judicial No. 8), dated 27th May last, has signified that he has no objection to the introduction of the proposed Bill for the better administration of Hindu Religious and Charitable Institutions, still in deference to the wishes of the Government of India, conveyed in your letter of 9th March last, No. 475, this Government have resolved to take no further action in the matter at present.

(Signed) R. DAVIDSON,
Chief Secretary.

Exd A. S. Rodgers.

R. D.
15 MAR 89

No. 476-3/1
From C. Bernard Esq. C.S.I.
Offg. Secy. to the Govt. of India.

To, The Secretary to the Government of Madras,
Fort William, the 9 March 1880.

Home, Secy. & April Dept.
Public

Sir,

I am directed to acknowledge the receipt of your letter No. 177, dated the 21 January last intimating that the Government of Madras are disposed to introduce into the local Council for making Laws and Regulations the Bill for the better administration of Hindu Religious and Charitable Institutions, which was approved by His Grace the Governor and accompanied your letter No. 31, dated 10 January 1879.

In reply, I am to say that the Governor General in Council would be glad to be favored with the remarks of the Government.

Cobt. of 11801 3/4

JUDICIAL.

To THE SECY. TO THE GOVT. OF INDIA,
Home, Secy, and April Dept.

Dated July, 1880.

Issued

Recd.

G.O. No. 100, July 1880, No. 1051.

JULY.
Nos. 63A-63C.

File—Legislative—Intimating that His Government have resolved to take no further action at present on the subject of the Bill for the better administration of Hindu Religious and Charitable Institutions.

Government of Madras on the Memorials ^{*Returned herewith}
which have been presented to the Govern-
ment of India in regard to the Bill.

In the event of the introduction of the Bill
being sanctioned by Her Majesty's Secretary
of State for India, His Excellency in
Council would suggest that, before
introducing it into the Legislative Council,
the Madras Government should consider
the expediency of striking the word
"European" out of Section 4. The
introduction of that word appears to re-
strict unnecessarily the field of choice
of a legal member of the Board for
which appointment a competent native
Barrister might be found to be well
fitted.

3. I am to add that in the opinion
of the Government of India it is not
desirable

desirable to proceed with this legislation
during the next few months; for, although
the proposed measure is framed solely
in the interests of the Native Public, and
has been undertaken at the instance of
members of the Native Community, it
is a subject on which the action of the
Government may be easily misrepresented,
and in fact has been misrepresented, in
some of the Native Newspapers published
in the Bombay Presidency. For this reason,
although the Governor General in Council
would not postpone legislation indefinitely,
His Excellency in Council would defer
it to a more convenient season than
the present. In this respect the situa-
tion has materially changed since the
Home Department letter No 1558 of

26th

I have the honor to be
Sir
Your most obedient servant.

Bernard
 Offg. Secy to the Govt. of India.

20

63A

In six vols 1899
 1. 1899
 2. 1899
 3. 1899
 4. 1899
 5. 1899
 6. 1899

No 885

Regarding the proposed
with the receipt of the 1st of
March on the Memorial
which have been presented
to the Senate it is in
reply to the Bill for the
the administration of
their religious and charitable
institutions, and indicating
that it is not desirable to
proceed with the legislation
during the next few months.
P. 15 July 1881



To

THE HONORABLE THE PRESIDENT AND MEMBERS OF THE
COUNCIL OF HIS EXCELLENCY THE RIGHT HONORABLE EDWARD ROBERT
LYTTON, BULWAR LYTTON, BARON LYTTON, OF KNEBWORTH IN THE
COUNTY OF HERTFORD, C. M. S. I. C. C. B. VICEROY AND
GOVERNOR GENERAL OF INDIA.
FOR THE PURPOSE OF MAKING LAWS
AND REGULATIONS.

*The Humble petition of the undersigned Mah-
janams, professing the Siva Religion
among Hindus, and residing at Triva-
lore, and other places in the Tanjore*

Finniselly District 3.

RESPECTFULLY SHEWETH,

That your Petitioners respectfully beg to submit that they have carefully, and attentively perused the Hindu Religious Institutions bill published as supplement to the Fort Saint George Gazette, dated 18th March 1879, and humbly beg to offer their opinion on the several provisions of the bill for the favorable consideration, and orders of Government.

2. That section 3 of the proposed bill, under clause C, includes Mattathipathies, and Adhinakartas under the provision of the said bill. The Law Committee observe in para 7 of their report to Government, dated 7th November 1877, that the bill is much wider, and more comprehensive in its scope, than the law it supercedes, that experience has shown, that all Religious Trusts of whatever description require alike the protection, and control, which the bill contemplates, and that they were not aware, that any partial, or general exemption can be justified where property once dedicated to a religious use becomes the property of the public, and amenable to the law.

3. That your Memorialists respectfully beg to observe that the properties belonging to Valacurichy Adhinum are purely the private properties of the said Muttathipathces. They consist of gifts and donations granted to High Priests at different times, and on special occasions by their disciples in token of the high regard, and respect entertained by them as well as grants made by Rajahs, Zemindars and other extensive landed proprietors in appreciation of the extraordinary merit and excellence possessed by them.

4. The High Priest elect should receive a liberal education in the oriental languages, and should be initiated in the mysteries of the Hindu Religion before his appointment to that dignified position, and he is then anointed and installed, with all due ceremonies, and observances to the High Office of Muttathipathy or High Priest.

5. That under the provisions of the proposed bill, if the High Priest is considered simply as a Trustee of the properties under his managements, his appointment and removal would naturally rest with the Board of Commissioners. He would be called upon to furnish accounts of receipts, and disbursements and would be necessitated to abide by the instructions of the said Board. The Muttathipathees or High Priests are considered by the professors of Hindu Religion as the enlightened and supreme head of the different sects to which they belong, and as imparting spiritual instruction, conducive to the future welfare, and comforts of mankind. The Commissioners of the Board might be the disciples, or followers of one, or other of the High priests and such a disciple commissioner cannot consistently be authorised under the legislative enactment to give orders for the guidance of his spiritual Priests or Pastors. All the commissioners of the Board collectively as a body or individually cannot command the different High Priests, who are their spiritual superiors, and it will be quite derogatory, and unbecoming to invest the Board of Commissioners with such exceedingly high powers. No Hindu of whatever caste, or sect would wilfully commit his spiritual care to a High Priest appointed by others and act up to the spiritual instructions given by such High Priests who may not be considered to possess the extraordinary, or rare qualifications necessary to the exalted position of a High Priest.

6. The High Priests of Valacurichy Muttum have obtained these lands from different sources described above, and after, defraying the expenses in connection with the daily pooja of Theyagarajasawmy, and the feeding of disciples on ordinary and extraordinary occasions, and after meeting the expenses of pilgrimage, and other charitable purposes they lay out the residue in the purchase of lands, and other properties, and thus keep them in a thriving and healthy condition.

7. The Law of primogeniture governs Valacurichy Muttum, the High Priest of which is always a gahastah living with a married wife. Although the High Priest lives with a family still he enjoys equal rights and privileges like the Muttathipathees who wear colored cloths. The properties belonging to Valacurichy Muttum descends to the eldest son of the High Priest who is well provided and initiated before anointment, and installation to that Office.

8. These Muttums exist from time immemorial, at least for more than 1,000 years, and the properties attached to them are continually increased, by the High Priests so that they possess considerable extent of landed properties in several Districts of the Presidency. The management of these lands remain in the possession of these Muttathipathees without any control being exercised by public Officers or private individuals, the framers of Regulation VII of 1817 were fully aware of the existence of these Muttums, and the properties appertaining thereto, and they never thought for a moment that the provisions of the said Regulation should be extended to these Muttums, and the properties attached to them. They took them to be no more than ordinary properties of a private character, and thus excluded them from the operation of that Regulation.

9. The interference of the Board of Commissioners with these Muttums is quite unnecessary, and uncalled for, as that will only subject the Muttum properties to the payment of a heavy taxation, and to the unnecessary interference in the internal management of Muttums, so distasteful, and unpleasant to the people at large. The payment proposed by the bill will be enforced irrespective of the consequences, which may befall on the Muttums. The Board of Commissioners will enter upon the possession of the property until the amount due is paid, or will raise loans to pay itself up, and they have absolute power to sell, mortgage, or otherwise dispose of the lands, so that in the course of a few years, the expenses of the Board would increase by the payments of the existing establishment, and by the grant of pensions and gratuities to retired servants, so that the existence of the Muttums, and the properties appertaining thereto may become a thing of the past. Such are the terrible, and fearful consequences likely to result from the passing of the bill into law.

10. That the appointment of a Central Board of Commissioners as contemplated by the bill, will be productive of all the mischievous consequences which time, and experience have proved to be likely to follow, from the principle of centralization, and the policy of religious neutrality hitherto, so carefully observed is now violated by the introduction of this bill.

11. That your Memorialists would further beg to observe, that the opinions of Mr. Culling Carr, the late District Judge of Tinnevely, and the Honorable Mr. Carmichael recorded fully in the printed proceedings, contain elaborate and sufficient grounds, for setting aside the bill altogether, as the provisions are so cumbersome, and the expenses of the administrative machinery, so costly, and the interference with the management of the Institutions is so great, and unnecessary, that the observations now submitted deserve

12. That your Memorialists therefore most earnestly entreat your Excellency will be graciously condescended to accord to the arguments, and facts herein before detailed, your most deliberate, and mature consideration, and be graciously pleased, to drop the bill altogether, or to exclude the Muttums, and the properties attached thereto, together with the Temples, and the properties belonging to them under management, of Valacurichy Muttum from the operation of the said bill, under the special circumstances above set forth, in case the same is proposed to be passed into law.

SHALL EVER PRAY.

March 1880.

[illegible]

Handwritten text in Tamil script, likely a religious or philosophical passage. The text is written in a cursive style and includes several lines of verse.

சுருதிபடிப்பாராயணம்
உதவி செய்து கொடுக்க
கொடுத்திருந்தான் என்று
யாது (அல்ல) விட
குறிப்பிட்டுள்ளார்
சிறியவர்களுக்கு
மேலும் உயர்ந்த
படியை அளித்தான்

[illegible]

R. D.
18 JUN 80

No 970 V

From
J. C. Dankes Esquire,
Under Secy to the Govt of India,
The Secretary to the Government
of Madras.
Mimla, the 10 June 1880.

Home R. V. A. Deptt
Public

Sir,

In continuation of Home Depart-
ment letter No 705, dated the 7th ultimo, I am
directed to forward the accompanying ob-

From certain Mahajannans professing the Siva
religion among Hindus and residing at Sivakasi,
and other places in the Tanjore and Tirumvelly
Districts.

rial for the consideration
of His Grace the Go-
vernors of Madras in

Council, in connection with the proposed
legislation for the better administration of
Hindu Religious and Charitable Institutions.

I have the honor to be
Sir
Your most obedt servant

J. C. Dankes

Under Secy to the Govt of India
P. M. P.

Home R. V. A. Deptt

20/6
24/6

to J. C. Dankes

To

Home, Revdync!

Sir,

In continuation
of my letter dated
24th January last, No 177,
and with reference
to your letter marginally
noted I am directed
to inform you ^(with understanding that you will be able to) that in
his despatch (privately)
dated 27th May last,
~~just received, the~~
~~Secretary of State~~
has signified that he
has no objection to the
introduction of the
proposed Bill for the
better administration
of

4th March 1880, N. 475.
 22nd " " " " N. 523
 7th May 1880, N. 705
 22nd May 1880, N. 820
 10th June 1880, N. 970

Received of Mr. J. W. Brown
 \$100.00
 for the same as above
 J. W. Brown
 1870

1880 July 2
DEPARTMENT.

No. 1687

To
The Secretary to the
Government of India
Home Department.

Dated 15th July 1880.

Sanction No 634-630

Re the Dept. of India.

That this Government
has decided to take up the
revision of the present
the subject of the Bill for
the better administration
of the Religious and
Public Buildings.

4/4
R12/7

1-8-20
1-7-20

13/3/14

1-8-20-16

630 put in the
disposal of the