No.
1,000—23-10-97.

Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 111 M

DATED 17-1-98

INDEXED.

DESPATCHED

[Despatch Abstract.]

Bubonic plague

Stating with remarks that the suggestion made by the Dt. Magistrate of Coimbatore that No 17 of the Mufassal regulations under the Epdc. diseases act should be amended does not commend itself to Govt

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

LOCAL AND MUNICIPAL DEPARTMENT.

NOTES CONNECTED ... read in Proceedings :—

... dated 189 .

[S... , dated 189 .

In Septembe... 499 M of 1897, dated 16th Dec. 1897, from the Judicial department.

Government f... „ 189 , „ , „

bazaar stre... „ 189 , „ , „

town w... „ 189 , „ , „

Coll...

Mis. ORDER. No. 111 Mun & 17. 1. 98.

The suggestion made by the District Magistrate of Coimbatore in para. 4 of his letter No. 4139 dated 9th December 1897 that No. 17 of the Mufassal regulations under the Epidemic Diseases Act should be amended so as to impose upon the Police, instead of on the Railway subordinates, the duty of requiring passengers from infected localities to furnish their names, addresses &c, does not commend itself to Government. There can be no doubt that if a Station-master stops a passenger and calls on him to give his name and address to the platform orderly, the latter

viz

will not fail to record the ~~and as disobedience of any regulation made under the Epidemic Diseases Act is punishable under section 188 of the Indian Penal Code~~, the Government has got complete Control over the servants of Railway Companies. Moreover ~~the Government considers~~ that it is perfectly right that the responsibility in this matter should be thrown on the Railway Staff, as Station masters are persons of much more education and authority than platform orderlies, & come under the complete control of Govt. for any disobedience of a regulation under the Act.

2. The attention of the Railway ~~Companies~~ Administrations in this Presidency will accordingly be drawn, in the Public Works department to the duties imposed upon their staff by Rule 17 of the mufassal regulations under the Epidemic Diseases Act, and the necessary enquiry will be made as to who was responsible for the fact that arrivals in the Coimbatore district from infected localities have not been reported to

NOTES CONNECTED WITH G.O., Mis. No. 104 M., DATED 15th JANUARY 1898.

[Subject.—*Mappilla burial-grounds, Palghat.*]

In September 1894, the Municipal Council of Palghat requested the sanction of Government for closing a Mappilla burial-ground attached to a mosque in the big bazaar street, as it was almost filled up with graves, its existence in the heart of the town was highly objectionable and the District Medical and Sanitary officer and the Collector were also of opinion that early steps should be taken to close it. The Mappillas, however, strongly protested against this proposal on the ground that it was an unnecessary interference with their religion. The Government thereupon refused to approve the Municipal Council's proposal until another convenient place duly authorised for burial and selected in consultation with the Mappilla community had been provided for their use—*vide* G.O., No. 1703 M., dated 13th November 1894. But as the Mappillas declined altogether to co-operate with the Council in selecting a site for a new burial-ground and expressed the strongest opposition to the closure of the existing one, the Government directed the Municipal Council itself to select two or three suitable sites and to take the opinion of the Sanitary Commissioner on the occasion of his next visit to Palghat, as to their respective merits from a sanitary point of view. The Council was also asked to have estimates drawn up for fencing the site that the Sanitary Commissioner might prefer, for laying it out with paths and for providing a masjid in it, and to forward them to Government—*vide* G.O., No. 691 M., dated 23rd April 1895. The Municipal Council accordingly selected four sites, of which one close to the Kallikad road, about a mile from the Mappilla quarters, met with the approval of the District Medical and Sanitary officer. The Sanitary Commissioner inspected all the sites on the 31st May 1895 and while approving the one selected by the District Medical and Sanitary officer, suggested the selection of another situated to the west of the Kallikad road at a distance of 200 yards from the former. The Council estimated the cost of fencing this site and of laying it out with paths and providing a masjid in it at Rs. 4,610, but stated that it was unable to meet the cost of erecting a mosque, which was further not authorised by section 113 of Act IV of 1884, and that it was prepared only to acquire the site as a public burial-ground for Mappillas under section 234. It was again stated that the Mappillas were still opposed to the closure of the existing burial-ground and that there would be no use whatever in acquiring a new site as they would decline to use it. The Government then considered it advisable to try a last chance of inducing the Mappillas to give in quietly and accordingly directed M.R.Ry. S. Swaminatha Aiyar, the Head-quarters Deputy Collector, to proceed to Palghat and try to bring about an amicable settlement of the question with the Mappilla community, as he had executed a similar mission at Calicut very judiciously —*vide* G.O., No. 367 M., dated 3rd March 1896.

Vide the Chairman's letter in G.O., No. 1589 M., dated 2nd October 1895.

2. With his letter read above, the Collector of Malabar forwards the report of M.R.Ry. Swaminatha Aiyar on the result of his negotiations with the Mappillas. On the 2nd August 1897, about seventy of the Mappillas with their kazi's son waited on M.R.Ry. Swaminatha Aiyar at Palghat, when he went there on this business for the fifth time, and said (1) "that they had no objection to the closure of the existing burial-ground in the big bazaar street, (2) that they should be allowed to use instead of it the Manjakolam cemetery, (3) that they would not put the municipality to any expenditure if they were allowed to use that cemetery, and (4) that if this was not possible, they would use the ground near the Kallikad road approved by the sanitary authorities, provided it was properly walled, a mosque was erected and a well sunk in it." M.R.Ry. Swaminatha Aiyar then advised them to give up the idea of shifting to the Manjakolam cemetery and asked them to attend a meeting which was proposed to be held in the municipal office the next day. About 42 Mappillas, who represented only a third of the Mappilla houses in the town, attended that meeting and said that

they had no objection to the proposed site near the Kallikad road. The Deputy Collector says that the Mappillas as a body prefer the Manjakolam cemetery to the site on the Kallikad road, for the main reason that the latter is far away from their quarters; but that this is not a valid objection, as the site on the Kallikad road is situated within a mile of all the Mappillas who now use the mosque burial-ground in the big bazaar street; and he accordingly recommends this latter site. He does not, however, recommend the closure of the Manjakolam cemetery, as he thinks that the Mappillas themselves will use the new burial-ground when it is properly filled up and that when the evil of over-crowding in the Manjakolam cemetery becomes patent, the Municipal Council may take steps to close it. The Council, however, on the representation of the civil apothecary that this cemetery is over-crowded with graves, and on the recommendation of the Collector, resolved to close this cemetery also. In submitting the report of M.R.Ry. Swaminatha Aiyar and the above resolution of the Municipal Council, the Collector states that he fully approves the Council's proposals to close both the Manjakolam cemetery and the one in the big bazaar street, and to open one at Kallikad, and observes that the Council should provide funds for building a mosque and sinking a well, besides putting up a compound wall, and that the kazi should be asked to carry out the works so as to avoid any misunderstanding.

3. The Mappillas having consented to the closure of the burial-ground in the big bazaar street and having approved the site near the Kallikad road recommended by the Sanitary Commissioner, the Municipal Council may now be directed to acquire this site and make it fit for use as a burial-ground by fencing it all round, laying it out with paths and providing a masjid in it, if possible, at a smaller cost than that estimated. The Council's contention that the construction of a mosque is not a legitimate charge on its funds under section 113 of the Municipal Act and that under section 234 it has only to acquire the site required for a burial-ground is not valid, as the latter section lays down that "the Municipal Council shall provide a sufficient number of *convenient and fitting places* for burial and burning grounds", and it has been held that no such place can be either convenient or fitting, if it does not meet the requirements of the religion for the followers of which it is intended—*vide* paragraph 4 of G.O., No. 672 M., dated 18th April 1895, and the notes in that order. Nor can the Council's plea of want of funds to construct a mosque be accepted as at all satisfactory, seeing that the estimated balance in its favour on the 31st March 1898 is Rs. 7,600.* The Collector's recommendation that the execution of the proposed works in the new site should be entrusted to the kazi, so as to avoid any misunderstanding, does not appear to be judicious. When these works have been carried out and the new ground is ready for use, the Municipal Council can renew its application for the closure of the burial-ground in the big bazaar street and the Manjakolam cemetery.

	Rs.
* Balance as given in paragraph 5 of G.O., No. 716 M., dated 27th March 1897	4,560
Add excess of actual opening balance for 1897-98 over that estimated in that Government Order	3,040
Total ..	7,600

I don't understand. It seems to me that the Collector's suggestion is very judicious. I should adopt it.

I approve the other recommendations in this note.

H. W. B[LISS].

H.T.

But as neither the District Medical and Sanitary officer nor the Sanitary Commissioner has seen the latter cemetery and pronounced his opinion on it, it would be better to ask the District Medical officer to inspect and report on it before deciding to close it.

V. RAGHAVA CHARLU—21-12-97.

This is quite enough, I should say.

H. W. B[LISS]—5-1-98.

No. The apothecary, the Collector and the Council, all consider it should be closed.

Please see notes above.

H. TREMENHEERE—3-1-98.

Government {1898} of Madras.

LOCAL AND MUNICIPAL.

MISCELLANEOUS.

Recd. *Regd.* } 1898. *Enclosures* *Spare copies*

G.O., No. 104 M., 15th January 1898.

L. P.

JANUARY.

Burial-ground.

Requesting, with remarks, the Municipal Council of Palghat to take early steps for acquiring the site to the west of the Kallikad road and for making it fit for use as a — for the Mappillas.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—again the following papers :—

G.O., No. 691 M., dated 23rd April 1895.
„ „ 1589 M., dated 2nd October 1895.
„ Mis. No. 367 M., dated 3rd March 1896.

READ—also the following papers :—

From M.R.Ry. S. SWAMINATHA AIYAR Avargal, B.A., Deputy Collector, Calicut Division, to the Collector of Malabar, dated Calicut, 9th August 1897, No. 833.

With reference to your endorsement, Ref. on No. 82-L.F. of 1896, on G.O., Mis. No. 367 M., dated 3rd March 1896, directing me to proceed to Palghat to bring about an amicable settlement with the Mappilla community of the place regarding the shifting of the Mappilla burial-ground, I have the honour to state that I proceeded to Palghat on five occasions to make the necessary arrangements.

2. As you are well aware, the Mappillas of Palghat, unlike their co-religionists on the coast, are poor people having no recognised leaders of their own. They are mostly coolies and a few of them have petty trade. They have not even a tangal or a kazi of their sect. Their religious head, the present kazi, is, strange to say, not quite a Mappilla.

3. I could not get any accurate information as to the total number of Mappillas in the Palghat town. According to last census there were 5,527 Muhammadans. This includes Mappillas, Rowthans and Patanies. M.R.Ry. P. I. Chinnaswami Pillai Avargal, the late Chairman, told me that the Mappillas would number about 2,000 ; but Mr. Kunhayan, who was Sub-Magistrate at Palghat for some time, is of opinion that the total number of Mappillas will not exceed 1,500.

4. The Mappillas of Palghat live in Meparamba at the western end of the town and in the big bazaar street and thereabouts. Most of those living in and near the big bazaar street are temporary settlers from Cannanore, Tellicherry and Calicut. Many of the Mappillas in Meparamba bury the dead in a cemetery beyond the municipal limits. There is no objection to this course. The Mappillas near the big bazaar street use the burial-ground in the bazaar street. A few use also the Manjakolam cemetery on the road from the bazaar street leading to the fort.

5. On my first visit, I sent for the kazi. He came to me accompanied by Qadír Sáhib, a troublesome Patani of the place. The latter as spokesman deprecated the closing of the Mappilla burial-ground in the big bazaar street and said that, if once they consented to the arrangement, the Government would close the burial-grounds of the Patanies and Rowthans also. I assured them that overcrowded burial-grounds alone condemned by sanitary officers would be closed and not all. They wanted time to consider over my proposals.

6. On my second visit, I found that the kazi had gone to Rangoon. I issued a notice and convened a meeting of the Mappillas at the municipal office. I lectured to them on the necessity and advantages of closing the existing overcrowded cemetery in the big bazaar street and having one in a good locality. I read to them also the proceedings of the Himayat Islam Sabha, Calicut, resolving to close the existing

Mappilla burial-grounds at Calicut. This had the desired effect, and the persons there present promised to select an unobjectionable site in or near the town and to report the matter to me.

7. On my third visit, they showed me the Manjakolam cemetery and requested me to propose to you to acquire the paddy flats to the south of it, to add them to the existing cemetery and to fit up the entire ground as the cemetery in the place of the one in the big bazaar street. I was not quite satisfied with this site.

8. As already stated, the Manjakolam cemetery is on the branch road from the main bazaar street to the fort. It is situated at a distance of about 150 yards from the bungalows of some European gentlemen. There are no houses on three sides of it ; there are a few huts on the south. It is, no doubt, far better than the existing burial-ground at the big bazaar street, which should be closed, but still there are better and unobjectionable sites not very far off from Mappilla quarters. I told the Mappillas to select some better sites and promised to consult you about the Manjakolam cemetery. You inspected the place and did not approve of it.

9. On my fourth visit, I discussed the question again with the kazi's son, who is now officiating as priest in the absence of the kazi who is still at Rangoon and with two of the so-called karanavars of the Mappillas. I convinced them that the best ground for a Mappilla cemetery was the one on the Kallikad road about two furlongs south of the Palleprom gramom on the road to Thirumilai. The sanitary authorities have approved of the site. It is one extensive ground to the west of the road. It requires no levelling. The character of the soil is suitable for a burial-ground and it can be purchased at a small cost. There are a few Cheruma huts to the south of it and they can be removed. To the Mappillas living in Meparamba, this ground is nearer than the overcrowded Mappilla burial-ground in the big bazaar street. It is about a mile from the cemetery in the big bazaar street by the high road, but only four or five furlongs by the Patani street and Mankara road. The kazi's son and the two Mappilla karanavars promised to consult their brethren and wanted a few days' time for the purpose. I allowed them the time and returned to Calicut.

10. I went there for the fifth time on the 2nd instant. About 70 Mappillas with the kazi's son and some of the karanavars waited on me. They told me as the result of their consultations (*a*) that they had no objection to the closing of the existing burial-ground on the big bazaar street ; (*b*) that they should be allowed to use the Manjakolam cemetery for burials ; (*c*) that they would not put the municipality to any expenditure if they were allowed to use the Manjakolam cemetery ; and (*d*) that if this was not possible they would use the ground on the Kallikad road approved of by the sanitary authorities, provided it was properly walled, a mosque was erected and a well sunk in it. I advised them to give up the idea of shifting to Manjakolam cemetery and to attend the municipal office at 7-30 A.M. on the 3rd instant. I requested Mr. Austin, the Head Assistant Collector, to inspect the Manjakolam cemetery and the proposed ground on the Kallikad road. We drove together, and he certainly preferred the latter. I requested him further to preside at a meeting of the Mappillas at 7-30 A.M. on the 3rd instant.

11. All the Mappillas who met me the previous evening did not turn up at the municipal office at 7-30 A.M. on the 3rd instant. About 42 men including the kazi's son and some karanavars attended. Ten out of about 30 Mappilla houses in the big bazaar street were represented. We did not hold a regular meeting and pass resolutions as all the people did not attend. Mr. Austin and myself asked those present about their views, and they said that they had no objection to the shifting of the overcrowded burial-ground in the big bazaar street to the ground selected in the Kallikad road. The kazi's son represented that by this arrangement he would be a loser pecuniarily, as for each burial in the present ground he gets from As. 8 to Rs. 2 as ground-fees. I told him that the municipality would not object to his collecting the customary fees in the new place also.

12. I again made inquiries at the big bazaar street and learnt that the Patani and Rowthan merchants induced the Mappillas living in the bazaar street not to attend the meeting and gave them a false hope that the matter would be dropped in a few days

with my deputation to the Cochin State. The Patanies and the Rowthans who work behind the screens are averse to this arrangement, because they think that their cemeteries also may be closed later on.

13. I was not able to get accurate figures of burials in the existing Mappilla burial-ground in the big bazaar street. The cemetery register showed, I was told, about 30 burials per annum. It cannot exceed 40 per annum.

14. The existing burial-ground in the big bazaar street should, in my opinion, be closed. It is a serious danger to the public health.

15. The Mappillas, as a body, prefer the Manjakolam cemetery to the ground on the Kallikad road. Their main objection to the latter is on the score of distance. Though Manjakolam cemetery is infinitely better than the existing one, still I will not recommend it, as a first-class unobjectionable site is available at an easy distance. The site on the Kallikad road is nearer than other cemeteries to several Mappillas and is within a mile to all Mappillas who now use the cemetery in the big bazaar street. Mappillas living in Meparamba and some living in the bazaar street and thereabouts and the kazi's son himself have approved of the site on the Kallikad road. I beg respectfully to submit that in the settlement of a very difficult question like the shifting of the Mappilla burial-grounds, it is extremely difficult to meet the wishes of all persons. I went to Palghat on five occasions and discussed the matter with the Mappillas threadbare. They can show no valid objection to the site on the Kallikad road. Unlike Calicut, where I had to deal with respectable Mappilla leaders who were quite amenable to reason, I had in Palghat to deal with ignorant Mappillas who were in the hands of wily Patanies and Rowthans.

16. My recommendation therefore is to shift the cemetery to the site on the Kallikad road. Assuming that the average number of burials per annum will be 40, 2 acres of ground will last for sixty years allowing 4 square yards per grave.

17. It is quite possible that, when the existing cemetery in the big bazaar street is closed and a new one is opened on the Kallikad road, the Mappillas living in the bazaar street may begin to use the Manjakolam cemetery. There is nothing to prevent them from doing so, and my inquiries showed that the priest in charge of this ground would have no objection to additional burials in it as he would receive the ground-fees. I do not withal recommend the closing of the Manjakolam burial-ground at present. It is very probable that they may all use the ground on the Kallikad road when it is properly filled up. If the evil of overcrowding in Manjakolam cemetery becomes patent, the municipality may then take steps to close this cemetery also with the sanction of Government.

18. I regret the delay in the submission of this report. It was due mainly to the time taken up in converting the Mappillas as far as possible to my views. The absence of the permanent kazi, whose return I awaited long, contributed to the delay.

ENCLOSURE.

EXTRACT from the proceedings of the Municipal Council, Palghat, dated 18th August 1897.

* * * * *

"24. Read endorsement, Ref. on C. No. 312 M. of 1897, dated 16th August 1897, of the Collector of Malabar, on the letter, dated 9th August 1897, from the Deputy Collector, Calicut division, stating that he does not agree with the Deputy Collector's suggestion, that the Mappillas living in the bazaar street may be allowed to use the Manjakolam cemetery and requesting the Chairman to state what he would suggest in the matter.

"And also the civil apothecary's letter, No. 191, dated 18th August 1897, stating that the Manjakolam Mappilla burial-ground is overcrowded with graves and that, for reasons stated, it should be closed at once.

"The Council are of opinion that the Manjakolam burial-ground is already overcrowded, and that it should be closed as well as the big bazaar mosque cemetery with the sanction of Government."

P. I. CHINNASWAMI PILLAI,
Chairman.

Dis. 243-M. of 1897.

Submitted to Government with reference to G.O., Mis. No. 367 M., dated 3rd March 1896.

2. The Council has since resolved to close the Manjakolam cemetery also—*vide* copy of resolution herewith submitted.

3. I fully approve of the proposal to close the Mappilla cemeteries in the big bazaar and at Manjakolam and to open a new one at Kallikad.

4. The Council will have to provide funds for building a mosque and sinking a well on the new ground besides putting up a compound wall. I would suggest that the kazi should be asked to carry out the works so as to avoid any misunderstanding.

5. M.R.Ry. Swaminatha Aiyar Avargal has displayed his usual tact in the settlement of this dispute.

CAMP, PONNANI,
31*st October* 1897.

G. W. DANCE,
Collector.

ORDER—No. 104 M. Mis., dated 15th January 1898.

The Municipal Council of Palghat is requested to take early steps for acquiring the site to the west of the Kallikad road, selected by the Sanitary Commissioner, and for making it fit for use as a burial-ground for the Mappillas, by fencing it round, laying it out with paths and providing a musjid in it at, if possible, a smaller cost than that estimated, namely, Rs. 4,610. The Council's contention that the construction of a mosque in the burial-ground is not a legitimate charge on its funds cannot be considered valid, as section 234 of the District Municipalities Act requires it to provide "convenient and fitting places" for burial and burning-grounds and no burial-ground can be regarded as either convenient or fitting if it does not meet the requirements of the religion for the followers of which it is intended. The execution of the works should be entrusted to the kazi as recommended by the Collector. When the works have been completed and the new burial-ground is ready for use, the Municipal Council should address the Government again for its sanction to close the mosque burial-ground in the big bazaar street and also the Manjakolam cemetery.

2. The Government is pleased to note the tact displayed by M.R.Ry. Swaminatha Aiyar in the settlement of this matter.

(True Extract.)

H. TREMENHEERE,
Ag. Secretary to Government.

To the Chairman, Municipal Council, Palghat.
" Collector of Malabar.
" Sanitary Commissioner.
" Revenue Department (paragraph 2 only).

Exd. A. F. Eccleston.

NOTES CONNECTED WITH G.O., Mis. No. 104 M., DATED 15th JANUARY 1898.

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they had no objection to the proposed site near the Kallikad road. The Deputy Collector says that the Mappillas as a body prefer the Manjakolam cemetery to the site on the Kallikad road, for the main reason that the latter is far away from their quarters; but that this is not a valid objection, as the site on the Kallikad road is situated within a mile of all the Mappillas who now use the mosque burial-ground in the big bazaar street; and he accordingly recommends this latter site. He does not, however, recommend the closure of the Manjakolam cemetery, as he thinks that the Mappillas themselves will use the new burial-ground when it is properly filled up and that when the evil of over-crowding in the Manjakolam cemetery becomes patent, the Municipal Council may take steps to close it. The Council, however, on the representation of the civil apothecary that this cemetery is over-crowded with graves, and on the recommendation of the Collector, resolved to close this cemetery also. In submitting the report of M.R.Ry. Swaminatha Aiyar and the above resolution of the Municipal Council, the Collector states that he fully approves the Council's proposals to close both the Manjakolam cemetery and the one in the big bazaar street, and to open one at Kallikad, and observes that the Council should provide funds for building a mosque and sinking a well, besides putting up a compound wall, and that the kazi should be asked to carry out the works so as to avoid any misunderstanding.

3. The Mappillas having consented to the closure of the burial-ground in the big bazaar street and having approved the site near the Kallikad road recommended by the Sanitary Commissioner, the Municipal Council may now be directed to acquire this site and make it fit for use as a burial-ground by fencing it all round, laying it out with paths and providing a masjid in it, if possible, at a smaller cost than that estimated. The Council's contention that the construction of a mosque is not a legitimate charge on its funds under section 113 of the Municipal Act and that under section 234 it has only to acquire the site required for a burial-ground is not valid, as the latter section lays down that "the Municipal Council shall provide a sufficient number of *convenient and fitting places* for burial and burning grounds", and it has been held that no such place can be either convenient or fitting, if it does not meet the requirements of the religion for the followers of which it is intended—*vide* paragraph 4 of G.O., No. 672 M., dated 18th April 1895, and the notes in that order. Nor can the Council's plea of want of funds to construct a mosque be accepted as at all satisfactory, seeing that the estimated balance in its favour on the 31st March 1898 is Rs. 7,600.* The Collector's recommendation that the execution of the proposed works in the new site should be entrusted to the kazi, so as to avoid any misunderstanding, does not appear to be judicious. When these works have been carried out and the new ground is ready for use, the Municipal Council can renew its application for the closure of the burial-ground in the big bazaar street and the Manjakolam cemetery.

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Total ..	7,600

I don't understand. It seems to me that the Collector's suggestion is very judicious. I should adopt it.

I approve the other recommendations in this note.

H.T.

H. W. B[LISS].

But as neither the District Medical and Sanitary officer nor the Sanitary Commissioner has seen the latter cemetery and pronounced his opinion on it, it would be better to ask the District Medical officer to inspect and report on it before deciding to close it.

V. RAGHAVA CHARLU—21-12-97.

This is quite enough, I should say.

H. W. B[LISS]—5-1-98.

No. The apothecary, the Collector and the Council, all consider it should be closed.

Please see notes above.

H. TREMENHEERE—3-1-98.

Government {1898} of Madras.

LOCAL AND MUNICIPAL.

MISCELLANEOUS.

Recd. *Regd.* } 1898. *Enclosures* *Spare copies*

G.O., No. 104 M., 15th January 1898.

N. P.

JANUARY.

Burial-ground.

Requesting, with remarks, the Municipal Council of Palghat to take early steps for acquiring the site to the west of the Kallikad road and for making it fit for use as a — for the Mappillas.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—again the following papers :—

G.O., No. 691 M., dated 23rd April 1895.
" " 1589 M., dated 2nd October 1895.
" Mis. No. 367 M., dated 3rd March 1896.

READ—also the following papers :—

From M.R.Ry. S. SWAMINATHA AIYAR Avargal, B.A., Deputy Collector, Calicut Division, to the Collector of Malabar, dated Calicut, 9th August 1897, No. 833.

With reference to your endorsement, Ref. on No. 82-L.F. of 1896, on G.O., Mis. No. 367 M., dated 3rd March 1896, directing me to proceed to Palghat to bring about an amicable settlement with the Mappilla community of the place regarding the shifting of the Mappilla burial-ground, I have the honour to state that I proceeded to Palghat on five occasions to make the necessary arrangements.

2. As you are well aware, the Mappillas of Palghat, unlike their co-religionists on the coast, are poor people having no recognised leaders of their own. They are mostly coolies and a few of them have petty trade. They have not even a tangal or a kazi of their sect. Their religious head, the present kazi, is, strange to say, not quite a Mappilla.

3. I could not get any accurate information as to the total number of Mappillas in the Palghat town. According to last census there were 5,527 Muhammadans. This includes Mappillas, Rowthans and Patanies. M.R.Ry. P. I. Chinnaswami Pillai Avargal, the late Chairman, told me that the Mappillas would number about 2,000; but Mr. Kunhayan, who was Sub-Magistrate at Palghat for some time, is of opinion that the total number of Mappillas will not exceed 1,500.

4. The Mappillas of Palghat live in Meparamba at the western end of the town and in the big bazaar street and thereabouts. Most of those living in and near the big bazaar street are temporary settlers from Cannanore, Tellicherry and Calicut. Many of the Mappillas in Meparamba bury the dead in a cemetery beyond the municipal limits. There is no objection to this course. The Mappillas near the big bazaar street use the burial-ground in the bazaar street. A few use also the Manjakolam cemetery on the road from the bazaar street leading to the fort.

5. On my first visit, I sent for the kazi. He came to me accompanied by Qadír Sáhib, a troublesome Patani of the place. The latter as spokesman deprecated the closing of the Mappilla burial-ground in the big bazaar street and said that, if once they consented to the arrangement, the Government would close the burial-grounds of the Patanies and Rowthans also. I assured them that overcrowded burial-grounds alone condemned by sanitary officers would be closed and not all. They wanted time to consider over my proposals.

6. On my second visit, I found that the kazi had gone to Rangoon. I issued a notice and convened a meeting of the Mappillas at the municipal office. I lectured to them on the necessity and advantages of closing the existing overcrowded cemetery in the big bazaar street and having one in a good locality. I read to them also the proceedings of the Himayat Islam Sabha, Calicut, resolving to close the existing

Mappilla burial-grounds at Calicut. This had the desired effect, and the persons there present promised to select an unobjectionable site in or near the town and to report the matter to me.

7. On my third visit, they showed me the Manjakolam cemetery and requested me to propose to you to acquire the paddy flats to the south of it, to add them to the existing cemetery and to fit up the entire ground as the cemetery in the place of the one in the big bazaar street. I was not quite satisfied with this site.

8. As already stated, the Manjakolam cemetery is on the branch road from the main bazaar street to the fort. It is situated at a distance of about 150 yards from the bungalows of some European gentlemen. There are no houses on three sides of it; there are a few huts on the south. It is, no doubt, far better than the existing burial-ground at the big bazaar street, which should be closed, but still there are better and unobjectionable sites not very far off from Mappilla quarters. I told the Mappillas to select some better sites and promised to consult you about the Manjakolam cemetery. You inspected the place and did not approve of it.

9. On my fourth visit, I discussed the question again with the kazi's son, who is now officiating as priest in the absence of the kazi who is still at Rangoon and with two of the so-called karanavars of the Mappillas. I convinced them that the best ground for a Mappilla cemetery was the one on the Kallikad road about two furlongs south of the Palleprom gramom on the road to Thirumilai. The sanitary authorities have approved of the site. It is one extensive ground to the west of the road. It requires no levelling. The character of the soil is suitable for a burial-ground and it can be purchased at a small cost. There are a few Cheruma huts to the south of it and they can be removed. To the Mappillas living in Meparamba, this ground is nearer than the overcrowded Mappilla burial-ground in the big bazaar street. It is about a mile from the cemetery in the big bazaar street by the high road, but only four or five furlongs by the Patani street and Mankara road. The kazi's son and the two Mappilla karanavars promised to consult their brethren and wanted a few days' time for the purpose. I allowed them the time and returned to Calicut.

10. I went there for the fifth time on the 2nd instant. About 70 Mappillas with the kazi's son and some of the karanavars waited on me. They told me as the result of their consultations (*a*) that they had no objection to the closing of the existing burial-ground on the big bazaar street; (*b*) that they should be allowed to use the Manjakolam cemetery for burials; (*c*) that they would not put the municipality to any expenditure if they were allowed to use the Manjakolam cemetery; and (*d*) that if this was not possible they would use the ground on the Kallikad road approved of by the sanitary authorities, provided it was properly walled, a mosque was erected and a well sunk in it. I advised them to give up the idea of shifting to Manjakolam cemetery and to attend the municipal office at 7-30 A.M. on the 3rd instant. I requested Mr. Austin, the Head Assistant Collector, to inspect the Manjakolam cemetery and the proposed ground on the Kallikad road. We drove together, and he certainly preferred the latter. I requested him further to preside at a meeting of the Mappillas at 7-30 A.M. on the 3rd instant.

11. All the Mappillas who met me the previous evening did not turn up at the municipal office at 7-30 A.M. on the 3rd instant. About 42 men including the kazi's son and some karanavars attended. Ten out of about 30 Mappilla houses in the big bazaar street were represented. We did not hold a regular meeting and pass resolutions as all the people did not attend. Mr. Austin and myself asked those present about their views, and they said that they had no objection to the shifting of the overcrowded burial-ground in the big bazaar street to the ground selected in the Kallikad road. The kazi's son represented that by this arrangement he would be a loser pecuniarily, as for each burial in the present ground he gets from As. 8 to Rs. 2 as ground-fees. I told him that the municipality would not object to his collecting the customary fees in the new place also.

12. I again made inquiries at the big bazaar street and learnt that the Patani and Rowthan merchants induced the Mappillas living in the bazaar street not to attend the meeting and gave them a false hope that the matter would be dropped in a few days

with my deputation to the Cochin State. The Patanies and the Rowthans who work behind the screens are averse to this arrangement, because they think that their cemeteries also may be closed later on.

13. I was not able to get accurate figures of burials in the existing Mappilla burial-ground in the big bazaar street. The cemetery register showed, I was told, about 30 burials per annum. It cannot exceed 40 per annum.

14. The existing burial-ground in the big bazaar street should, in my opinion, be closed. It is a serious danger to the public health.

15. The Mappillas, as a body, prefer the Manjakolam cemetery to the ground on the Kallikad road. Their main objection to the latter is on the score of distance. Though Manjakolam cemetery is infinitely better than the existing one, still I will not recommend it, as a first-class unobjectionable site is available at an easy distance. The site on the Kallikad road is nearer than other cemeteries to several Mappillas and is within a mile to all Mappillas who now use the cemetery in the big bazaar street. Mappillas living in Meparamba and some living in the bazaar street and thereabouts and the kazi's son himself have approved of the site on the Kallikad road. I beg respectfully to submit that in the settlement of a very difficult question like the shifting of the Mappilla burial-grounds, it is extremely difficult to meet the wishes of all persons. I went to Palghat on five occasions and discussed the matter with the Mappillas threadbare. They can show no valid objection to the site on the Kallikad road. Unlike Calicut, where I had to deal with respectable Mappilla leaders who were quite amenable to reason, I had in Palghat to deal with ignorant Mappillas who were in the hands of wily Patanies and Rowthans.

16. My recommendation therefore is to shift the cemetery to the site on the Kallikad road. Assuming that the average number of burials per annum will be 40, 2 acres of ground will last for sixty years allowing 4 square yards per grave.

17. It is quite possible that, when the existing cemetery in the big bazaar street is closed and a new one is opened on the Kallikad road, the Mappillas living in the bazaar street may begin to use the Manjakolam cemetery. There is nothing to prevent them from doing so, and my inquiries showed that the priest in charge of this ground would have no objection to additional burials in it as he would receive the ground-fees. I do not withal recommend the closing of the Manjakolam burial-ground at present. It is very probable that they may all use the ground on the Kallikad road when it is properly filled up. If the evil of overcrowding in Manjakolam cemetery becomes patent, the municipality may then take steps to close this cemetery also with the sanction of Government.

18. I regret the delay in the submission of this report. It was due mainly to the time taken up in converting the Mappillas as far as possible to my views. The absence of the permanent kazi, whose return I awaited long, contributed to the delay.

ENCLOSURE.

EXTRACT from the proceedings of the Municipal Council, Palghat, dated 18th August 1897.

* * * * *

"24. Read endorsement, Ref. on C. No. 312 M. of 1897, dated 16th August 1897, of the Collector of Malabar, on the letter, dated 9th August 1897, from the Deputy Collector, Calicut division, stating that he does not agree with the Deputy Collector's suggestion, that the Mappillas living in the bazaar street may be allowed to use the Manjakolam cemetery and requesting the Chairman to state what he would suggest in the matter.

"And also the civil apothecary's letter, No. 191, dated 18th August 1897, stating that the Manjakolam Mappilla burial-ground is overcrowded with graves and that, for reasons stated, it should be closed at once.

"The Council are of opinion that the Manjakolam burial-ground is already overcr... and that it should be closed as well as the big bazaar mosque cemetery with the ... Government."

P. I. CHINNASW...
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Dis. 243-M. of 1897.

Submitted to Government with reference to G.O., Mis. No. 367 M., dated 3rd March 1896.

2. The Council has since resolved to close the Manjakolam cemetery also—*vide* copy of resolution herewith submitted.

3. I fully approve of the proposal to close the Mappilla cemeteries in the big bazaar and at Manjakolam and to open a new one at Kallikad.

4. The Council will have to provide funds for building a mosque and sinking a well on the new ground besides putting up a compound wall. I would suggest that the kazi should be asked to carry out the works so as to avoid any misunderstanding.

5. M.R.Ry. Swaminatha Aiyar Avargal has displayed his usual tact in the settlement of this dispute.

G. W. DANCE,
Collector.

CAMP, PONNANI,
31*st October* 1897.

ORDER—No. 104 M. Mis., dated 15th January 1898.

The Municipal Council of Palghat is requested to take early steps for acquiring the site to the west of the Kallikad road, selected by the Sanitary Commissioner, and for making it fit for use as a burial-ground for the Mappillas, by fencing it round, laying it out with paths and providing a musjid in it at, if possible, a smaller cost than that estimated, namely, Rs. 4,610. The Council's contention that the construction of a mosque in the burial-ground is not a legitimate charge on its funds cannot be considered valid, as section 234 of the District Municipalities Act requires it to provide "convenient and fitting places" for burial and burning-grounds and no burial-ground can be regarded as either convenient or fitting if it does not meet the requirements of the religion for the followers of which it is intended. The execution of the works should be entrusted to the kazi as recommended by the Collector. When the works have been completed and the new burial-ground is ready for use, the Municipal Council should address the Government again for its sanction to close the mosque burial-ground in the big bazaar street and also the Manjakolam cemetery.

2. The Government is pleased to note the tact displayed by M.R.Ry. Swaminatha Aiyar in the settlement of this matter.

(True Extract.)

H. TREMENHEERE,
Ag. Secretary to Government.

To the Chairman, Municipal Council, Palghat.
" Collector of Malabar.
" Sanitary Commissioner.
" Revenue Department (paragraph 2 only).

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16. My recommendation therefore is to shift the cemetery to the site on the Kallikad road. Assuming that the average number of burials per annum will be 40, 2 acres of ground will last for sixty years allowing 4 square yards per grave.

17. It is quite possible that, when the existing cemetery in the big bazaar street is closed and a new one is opened on the Kallikad road, the Mappillas living in the bazaar street may begin to use the Manjakolam cemetery. There is nothing to prevent them from doing so, and my inquiries showed that the priest in charge of this ground would have no objection to additional burials in it as he would receive the ground-fees. I do not withal recommend the closing of the Manjakolam burial-ground at present. It is very probable that they may all use the ground on the Kallikad road when it is properly filled up. If the evil of overcrowding in Manjakolam cemetery becomes patent, the municipality may then take steps to close this cemetery also with the sanction of Government.

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"The Council are of opinion that the Manjakolam burial-ground is already overcrowded, and that it should be closed as well as the big bazaar mosque cemetery with sanction of Government."

P. I. CHINNASWAMI PILLAI,
Chairman.

Dis. 243-M. of 1897.

Submitted to Government with reference to G.O., Mis. No. 367 M., dated 3rd March 1896.

2. The Council has since resolved to close the Manjakolam cemetery also—*vide* copy of resolution herewith submitted.

3. I fully approve of the proposal to close the Mappilla cemeteries in the big bazaar and at Manjakolam and to open a new one at Kallikad.

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G. W. DANCE,
Collector.

CAMP, PONNANI,
31*st October* 1897.

ORDER—No. 104 M. Mis., dated 15th January 1898.

The Municipal Council of Palghat is requested to take early steps for acquiring the site to the west of the Kallikad road, selected by the Sanitary Commissioner, and for making it fit for use as a burial-ground for the Mappillas, by fencing it round, laying it out with paths and providing a musjid in it at, if possible, a smaller cost than that estimated, namely, Rs. 4,610. The Council's contention that the construction of a mosque in the burial-ground is not a legitimate charge on its funds cannot be considered valid, as section 234 of the District Municipalities Act requires it to provide "convenient and fitting places" for burial and burning-grounds and no burial-ground can be regarded as either convenient or fitting if it does not meet the requirements of the religion for the followers of which it is intended. The execution of the works should be entrusted to the kazi as recommended by the Collector. When the works have been completed and the new burial-ground is ready for use, the Municipal Council should address the Government again for its sanction to close the mosque burial-ground in the big bazaar street and also the Manjakolam cemetery.

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(True Extract.)

H. TREMENHEERE,
Ag. Secretary to Government.

To the Chairman, Municipal Council, Palghat.
" Collector of Malabar.
" Sanitary Commissioner.
" Revenue Department (paragraph 2 only).

Exd. A. F. Eccleston.

NOTES CONNECTED WITH G.O., MIS. No. 104 M., DATED 15TH JANUARY 1898.

[SUBJECT.—*Mappilla burial-grounds, Palghat.*]

In September 1894, the Municipal Council of Palghat requested the sanction of Government for closing a Mappilla burial-ground attached to a mosque in the big bazaar street, as it was almost filled up with graves, its existence in the heart of the town was highly objectionable and the District Medical and Sanitary officer and the Collector were also of opinion that early steps should be taken to close it. The Mappillas, however, strongly protested against this proposal on the ground that it was an unnecessary interference with their religion. The Government thereupon refused to approve the Municipal Council's proposal until another convenient place duly authorised for burial and selected in consultation with the Mappilla community had been provided for their use—*vide* G.O., No. 1703 M., dated 13th November 1894. But as the Mappillas declined altogether to co-operate with the Council in selecting a site for a new burial-ground and expressed the strongest opposition to the closure of the existing one, the Government directed the Municipal Council itself to select two or three suitable sites and to take the opinion of the Sanitary Commissioner on the occasion of his next visit to Palghat, as to their respective merits from a sanitary point of view. The Council was also asked to have estimates drawn up for fencing the site that the Sanitary Commissioner might prefer, for laying it out with paths and for providing a masjid in it, and to forward them to Government—*vide* G.O., No. 691 M., dated 23rd April 1895. The Municipal Council accordingly selected four sites, of which one close to the Kallikad road, about a mile from the Mappilla quarters, met with the approval of the District Medical and Sanitary officer. The Sanitary Commissioner inspected all the sites on the 31st May 1895 and while approving the one selected by the District Medical and Sanitary officer, suggested the selection of another situated to the west of the Kallikad road at a distance of 200 yards from the former. The Council estimated the cost of fencing this site and of laying it out with paths and providing a masjid in it at Rs. 4,610, but stated that it was unable to meet the cost of erecting a mosque, which was further not authorised by section 113 of Act IV of 1884, and that it was prepared only to acquire the site as a public burial-ground for Mappillas under section 234. It was again stated that the Mappillas were still opposed to the closure of the existing burial-ground and that there would be no use whatever in acquiring a new site as they would decline to use it. The Government then considered it advisable to try a last chance of inducing the Mappillas to give in quietly and accordingly directed M.R.Ry. S. Swaminatha Aiyar, the Head-quarters Deputy Collector, to proceed to Palghat and try to bring about an amicable settlement of the question with the Mappilla community, as he had executed a similar mission at Calicut very judiciously—*vide* G.O., No. 367 M., dated 3rd March 1896.

Vide the Chairman's letter in G.O., No. 1589 M., dated 2nd October 1895.

2. With his letter read above, the Collector of Malabar forwards the report of M.R.Ry. Swaminatha Aiyar on the result of his negotiations with the Mappillas. On the 2nd August 1897, about seventy of the Mappillas with their kazi's son waited on M.R.Ry. Swaminatha Aiyar at Palghat, when he went there on this business for the fifth time, and said (1) "that they had no objection to the closure of the existing burial-ground in the big bazaar street, (2) that they should be allowed to use instead of it the Manjakolam cemetery, (3) that they would not put the municipality to any expenditure if they were allowed to use that cemetery, and (4) that if this was not possible, they would use the ground near the Kallikad road approved by the sanitary authorities, provided it was properly walled, a mosque was erected and a well sunk in it." M.R.Ry. Swaminatha Aiyar then advised them to give up the idea of shifting to the Manjakolam cemetery and asked them to attend a meeting which was proposed to be held in the municipal office the next day. About 42 Mappillas, who represented only a third of the Mappilla houses in the town, attended that meeting and said that

they had no objection to the proposed site near the Kallikad road. The Deputy Collector says that the Mappillas as a body prefer the Manjakolam cemetery to the site on the Kallikad road, for the main reason that the latter is far away from their quarters; but that this is not a valid objection, as the site on the Kallikad road is situated within a mile of all the Mappillas who now use the mosque burial-ground in the big bazaar street; and he accordingly recommends this latter site. He does not, however, recommend the closure of the Manjakolam cemetery, as he thinks that the Mappillas themselves will use the new burial-ground when it is properly filled up and that when the evil of over-crowding in the Manjakolam cemetery becomes patent, the Municipal Council may take steps to close it. The Council, however, on the representation of the civil apothecary that this cemetery is over-crowded with graves, and on the recommendation of the Collector, resolved to close this cemetery also. In submitting the report of M.R.Ry. Swaminatha Aiyar and the above resolution of the Municipal Council, the Collector states that he fully approves the Council's proposals to close both the Manjakolam cemetery and the one in the big bazaar street, and to open one at Kallikad, and observes that the Council should provide funds for building a mosque and sinking a well, besides putting up a compound wall, and that the kazi should be asked to carry out the works so as to avoid any misunderstanding.

3. The Mappillas having consented to the closure of the burial-ground in the big bazaar street and having approved the site near the Kallikad road recommended by the Sanitary Commissioner, the Municipal Council may now be directed to acquire this site and make it fit for use as a burial-ground by fencing it all round, laying it out with paths and providing a masjid in it, if possible, at a smaller cost than that estimated. The Council's contention that the construction of a mosque is not a legitimate charge on its funds under section 113 of the Municipal Act and that under section 234 it has only to acquire the site required for a burial-ground is not valid, as the latter section lays down that "the Municipal Council shall provide a sufficient number of *convenient and fitting places* for burial and burning grounds", and it has been held that no such place can be either convenient or fitting, if it does not meet the requirements of the religion for the followers of which it is intended—*vide* paragraph 4 of G.O., No. 672 M., dated 18th April 1895, and the notes in that order. Nor can the Council's plea of want of funds to construct a mosque be accepted as at all satisfactory, seeing that the estimated balance in its favour on the 31st March 1898 is Rs. 7,600.* The Collector's recommendation that the execution of the proposed works in the new site should be entrusted to the kazi, so as to avoid any misunderstanding, does not appear to be judicious. When these works have been carried out and the new ground is ready for use, the Municipal Council can renew its application for the closure of the burial-ground in the big bazaar street and the Manjakolam cemetery.

	Rs.
* Balance as given in paragraph 5 of G.O., No. 716 M., dated 27th March 1897	4,560
Add excess of actual opening balance for 1897-98 over that estimated in that Government Order	3,040
Total ..	7,600

I don't understand. It seems to me that the Collector's suggestion is very judicious. I should adopt it.

I approve the other recommendations in this note.

H. W. B[LISS].

H.T.

But as neither the District Medical and Sanitary officer nor the Sanitary Commissioner has seen the latter cemetery and pronounced his opinion on it, it would be better to ask the District Medical officer to inspect and report on it before deciding to close it.

V. RAGHAVA CHARLU—21-12-97.

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Please see notes above.

H. TREMENHEERE—3-1-98.

Government {1898} of Madras.

LOCAL AND MUNICIPAL.

MISCELLANEOUS.

Recd. } 1898. *Enclosures*

Regd. } *Spare copies*

G.O., No. 104 M., 15th January 1898.

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Requesting, with remarks, the Municipal Council of Palghat to take early steps for acquiring the site to the west of the Kallikad road and for making it fit for use as a — for the Mappillas.

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2. As you are well aware, the Mappillas of Palghat, unlike their co-religionists on the coast, are poor people having no recognised leaders of their own. They are mostly coolies and a few of them have petty trade. They have not even a tangal or a kazi of their sect. Their religious head, the present kazi, is, strange to say, not quite a Mappilla.

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4. The Mappillas of Palghat live in Meparamba at the western end of the town and in the big bazaar street and thereabouts. Most of those living in and near the big bazaar street are temporary settlers from Cannanore, Tellicherry and Calicut. Many of the Mappillas in Meparamba bury the dead in a cemetery beyond the municipal limits. There is no objection to this course. The Mappillas near the big bazaar street use the burial-ground in the bazaar street. A few use also the Manjakolam cemetery on the road from the bazaar street leading to the fort.

5. On my first visit, I sent for the kazi. He came to me accompanied by Qadír Sáhib, a troublesome Patani of the place. The latter as spokesman deprecated the closing of the Mappilla burial-ground in the big bazaar street and said that, if once they consented to the arrangement, the Government would close the burial-grounds of the Patanies and Rowthans also. I assured them that overcrowded burial-grounds alone condemned by sanitary officers would be closed and not all. They wanted time to consider over my proposals.

6. On my second visit, I found that the kazi had gone to Rangoon. I issued a notice and convened a meeting of the Mappillas at the municipal office. I lectured to them on the necessity and advantages of closing the existing overcrowded cemetery in the big bazaar street and having one in a good locality. I read to them also the proceedings of the Himayat Islam Sabha, Calicut, resolving to close the existing

Mappilla burial-grounds at Calicut. This had the desired effect, and the persons there present promised to select an unobjectionable site in or near the town and to report the matter to me.

7. On my third visit, they showed me the Manjakolam cemetery and requested me to propose to you to acquire the paddy flats to the south of it, to add them to the existing cemetery and to fit up the entire ground as the cemetery in the place of the one in the big bazaar street. I was not quite satisfied with this site.

8. As already stated, the Manjakolam cemetery is on the branch road from the main bazaar street to the fort. It is situated at a distance of about 150 yards from the bungalows of some European gentlemen. There are no houses on three sides of it; there are a few huts on the south. It is, no doubt, far better than the existing burial-ground at the big bazaar street, which should be closed, but still there are better and unobjectionable sites not very far off from Mappilla quarters. I told the Mappillas to select some better sites and promised to consult you about the Manjakolam cemetery. You inspected the place and did not approve of it.

9. On my fourth visit, I discussed the question again with the kazi's son, who is now officiating as priest in the absence of the kazi who is still at Rangoon and with two of the so-called karanavars of the Mappillas. I convinced them that the best ground for a Mappilla cemetery was the one on the Kallikad road about two furlongs south of the Palleprom gramom on the road to Thirumilai. The sanitary authorities have approved of the site. It is one extensive ground to the west of the road. It requires no levelling. The character of the soil is suitable for a burial-ground and it can be purchased at a small cost. There are a few Cheruma huts to the south of it and they can be removed. To the Mappillas living in Meparamba, this ground is nearer than the overcrowded Mappilla burial-ground in the big bazaar street. It is about a mile from the cemetery in the big bazaar street by the high road, but only four or five furlongs by the Patani street and Mankara road. The kazi's son and the two Mappilla karanavars promised to consult their brethren and wanted a few days' time for the purpose. I allowed them the time and returned to Calicut.

10. I went there for the fifth time on the 2nd instant. About 70 Mappillas with the kazi's son and some of the karanavars waited on me. They told me as the result of their consultations (*a*) that they had no objection to the closing of the existing burial-ground on the big bazaar street; (*b*) that they should be allowed to use the Manjakolam cemetery for burials; (*c*) that they would not put the municipality to any expenditure if they were allowed to use the Manjakolam cemetery; and (*d*) that if this was not possible they would use the ground on the Kallikad road approved of by the sanitary authorities, provided it was properly walled, a mosque was erected and a well sunk in it. I advised them to give up the idea of shifting to Manjakolam cemetery and to attend the municipal office at 7-30 A.M. on the 3rd instant. I requested Mr. Austin, the Head Assistant Collector, to inspect the Manjakolam cemetery and the proposed ground on the Kallikad road. We drove together, and he certainly preferred the latter. I requested him further to preside at a meeting of the Mappillas at 7-30 A.M. on the 3rd instant.

11. All the Mappillas who met me the previous evening did not turn up at the municipal office at 7-30 A.M. on the 3rd instant. About 42 men including the kazi's son and some karanavars attended. Ten out of about 30 Mappilla houses in the big bazaar street were represented. We did not hold a regular meeting and pass resolutions as all the people did not attend. Mr. Austin and myself asked those present about their views, and they said that they had no objection to the shifting of the overcrowded burial-ground in the big bazaar street to the ground selected in the Kallikad road. The kazi's son represented that by this arrangement he would be a loser pecuniarily, as for each burial in the present ground he gets from As. 8 to Rs. 2 as ground-fees. I told him that the municipality would not object to his collecting the customary fees in the new place also.

12. I again made inquiries at the big bazaar street and learnt that the Patani and Rowthan merchants induced the Mappillas living in the bazaar street not to attend the meeting and gave them a false hope that the matter would be dropped in a few days

with my deputation to the Cochin State. The Patanies and the Rowthans who work behind the screens are averse to this arrangement, because they think that their cemeteries also may be closed later on.

13. I was not able to get accurate figures of burials in the existing Mappilla burial-ground in the big bazaar street. The cemetery register showed, I was told, about 30 burials per annum. It cannot exceed 40 per annum.

14. The existing burial-ground in the big bazaar street should, in my opinion, be closed. It is a serious danger to the public health.

15. The Mappillas, as a body, prefer the Manjakolam cemetery to the ground on the Kallikad road. Their main objection to the latter is on the score of distance. Though Manjakolam cemetery is infinitely better than the existing one, still I will not recommend it, as a first-class unobjectionable site is available at an easy distance. The site on the Kallikad road is nearer than other cemeteries to several Mappillas and is within a mile to all Mappillas who now use the cemetery in the big bazaar street. Mappillas living in Meparamba and some living in the bazaar street and thereabouts and the kazi's son himself have approved of the site on the Kallikad road. I beg respectfully to submit that in the settlement of a very difficult question like the shifting of the Mappilla burial-grounds, it is extremely difficult to meet the wishes of all persons. I went to Palghat on five occasions and discussed the matter with the Mappillas threadbare. They can show no valid objection to the site on the Kallikad road. Unlike Calicut, where I had to deal with respectable Mappilla leaders who were quite amenable to reason, I had in Palghat to deal with ignorant Mappillas who were in the hands of wily Patanies and Rowthans.

16. My recommendation therefore is to shift the cemetery to the site on the Kallikad road. Assuming that the average number of burials per annum will be 40, 2 acres of ground will last for sixty years allowing 4 square yards per grave.

17. It is quite possible that, when the existing cemetery in the big bazaar street is closed and a new one is opened on the Kallikad road, the Mappillas living in the bazaar street may begin to use the Manjakolam cemetery. There is nothing to prevent them from doing so, and my inquiries showed that the priest in charge of this ground would have no objection to additional burials in it as he would receive the ground-fees. I do not withal recommend the closing of the Manjakolam burial-ground at present. It is very probable that they may all use the ground on the Kallikad road when it is properly filled up. If the evil of overcrowding in Manjakolam cemetery becomes patent, the municipality may then take steps to close this cemetery also with the sanction of Government.

18. I regret the delay in the submission of this report. It was due mainly to the time taken up in converting the Mappillas as far as possible to my views. The absence of the permanent kazi, whose return I awaited long, contributed to the delay.

Enclosure.

Extract from the proceedings of the Municipal Council, Palghat, dated 18th August 1897.

* * * * *

"24. Read endorsement, Ref. on C. No. 312 M. of 1897, dated 16th August 1897, of the Collector of Malabar, on the letter, dated 9th August 1897, from the Deputy Collector, Calicut division, stating that he does not agree with the Deputy Collector's suggestion, that the Mappillas living in the bazaar street may be allowed to use the Manjakolam cemetery and requesting the Chairman to state what he would suggest in the matter.

"And also the civil apothecary's letter, No. 191, dated 18th August 1897, stating that the Manjakolam Mappilla burial-ground is overcrowded with graves and that, for reasons stated, it should be closed at once.

"The Council are of opinion that the Manjakolam burial-ground is already overcrowded, and that it should be closed as well as the big bazaar mosque cemetery with the sanction of Government."

P. I. CHINNASWAMI PILLAI,
Chairman.

Dis. 243-M. of 1897.

Submitted to Government with reference to G.O., Mis. No. 367 M., dated 3rd March 1896.

2. The Council has since resolved to close the Manjakolam cemetery also—*vide* copy of resolution herewith submitted.

3. I fully approve of the proposal to close the Mappilla cemeteries in the big bazaar and at Manjakolam and to open a new one at Kallikad.

4. The Council will have to provide funds for building a mosque and sinking a well on the new ground besides putting up a compound wall. I would suggest that the kazi should be asked to carry out the works so as to avoid any misunderstanding.

5. M.R.Ry. Swaminatha Aiyar Avargal has displayed his usual tact in the settlement of this dispute.

G. W. DANCE,
Collector.

Camp, Ponnani,
31*st October* 1897.

Order—No. 104 M. Mis., dated 15th January 1898.

The Municipal Council of Palghat is requested to take early steps for acquiring the site to the west of the Kallikad road, selected by the Sanitary Commissioner, and for making it fit for use as a burial-ground for the Mappillas, by fencing it round, laying it out with paths and providing a musjid in it at, if possible, a smaller cost than that estimated, namely, Rs. 4,610. The Council's contention that the construction of a mosque in the burial-ground is not a legitimate charge on its funds cannot be considered valid, as section 234 of the District Municipalities Act requires it to provide "convenient and fitting places" for burial and burning-grounds and no burial-ground can be regarded as either convenient or fitting if it does not meet the requirements of the religion for the followers of which it is intended. The execution of the works should be entrusted to the kazi as recommended by the Collector. When the works have been completed and the new burial-ground is ready for use, the Municipal Council should address the Government again for its sanction to close the mosque burial-ground in the big bazaar street and also the Manjakolam cemetery.

2. The Government is pleased to note the tact displayed by M.R.Ry. Swaminatha Aiyar in the settlement of this matter.

(True Extract.)

H. TREMENHEERE,
Ag. Secretary to Government.

To the Chairman, Municipal Council, Palghat.
" Collector of Malabar.
" Sanitary Commissioner.
" Revenue Department (paragraph 2 only).

Exd. A. F. Eccleston.

NOTES CONNECTED WITH G.O., MIS. No. 104 M., DATED 15TH JANUARY 1898.

[SUBJECT.—*Mappilla burial-grounds, Palghat.*]

In September 1894, the Municipal Council of Palghat requested the sanction of Government for closing a Mappilla burial-ground attached to a mosque in the big bazaar street, as it was almost filled up with graves, its existence in the heart of the town was highly objectionable and the District Medical and Sanitary officer and the Collector were also of opinion that early steps should be taken to close it. The Mappillas, however, strongly protested against this proposal on the ground that it was an unnecessary interference with their religion. The Government thereupon refused to approve the Municipal Council's proposal until another convenient place duly authorised for burial and selected in consultation with the Mappilla community had been provided for their use—*vide* G.O., No. 1703 M., dated 13th November 1894. But as the Mappillas declined altogether to co-operate with the Council in selecting a site for a new burial-ground and expressed the strongest opposition to the closure of the existing one, the Government directed the Municipal Council itself to select two or three suitable sites and to take the opinion of the Sanitary Commissioner on the occasion of his next visit to Palghat, as to their respective merits from a sanitary point of view. The Council was also asked to have estimates drawn up for fencing the site that the Sanitary Commissioner might prefer, for laying it out with paths and for providing a masjid in it, and to forward them to Government—*vide* G.O., No. 691 M., dated 23rd April 1895. The Municipal Council accordingly selected four sites, of which one close to the Kallikad road, about a mile from the Mappilla quarters, met with the approval of the District Medical and Sanitary officer. The Sanitary Commissioner inspected all the sites on the 31st May 1895 and while approving the one selected by the District Medical and Sanitary officer, suggested the selection of another situated to the west of the Kallikad road at a distance of 200 yards from the former. The Council estimated the cost of fencing this site and of laying it out with paths and providing a masjid in it at Rs. 4,610, but stated that it was unable to meet the cost of erecting a mosque, which was further not authorised by section 113 of Act IV of 1884, and that it was prepared only to acquire the site as a public burial-ground for Mappillas under section 234. It was again stated that the Mappillas were still opposed to the closure of the existing burial-ground and that there would be no use whatever in acquiring a new site as they would decline to use it. The Government then considered it advisable to try a last chance of inducing the Mappillas to give in quietly and accordingly directed M.R.Ry. S. Swaminatha Aiyar, the Head-quarters Deputy Collector, to proceed to Palghat and try to bring about an amicable settlement of the question with the Mappilla community, as he had executed a similar mission at Calicut very judiciously —*vide* G.O., No. 367 M., dated 3rd March 1896.

Vide the Chairman's letter in G.O., No. 1589 M., dated 2nd October 1895.

2. With his letter read above, the Collector of Malabar forwards the report of M.R.Ry. Swaminatha Aiyar on the result of his negotiations with the Mappillas. On the 2nd August 1897, about seventy of the Mappillas with their kazi's son waited on M.R.Ry. Swaminatha Aiyar at Palghat, when he went there on this business for the fifth time, and said (1) "that they had no objection to the closure of the existing burial-ground in the big bazaar street, (2) that they should be allowed to use instead of it the Manjakolam cemetery, (3) that they would not put the municipality to any expenditure if they were allowed to use that cemetery, and (4) that if this was not possible, they would use the ground near the Kallikad road approved by the sanitary authorities, provided it was properly walled, a mosque was erected and a well sunk in it." M.R.Ry. Swaminatha Aiyar then advised them to give up the idea of shifting to the Manjakolam cemetery and asked them to attend a meeting which was proposed to be held in the municipal office the next day. About 42 Mappillas, who represented only a third of the Mappilla houses in the town, attended that meeting and said that

they had no objection to the proposed site near the Kallikad road. The Deputy Collector says that the Mappillas as a body prefer the Manjakolam cemetery to the site on the Kallikad road, for the main reason that the latter is far away from their quarters; but that this is not a valid objection, as the site on the Kallikad road is situated within a mile of all the Mappillas who now use the mosque burial-ground in the big bazaar street; and he accordingly recommends this latter site. He does not, however, recommend the closure of the Manjakolam cemetery, as he thinks that the Mappillas themselves will use the new burial-ground when it is properly filled up and that when the evil of over-crowding in the Manjakolam cemetery becomes patent, the Municipal Council may take steps to close it. The Council, however, on the representation of the civil apothecary that this cemetery is over-crowded with graves, and on the recommendation of the Collector, resolved to close this cemetery also. In submitting the report of M.R.Ry. Swaminatha Aiyar and the above resolution of the Municipal Council, the Collector states that he fully approves the Council's proposals to close both the Manjakolam cemetery and the one in the big bazaar street, and to open one at Kallikad, and observes that the Council should provide funds for building a mosque and sinking a well, besides putting up a compound wall, and that the kazi should be asked to carry out the works so as to avoid any misunderstanding.

3. The Mappillas having consented to the closure of the burial-ground in the big bazaar street and having approved the site near the Kallikad road recommended by the Sanitary Commissioner, the Municipal Council may now be directed to acquire this site and make it fit for use as a burial-ground by fencing it all round, laying it out with paths and providing a masjid in it, if possible, at a smaller cost than that estimated. The Council's contention that the construction of a mosque is not a legitimate charge on its funds under section 113 of the Municipal Act and that under section 234 it has only to acquire the site required for a burial-ground is not valid, as the latter section lays down that "the Municipal Council shall provide a sufficient number of *convenient and fitting places* for burial and burning grounds", and it has been held that no such place can be either convenient or fitting, if it does not meet the requirements of the religion for the followers of which it is intended—*vide* paragraph 4 of G.O., No. 672 M., dated 18th April 1895, and the notes in that order. Nor can the Council's plea of want of funds to construct a mosque be accepted as at all satisfactory, seeing that the estimated balance in its favour on the 31st March 1898 is Rs. 7,600.* The Collector's recommendation that the execution of the proposed works in the new site should be entrusted to the kazi, so as to avoid any misunderstanding, does not appear to be judicious. When these works have been carried out and the new ground is ready for use, the Municipal Council can renew its application for the closure of the burial-ground in the big bazaar street and the Manjakolam cemetery.

	Rs.
* Balance as given in paragraph 5 of G.O., No. 716 M., dated 27th March 1897	4,560
Add excess of actual opening balance for 1897-98 over that estimated in that Government Order	3,040
Total ..	7,600

I don't understand. It seems to me that the Collector's suggestion is very judicious. I should adopt it.

I approve the other recommendations in this note.

H. W. B[LISS].

H.T.

But as neither the District Medical and Sanitary officer nor the Sanitary Commissioner has seen the latter cemetery and pronounced his opinion on it, it would be better to ask the District Medical officer to inspect and report on it before deciding to close it.

V. RAGHAVA CHARLU—21-12-97.

This is quite enough, I should say.

H. W. B[LISS]—5-1-98.

No. The apothecary, the Collector and the Council, all consider it should be closed.

Please see notes above.

H. TREMENHEERE—3-1-98.

Government {1898} of Madras.

LOCAL AND MUNICIPAL.

MISCELLANEOUS.

Recd. } 1898. *Enclosures*

Regd. } 1898. *Spare copies*

G.O., No. 104 M., 15th January 1898.

H. P.

JANUARY.

Burial-ground.

Requesting, with remarks, the Municipal Council of Palghat to take early steps for acquiring the site to the west of the Kallikad road and for making it fit for use as a — for the Mappillas.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—again the following papers:—

G.O., No. 691 M., dated 23rd April 1895.
" " 1589 M., dated 2nd October 1895.
" Mis. No. 367 M., dated 3rd March 1896.

READ—also the following papers:—

From M.R.Ry. S. SWAMINATHA AIYAR Avargal, B.A., Deputy Collector, Calicut Division, to the Collector of Malabar, dated Calicut, 9th August 1897, No. 833.

With reference to your endorsement, Ref. on No. 82-L.F. of 1896, on G.O., Mis. No. 367 M., dated 3rd March 1896, directing me to proceed to Palghat to bring about an amicable settlement with the Mappilla community of the place regarding the shifting of the Mappilla burial-ground, I have the honour to state that I proceeded to Palghat on five occasions to make the necessary arrangements.

2. As you are well aware, the Mappillas of Palghat, unlike their co-religionists on the coast, are poor people having no recognised leaders of their own. They are mostly coolies and a few of them have petty trade. They have not even a tangal or a kazi of their sect. Their religious head, the present kazi, is, strange to say, not quite a Mappilla.

3. I could not get any accurate information as to the total number of Mappillas in the Palghat town. According to last census there were 5,527 Muhammadans. This includes Mappillas, Rowthans and Patanies. M.R.Ry. P. I. Chinnaswami Pillai Avargal, the late Chairman, told me that the Mappillas would number about 2,000; but Mr. Kunhayan, who was Sub-Magistrate at Palghat for some time, is of opinion that the total number of Mappillas will not exceed 1,500.

4. The Mappillas of Palghat live in Meparamba at the western end of the town and in the big bazaar street and thereabouts. Most of those living in and near the big bazaar street are temporary settlers from Cannanore, Tellicherry and Calicut. Many of the Mappillas in Meparamba bury the dead in a cemetery beyond the municipal limits. There is no objection to this course. The Mappillas near the big bazaar street use the burial-ground in the bazaar street. A few use also the Manjakolam cemetery on the road from the bazaar street leading to the fort.

5. On my first visit, I sent for the kazi. He came to me accompanied by Qadír Ṣáḥib, a troublesome Patani of the place. The latter as spokesman deprecated the closing of the Mappilla burial-ground in the big bazaar street and said that, if once they consented to the arrangement, the Government would close the burial-grounds of the Patanies and Rowthans also. I assured them that overcrowded burial-grounds alone condemned by sanitary officers would be closed and not all. They wanted time to consider over my proposals.

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Mappilla burial-grounds at Calicut. This had the desired effect, and the persons there present promised to select an unobjectionable site in or near the town and to report the matter to me.

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8. As already stated, the Manjakolam cemetery is on the branch road from the main bazaar street to the fort. It is situated at a distance of about 150 yards from the bungalows of some European gentlemen. There are no houses on three sides of it; there are a few huts on the south. It is, no doubt, far better than the existing burial-ground at the big bazaar street, which should be closed, but still there are better and unobjectionable sites not very far off from Mappilla quarters. I told the Mappillas to select some better sites and promised to consult you about the Manjakolam cemetery. You inspected the place and did not approve of it.

9. On my fourth visit, I discussed the question again with the kazi's son, who is now officiating as priest in the absence of the kazi who is still at Rangoon and with two of the so-called karanavars of the Mappillas. I convinced them that the best ground for a Mappilla cemetery was the one on the Kallikad road about two furlongs south of the Palleprom gramom on the road to Thirumilai. The sanitary authorities have approved of the site. It is one extensive ground to the west of the road. It requires no levelling. The character of the soil is suitable for a burial-ground and it can be purchased at a small cost. There are a few Cheruma huts to the south of it and they can be removed. To the Mappillas living in Meparamba, this ground is nearer than the overcrowded Mappilla burial-ground in the big bazaar street. It is about a mile from the cemetery in the big bazaar street by the high road, but only four or five furlongs by the Patani street and Mankara road. The kazi's son and the two Mappilla karanavars promised to consult their brethren and wanted a few days' time for the purpose. I allowed them the time and returned to Calicut.

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with my deputation to the Cochin State. The Patanies and the Rowthans who work behind the screens are averse to this arrangement, because they think that their cemeteries also may be closed later on.

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16. My recommendation therefore is to shift the cemetery to the site on the Kallikad road. Assuming that the average number of burials per annum will be 40, 2 acres of ground will last for sixty years allowing 4 square yards per grave.

17. It is quite possible that, when the existing cemetery in the big bazaar street is closed and a new one is opened on the Kallikad road, the Mappillas living in the bazaar street may begin to use the Manjakolam cemetery. There is nothing to prevent them from doing so, and my inquiries showed that the priest in charge of this ground would have no objection to additional burials in it as he would receive the ground-fees. I do not withal recommend the closing of the Manjakolam burial-ground at present. It is very probable that they may all use the ground on the Kallikad road when it is properly filled up. If the evil of overcrowding in Manjakolam cemetery becomes patent, the municipality may then take steps to close this cemetery also with the sanction of Government.

18. I regret the delay in the submission of this report. It was due mainly to the time taken up in converting the Mappillas as far as possible to my views. The absence of the permanent kazi, whose return I awaited long, contributed to the delay.

ENCLOSURE.

EXTRACT from the proceedings of the Municipal Council, Palghat, dated 18th August 1897.

* * * * *

"24. Read endorsement, Ref. on C. No. 312 M. of 1897, dated 16th August 1897, of the Collector of Malabar, on the letter, dated 9th August 1897, from the Deputy Collector, Calicut division, stating that he does not agree with the Deputy Collector's suggestion, that the Mappillas living in the bazaar street may be allowed to use the Manjakolam cemetery and requesting the Chairman to state what he would suggest in the matter.

"And also the civil apothecary's letter, No. 191, dated 18th August 1897, stating that the Manjakolam Mappilla burial-ground is overcrowded with graves and that, for reasons stated, it should be closed at once.

"The Council are of opinion that the Manjakolam burial-ground is already overcrowded, and that it should be closed as well as the big bazaar mosque cemetery with the sanction of Government."

P. I. CHINNASWAMI PILLAI,
Chairman.

Dis. 243-M. of 1897.

Submitted to Government with reference to G.O., Mis. No. 367 M., dated 3rd March 1896.

2. The Council has since resolved to close the Manjakolam cemetery also—*vide* copy of resolution herewith submitted.

3. I fully approve of the proposal to close the Mappilla cemeteries in the big bazaar and at Manjakolam and to open a new one at Kallikad.

4. The Council will have to provide funds for building a mosque and sinking a well on the new ground besides putting up a compound wall. I would suggest that the kazi should be asked to carry out the works so as to avoid any misunderstanding.

5. M.R.Ry. Swaminatha Aiyar Avargal has displayed his usual tact in the settlement of this dispute.

CAMP, PONNANI,
31*st October* 1897.

G. W. DANCE,
Collector.

ORDER—No. 104 M. Mis., dated 15th January 1898.

The Municipal Council of Palghat is requested to take early steps for acquiring the site to the west of the Kallikad road, selected by the Sanitary Commissioner, and for making it fit for use as a burial-ground for the Mappillas, by fencing it round, laying it out with paths and providing a musjid in it at, if possible, a smaller cost than that estimated, namely, Rs. 4,610. The Council's contention that the construction of a mosque in the burial-ground is not a legitimate charge on its funds cannot be considered valid, as section 234 of the District Municipalities Act requires it to provide "convenient and fitting places" for burial and burning-grounds and no burial-ground can be regarded as either convenient or fitting if it does not meet the requirements of the religion for the followers of which it is intended. The execution of the works should be entrusted to the kazi as recommended by the Collector. When the works have been completed and the new burial-ground is ready for use, the Municipal Council should address the Government again for its sanction to close the mosque burial-ground in the big bazaar street and also the Manjakolam cemetery.

2. The Government is pleased to note the tact displayed by M.R.Ry. Swaminatha Aiyar in the settlement of this matter.

(True Extract.)

H. TREMENHEERE,
Ag. Secretary to Government.

To the Chairman, Municipal Council, Palghat.
„ Collector of Malabar.
„ Sanitary Commissioner.
„ Revenue Department (paragraph 2 only).

Exd. A. F. Eccleston.

NOTES CONNECTED WITH G.O., MIS. No. 104 M., DATED 15TH JANUARY 1898.

[SUBJECT.—*Mappilla burial-grounds, Palghat.*]

In September 1894, the Municipal Council of Palghat requested the sanction of Government for closing a Mappilla burial-ground attached to a mosque in the big bazaar street, as it was almost filled up with graves, its existence in the heart of the town was highly objectionable and the District Medical and Sanitary officer and the Collector were also of opinion that early steps should be taken to close it. The Mappillas, however, strongly protested against this proposal on the ground that it was an unnecessary interference with their religion. The Government thereupon refused to approve the Municipal Council's proposal until another convenient place duly authorised for burial and selected in consultation with the Mappilla community had been provided for their use—*vide* G.O., No. 1703 M., dated 13th November 1894. But as the Mappillas declined altogether to co-operate with the Council in selecting a site for a new burial-ground and expressed the strongest opposition to the closure of the existing one, the Government directed the Municipal Council itself to select two or three suitable sites and to take the opinion of the Sanitary Commissioner on the occasion of his next visit to Palghat, as to their respective merits from a sanitary point of view. The Council was also asked to have estimates drawn up for fencing the site that the Sanitary Commissioner might prefer, for laying it out with paths and for providing a masjid in it, and to forward them to Government—*vide* G.O., No. 691 M., dated 23rd April 1895. The Municipal Council accordingly selected four sites, of which one close to the Kallikad road, about a mile from the Mappilla quarters, met with the approval of the District Medical and Sanitary officer. The Sanitary Commissioner inspected all the sites on the 31st May 1895 and while approving the one selected by the District Medical and Sanitary officer, suggested the selection of another situated to the west of the Kallikad road at a distance of 200 yards from the former. The Council estimated the cost of fencing this site and of laying it out with paths and providing a masjid in it at Rs. 4,610, but stated that it was unable to meet the cost of erecting a mosque, which was further not authorised by section 113 of Act IV of 1884, and that it was prepared only to acquire the site as a public burial-ground for Mappillas under section 234. It was again stated that the Mappillas were still opposed to the closure of the existing burial-ground and that there would be no use whatever in acquiring a new site as they would decline to use it. The Government then considered it advisable to try a last chance of inducing the Mappillas to give in quietly and accordingly directed M.R.Ry. S. Swaminatha Aiyar, the Head-quarters Deputy Collector, to proceed to Palghat and try to bring about an amicable settlement of the question with the Mappilla community, as he had executed a similar mission at Calicut very judiciously —*vide* G.O., No. 367 M., dated 3rd March 1896.

Vide the Chairman's letter in G.O., No. 1589 M., dated 2nd October 1895.

2. With his letter read above, the Collector of Malabar forwards the report of M.R.Ry. Swaminatha Aiyar on the result of his negotiations with the Mappillas. On the 2nd August 1897, about seventy of the Mappillas with their kazi's son waited on M.R.Ry. Swaminatha Aiyar at Palghat, when he went there on this business for the fifth time, and said (1) "that they had no objection to the closure of the existing burial-ground in the big bazaar street, (2) that they should be allowed to use instead of it the Manjakolam cemetery, (3) that they would not put the municipality to any expenditure if they were allowed to use that cemetery, and (4) that if this was not possible, they would use the ground near the Kallikad road approved by the sanitary authorities, provided it was properly walled, a mosque was erected and a well sunk in it." M.R.Ry. Swaminatha Aiyar then advised them to give up the idea of shifting to the Manjakolam cemetery and asked them to attend a meeting which was proposed to be held in the municipal office the next day. About 42 Mappillas, who represented only a third of the Mappilla houses in the town, attended that meeting and said that

they had no objection to the proposed site near the Kallikad road. The Deputy Collector says that the Mappillas as a body prefer the Manjakolam cemetery to the site on the Kallikad road, for the main reason that the latter is far away from their quarters; but that this is not a valid objection, as the site on the Kallikad road is situated within a mile of all the Mappillas who now use the mosque burial-ground in the big bazaar street; and he accordingly recommends this latter site. He does not, however, recommend the closure of the Manjakolam cemetery, as he thinks that the Mappillas themselves will use the new burial-ground when it is properly filled up and that when the evil of over-crowding in the Manjakolam cemetery becomes patent, the Municipal Council may take steps to close it. The Council, however, on the representation of the civil apothecary that this cemetery is over-crowded with graves, and on the recommendation of the Collector, resolved to close this cemetery also. In submitting the report of M.R.Ry. Swaminatha Aiyar and the above resolution of the Municipal Council, the Collector states that he fully approves the Council's proposals to close both the Manjakolam cemetery and the one in the big bazaar street, and to open one at Kallikad, and observes that the Council should provide funds for building a mosque and sinking a well, besides putting up a compound wall, and that the kazi should be asked to carry out the works so as to avoid any misunderstanding.

3. The Mappillas having consented to the closure of the burial-ground in the big bazaar street and having approved the site near the Kallikad road recommended by the Sanitary Commissioner, the Municipal Council may now be directed to acquire this site and make it fit for use as a burial-ground by fencing it all round, laying it out with paths and providing a masjid in it, if possible, at a smaller cost than that estimated. The Council's contention that the construction of a mosque is not a legitimate charge on its funds under section 113 of the Municipal Act and that under section 234 it has only to acquire the site required for a burial-ground is not valid, as the latter section lays down that "the Municipal Council shall provide a sufficient number of *convenient and fitting places* for burial and burning grounds", and it has been held that no such place can be either convenient or fitting, if it does not meet the requirements of the religion for the followers of which it is intended—*vide* paragraph 4 of G.O., No. 672 M., dated 18th April 1895, and the notes in that order. Nor can the Council's plea of want of funds to construct a mosque be accepted as at all satisfactory, seeing that the estimated balance in its favour on the 31st March 1898 is Rs. 7,600.* The Collector's recommendation that the execution of the proposed works in the new site should be entrusted to the kazi, so as to avoid any misunderstanding, does not appear to be judicious. When these works have been carried out and the new ground is ready for use, the Municipal Council can renew its application for the closure of the burial-ground in the big bazaar street and the Manjakolam cemetery.

	Rs.
* Balance as given in paragraph 5 of G.O., No. 716 M., dated 27th March 1897	4,560
Add excess of actual opening balance for 1897-98 over that estimated in that Government Order	3,040
Total ..	7,600

I don't understand. It seems to me that the Collector's suggestion is very judicious. I should adopt it.

I approve the other recommendations in this note.

H. W. B[LISS].

H.T.

But as neither the District Medical and Sanitary officer nor the Sanitary Commissioner has seen the latter cemetery and pronounced his opinion on it, it would be better to ask the District Medical officer to inspect and report on it before deciding to close it.

V. RAGHAVA CHARLU—21-12-97.

This is quite enough, I should say.

H. W. B[LISS]—5-1-98.

No. The apothecary, the Collector and the Council, all consider it should be closed.

Please see notes above.

H. TREMENHEERE—3-1-98.

Government {1898} of Madras.

LOCAL AND MUNICIPAL.

MISCELLANEOUS.

Read. — *Regd.* — 1898. — *Enclosures* — *Spare copies*

G.O., No. 104 M., 15th January 1898.

N. P.

JANUARY.

Burial-ground.

Requesting, with remarks, the Municipal Council of Palghat to take early steps for acquiring the site to the west of the Kallikad road and for making it fit for use as a — for the Mappillas.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—again the following papers :—

G.O., No. 691 M., dated 23rd April 1895.
" " 1589 M., dated 2nd October 1895.
" Mis. No. 367 M., dated 3rd March 1896.

READ—also the following papers :—

From M.R.Ry. S. SWAMINATHA AIYAR Avargal, B.A., Deputy Collector, Calicut Division, to the Collector of Malabar, dated Calicut, 9th August 1897, No. 833.

With reference to your endorsement, Ref. on No. 82-L.F. of 1896, on G.O., Mis. No. 367 M., dated 3rd March 1896, directing me to proceed to Palghat to bring about an amicable settlement with the Mappilla community of the place regarding the shifting of the Mappilla burial-ground, I have the honour to state that I proceeded to Palghat on five occasions to make the necessary arrangements.

2. As you are well aware, the Mappillas of Palghat, unlike their co-religionists on the coast, are poor people having no recognised leaders of their own. They are mostly coolies and a few of them have petty trade. They have not even a tangal or a kazi of their sect. Their religious head, the present kazi, is, strange to say, not quite a Mappilla.

3. I could not get any accurate information as to the total number of Mappillas in the Palghat town. According to last census there were 5,527 Muhammadans. This includes Mappillas, Rowthans and Patanies. M.R.Ry. P. I. Chinnaswami Pillai Avargal, the late Chairman, told me that the Mappillas would number about 2,000; but Mr. Kunhayan, who was Sub-Magistrate at Palghat for some time, is of opinion that the total number of Mappillas will not exceed 1,500.

4. The Mappillas of Palghat live in Meparamba at the western end of the town and in the big bazaar street and thereabouts. Most of those living in and near the big bazaar street are temporary settlers from Cannanore, Tellicherry and Calicut. Many of the Mappillas in Meparamba bury the dead in a cemetery beyond the municipal limits. There is no objection to this course. The Mappillas near the big bazaar street use the burial-ground in the bazaar street. A few use also the Manjakolam cemetery on the road from the bazaar street leading to the fort.

5. On my first visit, I sent for the kazi. He came to me accompanied by Qadír Sáhib, a troublesome Patani of the place. The latter as spokesman deprecated the closing of the Mappilla burial-ground in the big bazaar street and said that, if once they consented to the arrangement, the Government would close the burial-grounds of the Patanies and Rowthans also. I assured them that overcrowded burial-grounds alone condemned by sanitary officers would be closed and not all. They wanted time to consider over my proposals.

6. On my second visit, I found that the kazi had gone to Rangoon. I issued a notice and convened a meeting of the Mappillas at the municipal office. I lectured to them on the necessity and advantages of closing the existing overcrowded cemetery in the big bazaar street and having one in a good locality. I read to them also the proceedings of the Himayat Islam Sabha, Calicut, resolving to close the existing

Mappilla burial-grounds at Calicut. This had the desired effect, and the persons there present promised to select an unobjectionable site in or near the town and to report the matter to me.

7. On my third visit, they showed me the Manjakolam cemetery and requested me to propose to you to acquire the paddy flats to the south of it, to add them to the existing cemetery and to fit up the entire ground as the cemetery in the place of the one in the big bazaar street. I was not quite satisfied with this site.

8. As already stated, the Manjakolam cemetery is on the branch road from the main bazaar street to the fort. It is situated at a distance of about 150 yards from the bungalows of some European gentlemen. There are no houses on three sides of it; there are a few huts on the south. It is, no doubt, far better than the existing burial-ground at the big bazaar street, which should be closed, but still there are better and unobjectionable sites not very far off from Mappilla quarters. I told the Mappillas to select some better sites and promised to consult you about the Manjakolam cemetery. You inspected the place and did not approve of it.

9. On my fourth visit, I discussed the question again with the kazi's son, who is now officiating as priest in the absence of the kazi who is still at Rangoon and with two of the so-called karanavars of the Mappillas. I convinced them that the best ground for a Mappilla cemetery was the one on the Kallikad road about two furlongs south of the Palleprom gramom on the road to Thirumilai. The sanitary authorities have approved of the site. It is one extensive ground to the west of the road. It requires no levelling. The character of the soil is suitable for a burial-ground and it can be purchased at a small cost. There are a few Cheruma huts to the south of it and they can be removed. To the Mappillas living in Meparamba, this ground is nearer than the overcrowded Mappilla burial-ground in the big bazaar street. It is about a mile from the cemetery in the big bazaar street by the high road, but only four or five furlongs by the Patani street and Mankara road. The kazi's son and the two Mappilla karanavars promised to consult their brethren and wanted a few days' time for the purpose. I allowed them the time and returned to Calicut.

10. I went there for the fifth time on the 2nd instant. About 70 Mappillas with the kazi's son and some of the karanavars waited on me. They told me as the result of their consultations (*a*) that they had no objection to the closing of the existing burial-ground on the big bazaar street; (*b*) that they should be allowed to use the Manjakolam cemetery for burials; (*c*) that they would not put the municipality to any expenditure if they were allowed to use the Manjakolam cemetery; and (*d*) that if this was not possible they would use the ground on the Kallikad road approved of by the sanitary authorities, provided it was properly walled, a mosque was erected and a well sunk in it. I advised them to give up the idea of shifting to Manjakolam cemetery and to attend the municipal office at 7-30 A.M. on the 3rd instant. I requested Mr. Austin, the Head Assistant Collector, to inspect the Manjakolam cemetery and the proposed ground on the Kallikad road. We drove together, and he certainly preferred the latter. I requested him further to preside at a meeting of the Mappillas at 7-30 A.M. on the 3rd instant.

11. All the Mappillas who met me the previous evening did not turn up at the municipal office at 7-30 A.M. on the 3rd instant. About 42 men including the kazi's son and some karanavars attended. Ten out of about 30 Mappilla houses in the big bazaar street were represented. We did not hold a regular meeting and pass resolutions as all the people did not attend. Mr. Austin and myself asked those present about their views, and they said that they had no objection to the shifting of the overcrowded burial-ground in the big bazaar street to the ground selected in the Kallikad road. The kazi's son represented that by this arrangement he would be a loser pecuniarily, as for each burial in the present ground he gets from As. 8 to Rs. 2 as ground-fees. I told him that the municipality would not object to his collecting the customary fees in the new place also.

12. I again made inquiries at the big bazaar street and learnt that the Patani and Rowthan merchants induced the Mappillas living in the bazaar street not to attend the meeting and gave them a false hope that the matter would be dropped in a few days

with my deputation to the Cochin State. The Patanies and the Rowthans who work behind the screens are averse to this arrangement, because they think that their cemeteries also may be closed later on.

13. I was not able to get accurate figures of burials in the existing Mappilla burial-ground in the big bazaar street. The cemetery register showed, I was told, about 30 burials per annum. It cannot exceed 40 per annum.

14. The existing burial-ground in the big bazaar street should, in my opinion, be closed. It is a serious danger to the public health.

15. The Mappillas, as a body, prefer the Manjakolam cemetery to the ground on the Kallikad road. Their main objection to the latter is on the score of distance. Though Manjakolam cemetery is infinitely better than the existing one, still I will not recommend it, as a first-class unobjectionable site is available at an easy distance. The site on the Kallikad road is nearer than other cemeteries to several Mappillas and is within a mile to all Mappillas who now use the cemetery in the big bazaar street. Mappillas living in Meparamba and some living in the bazaar street and thereabouts and the kazi's son himself have approved of the site on the Kallikad road. I beg respectfully to submit that in the settlement of a very difficult question like the shifting of the Mappilla burial-grounds, it is extremely difficult to meet the wishes of all persons. I went to Palghat on five occasions and discussed the matter with the Mappillas threadbare. They can show no valid objection to the site on the Kallikad road. Unlike Calicut, where I had to deal with respectable Mappilla leaders who were quite amenable to reason, I had in Palghat to deal with ignorant Mappillas who were in the hands of wily Patanies and Rowthans.

16. My recommendation therefore is to shift the cemetery to the site on the Kallikad road. Assuming that the average number of burials per annum will be 40, 2 acres of ground will last for sixty years allowing 4 square yards per grave.

17. It is quite possible that, when the existing cemetery in the big bazaar street is closed and a new one is opened on the Kallikad road, the Mappillas living in the bazaar street may begin to use the Manjakolam cemetery. There is nothing to prevent them from doing so, and my inquiries showed that the priest in charge of this ground would have no objection to additional burials in it as he would receive the ground-fees. I do not withal recommend the closing of the Manjakolam burial-ground at present. It is very probable that they may all use the ground on the Kallikad road when it is properly filled up. If the evil of overcrowding in Manjakolam cemetery becomes patent, the municipality may then take steps to close this cemetery also with the sanction of Government.

18. I regret the delay in the submission of this report. It was due mainly to the time taken up in converting the Mappillas as far as possible to my views. The absence of the permanent kazi, whose return I awaited long, contributed to the delay.

ENCLOSURE.

EXTRACT from the proceedings of the Municipal Council, Palghat, dated 18th August 1897.

* * * * *

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Chairman.

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" Collector of Malabar.
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3. The Mappillas having consented to the closure of the burial-ground in the big bazaar street and having approved the site near the Kallikad road recommended by the Sanitary Commissioner, the Municipal Council may now be directed to acquire this site and make it fit for use as a burial-ground by fencing it all round, laying it out with paths and providing a masjid in it, if possible, at a smaller cost than that estimated. The Council's contention that the construction of a mosque is not a legitimate charge on its funds under section 113 of the Municipal Act and that under section 234 it has only to acquire the site required for a burial-ground is not valid, as the latter section lays down that "the Municipal Council shall provide a sufficient number of *convenient and fitting places* for burial and burning grounds", and it has been held that no such place can be either convenient or fitting, if it does not meet the requirements of the religion for the followers of which it is intended—*vide* paragraph 4 of G.O., No. 672 M., dated 18th April 1895, and the notes in that order. Nor can the Council's plea of want of funds to construct a mosque be accepted as at all satisfactory, seeing that the estimated balance in its favour on the 31st March 1898 is Rs. 7,600.* The Collector's recommendation that the execution of the proposed works in the new site should be entrusted to the kazi, so as to avoid any misunderstanding, does not appear to be judicious. When these works have been carried out and the new ground is ready for use, the Municipal Council can renew its application for the closure of the burial-ground in the big bazaar street and the Manjakolam cemetery.

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But as neither the District Medical and Sanitary officer nor the Sanitary Commissioner has seen the latter cemetery and pronounced his opinion on it, it would be better to ask the District Medical officer to inspect and report on it before deciding to close it.

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Please see notes above.

H. TREMENHEERE—3-1-98.

Government {1898} of Madras.

LOCAL AND MUNICIPAL.

MISCELLANEOUS.

Recd. / *Regd.* } 1898. *Enclosures* / *Spare copies*

G.O., No. 104 M., 15th January 1898.

N. P.

JANUARY.

Burial-ground.

Requesting, with remarks, the Municipal Council of Palghat to take early steps for acquiring the site to the west of the Kallikad road and for making it fit for use as a — for the Mappillas.

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" " 1589 M., dated 2nd October 1895.

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From M.R.Ry. S. SWAMINATHA AIYAR Avargal, B.A., Deputy Collector, Calicut Division, to the Collector of Malabar, dated Calicut, 9th August 1897, No. 833.

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2. As you are well aware, the Mappillas of Palghat, unlike their co-religionists on the coast, are poor people having no recognised leaders of their own. They are mostly coolies and a few of them have petty trade. They have not even a tangal or a kazi of their sect. Their religious head, the present kazi, is, strange to say, not quite a Mappilla.

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5. On my first visit, I sent for the kazi. He came to me accompanied by Qadír Sáhib, a troublesome Patani of the place. The latter as spokesman deprecated the closing of the Mappilla burial-ground in the big bazaar street and said that, if once they consented to the arrangement, the Government would close the burial-grounds of the Patanies and Rowthans also. I assured them that overcrowded burial-grounds alone condemned by sanitary officers would be closed and not all. They wanted time to consider over my proposals.

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No. 104 M., 15th January 1898.

Mappilla burial-grounds at Calicut. This had the desired effect, and the persons t present promised to select an unobjectionable site in or near the town and to re the matter to me.

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8. As already stated, the Manjakolam cemetery is on the branch road from the main bazaar street to the fort. It is situated at a distance of about 150 yards from the bungalows of some European gentlemen. There are no houses on three sides of it; there are a few huts on the south. It is, no doubt, far better than the existing burial-ground at the big bazaar street, which should be closed, but still there are better and unobjectionable sites not very far off from Mappilla quarters. I told the Mappillas to select some better sites and promised to consult you about the Manjakolam cemetery. You inspected the place and did not approve of it.

9. On my fourth visit, I discussed the question again with the kazi's son, who is now officiating as priest in the absence of the kazi who is still at Rangoon and with two of the so-called karanavars of the Mappillas. I convinced them that the best ground for a Mappilla cemetery was the one on the Kallikad road about two furlongs south of the Palleprom gramom on the road to Thirumilai. The sanitary authorities have approved of the site. It is one extensive ground to the west of the road. It requires no levelling. The character of the soil is suitable for a burial-ground and it can be purchased at a small cost. There are a few Cheruma huts to the south of it and they can be removed. To the Mappillas living in Meparamba, this ground is nearer than the overcrowded Mappilla burial-ground in the big bazaar street. It is about a mile from the cemetery in the big bazaar street by the high road, but only four or five furlongs by the Patani street and Mankara road. The kazi's son and the two Mappilla karanavars promised to consult their brethren and wanted a few days' time for the purpose. I allowed them the time and returned to Calicut.

10. I went there for the fifth time on the 2nd instant. About 70 Mappillas with the kazi's son and some of the karanavars waited on me. They told me as the result of their consultations (*a*) that they had no objection to the closing of the existing burial-ground on the big bazaar street; (*b*) that they should be allowed to use the Manjakolam cemetery for burials; (*c*) that they would not put the municipality to any expenditure if they were allowed to use the Manjakolam cemetery; and (*d*) that if this was not possible they would use the ground on the Kallikad road approved of by the sanitary authorities, provided it was properly walled, a mosque was erected and a well sunk in it. I advised them to give up the idea of shifting to Manjakolam cemetery and to attend the municipal office at 7-30 A.M. on the 3rd instant. I requested Mr. Austin, the Head Assistant Collector, to inspect the Manjakolam cemetery and the proposed ground on the Kallikad road. We drove together, and he certainly preferred the latter. I requested him further to preside at a meeting of the Mappillas at 7-30 A.M. on the 3rd instant.

11. All the Mappillas who met me the previous evening did not turn up at the municipal office at 7-30 A.M. on the 3rd instant. About 42 men including the kazi's son and some karanavars attended. Ten out of about 30 Mappilla houses in the big bazaar street were represented. We did not hold a regula meeting and pass resolutions as all the people did not attend. Mr. Austin and yself asked those present about their views, and they said that they had no objecti the shifting of the overcrowded burial-ground in the big bazaar street to the gro selected in the Kallikad road. The kazi's son represented that by this arrange t he would be a loser pecuniarily, as for each burial in the present ground he ts from As. 8 to Rs. 2 as ground-fees. I told him that the municipality would not object to his collecting the customary fees in the new place also.

12. I again made inquiries at the big bazaar street and learnt that the Patani and Rowthan merchants induced the Mappillas living in the bazaar street not to attend the meeting and gave them a false hope that the matter would be dropped in a few days

my deputation to the Cochin State. The Patanies and the Rowthans who work
id the screens are averse to this arrangement, because they think that their
they teries also may be closed later on.
Col' 13. I was not able to get accurate figures of burials in the existing Mappilla burial-
on ound in the big bazaar street. The cemetery register showed, I was told, about 30
b irials per annum. It cannot exceed 40 per annum.
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14. The existing burial-ground in the big bazaar street should, in my opinion, be closed. It is a serious danger to the public health.

15. The Mappillas, as a body, prefer the Manjakolam cemetery to the ground on the Kallikad road. Their main objection to the latter is on the score of distance. Though Manjakolam cemetery is infinitely better than the existing one, still I will not recommend it, as a first-class unobjectionable site is available at an easy distance. The site on the Kallikad road is nearer than other cemeteries to several Mappillas and is within a mile to all Mappillas who now use the cemetery in the big bazaar street. Mappillas living in Meparamba and some living in the bazaar street and thereabouts and the kazi's son himself have approved of the site on the Kallikad road. I beg respectfully to submit that in the settlement of a very difficult question like the shifting of the Mappilla burial-grounds, it is extremely difficult to meet the wishes of all persons. I went to Palghat on five occasions and discussed the matter with the Mappillas threadbare. They can show no valid objection to the site on the Kallikad road. Unlike Calicut, where I had to deal with respectable Mappilla leaders who were quite amenable to reason, I had in Palghat to deal with ignorant Mappillas who were in the hands of wily Patanies and Rowthans.

16. My recommendation therefore is to shift the cemetery to the site on the Kallikad road. Assuming that the average number of burials per annum will be 40, 2 acres of ground will last for sixty years allowing 4 square yards per grave.

17. It is quite possible that, when the existing cemetery in the big bazaar street is closed and a new one is opened on the Kallikad road, the Mappillas living in the bazaar street may begin to use the Manjakolam cemetery. There is nothing to prevent them from doing so, and my inquiries showed that the priest in charge of this ground would have no objection to additional burials in it as he would receive the ground-fees. I do not withal recommend the closing of the Manjakolam burial-ground at present. It is very probable that they may all use the ground on the Kallikad road when it is properly filled up. If the evil of overcrowding in Manjakolam cemetery becomes patent, the municipality may then take steps to close this cemetery also with the sanction of Government.

18. I regret the delay in the submission of this report. It was due mainly to the time taken up in converting the Mappillas as far as possible to my views. The absence of the permanent kazi, whose return I awaited long, contributed to the delay.

ENCLOSURE.

EXTRACT from the proceedings of the Municipal Council, Palghat, dated 18th August 1897.

* * * * *

"24. Read endorsement, Ref. on C. No. 312 M. of 1897, dated 16th August 1897, of the Collector of Malabar, on the letter, dated 9th August 1897, from the Deputy Collector, Calicut division, stating that he does not agree with the Deputy Collector's suggestion, that the Mappillas living in the bazaar street may be allowed to use the Manjakolam cemetery and requesting the Chairman to state what he would suggest in the matter.

"And also the civil apothecary's letter, No. 191, dated 18th August 1897, stating that the Manjakolam Mappilla burial-ground is overcrowded with graves and that, for reasons stated, it should be closed at once.

"The Council are of opinion that the Manjakolam burial-ground is already overcrowded, and that it should be closed as well as the big bazaar mosque cemetery with the sanction of Government."

P. I. CHINNASWAMI PILLAI,
Chairman.

No. 104 M., 15TH JANUARY 1898.

Dis. 243-M. of 1897.

Submitted to Government with reference to G.O., Mis. No. 367 M., dated March 1896.

2. The Council has since resolved to close the Manjakolam cemetery also—a copy of resolution herewith submitted.

3. I fully approve of the proposal to close the Mappilla cemeteries in the b. bazaar and at Manjakolam and to open a new one at Kallikad.

4. The Council will have to provide funds for building a mosque and sinking a well on the new ground besides putting up a compound wall. I would suggest that the kazi should be asked to carry out the works so as to avoid any misunderstanding.

5. M.R.Ry. Swaminatha Aiyar Avargal has displayed his usual tact in the settlement of this dispute.

CAMP, PONNANI,
31*st October* 1897.

G. W. DANCE,
Collector.

ORDER—No. 104 M. Mis., dated 15th January 1898.

The Municipal Council of Palghat is requested to take early steps for acquiring the site to the west of the Kallikad road, selected by the Sanitary Commissioner, and for making it fit for use as a burial-ground for the Mappillas, by fencing it round, laying it out with paths and providing a musjid in it at, if possible, a smaller cost than that estimated, namely, Rs. 4,610. The Council's contention that the construction of a mosque in the burial-ground is not a legitimate charge on its funds cannot be considered valid, as section 234 of the District Municipalities Act requires it to provide "convenient and fitting places" for burial and burning-grounds and no burial-ground can be regarded as either convenient or fitting if it does not meet the requirements of the religion for the followers of which it is intended. The execution of the works should be entrusted to the kazi as recommended by the Collector. When the works have been completed and the new burial-ground is ready for use, the Municipal Council should address the Government again for its sanction to close the mosque burial-ground in the big bazaar street and also the Manjakolam cemetery.

2. The Government is pleased to note the tact displayed by M.R.Ry. Swaminatha Aiyar in the settlement of this matter.

(True Extract.)

H. TREMENHEERE,
Ag. Secretary to Government.

To the Chairman, Municipal Council, Palghat.
" Collector of Malabar.
" Sanitary Commissioner.
" Revenue Department (paragraph 2 only).

Exd. A. F. Eccleston.

NOTES CONNECTED WITH G.O., MIS. No. 104 M., DATED 15TH JANUARY 1898.

[SUBJECT.—*Mappilla burial-grounds, Palghat.*]

In September 1894, the Municipal Council of Palghat requested the sanction Government for closing a Mappilla burial-ground attached to a mosque in the b bazaar street, as it was almost filled up with graves, its existence in the heart of th town was highly objectionable and the District Medical and Sanitary officer and the Collector were also of opinion that early steps should be taken to close it. The Mappillas, however, strongly protested against this proposal on the ground that it was an unnecessary interference with their religion. The Government thereupon refused to approve the Municipal Council's proposal until another convenient place duly authorised for burial and selected in consultation with the Mappilla community had been provided for their use—*vide* G.O., No. 1703 M., dated 13th November 1894. But as the Mappillas declined altogether to co-operate with the Council in selecting a site for a new burial-ground and expressed the strongest opposition to the closure of the existing one, the Government directed the Municipal Council itself to select two or three suitable sites and to take the opinion of the Sanitary Commissioner on the occasion of his next visit to Palghat, as to their respective merits from a sanitary point of view. The Council was also asked to have estimates drawn up for fencing the site that the Sanitary Commissioner might prefer, for laying it out with paths and for providing a masjid in it, and to forward them to Government—*vide* G.O., No. 691 M., dated 23rd April 1895. The Municipal Council accordingly selected four sites, of which one close to the Kallikad road, about a mile from the Mappilla quarters, met with the approval of the District Medical and Sanitary officer. The Sanitary Commissioner inspected all the sites on the 31st May 1895 and while approving the one selected by the District Medical and Sanitary officer, suggested the selection of another situated to the west of the Kallikad road at a distance of 200 yards from the former. The Council estimated the cost of fencing this site and of laying it out with paths and providing a masjid in it at Rs. 4,610, but stated that it was unable to meet the cost of erecting a mosque, which was further not authorised by section 113 of Act IV of 1884, and that it was prepared only to acquire the site as a public burial-ground for Mappillas under section 234. It was again stated that the Mappillas were still opposed to the closure of the existing burial-ground and that there would be no use whatever in acquiring a new site as they would decline to use it. The Government then considered it advisable to try a last chance of inducing the Mappillas to give in quietly and accordingly directed M.R.Ry. S. Swaminatha Aiyar, the Head-quarters Deputy Collector, to proceed to Palghat and try to bring about an amicable settlement of the question with the Mappilla community, as he had executed a similar mission at Calicut very judiciously —*vide* G.O., No. 367 M., dated 3rd March 1896.

Vide the Chairman's letter in G.O., No. 1589 M., dated 2nd October 1895.

2. With his letter read above, the Collector of Malabar forwards the report of M.R.Ry. Swaminatha Aiyar on the result of his negotiations with the Mappillas. On the 2nd August 1897, about seventy of the Mappillas with their kazi's son waited on M.R.Ry. Swaminatha Aiyar at Palghat, when he went there on this business for the fifth time, and said (1) "that they had no objection to the closure of the existing burial-ground in the big bazaar street, (2) that they should be allowed to use instead of it the Manjakolam cemetery, (3) that they would not put the municipality to any expenditure if they were allowed to use that cemetery, and (4) that if this was not possible, they would use the ground near the Kallikad road approved by the sanitary authorities, provided it was properly walled, a mosque was erected and a well sunk in it." M.R.Ry. Swaminatha Aiyar then advised them to give up the idea of shifting to the Manjakolam cemetery and asked them to attend a meeting which was proposed to be held in the municipal office the next day. About 42 Mappillas, who represented only a third of the Mappilla houses in the town, attended that meeting and said that

they had no objection to the proposed site near the Kallikad road. The Deputy Collector says that the Mappillas as a body prefer the Manjakolam cemetery to the site on the Kallikad road, for the main reason that the latter is far away from their quarters; but that this is not a valid objection, as the site on the Kallikad road is situated within a mile of all the Mappillas who now use the mosque burial-ground in the big bazaar street; and he accordingly recommends this latter site. He does not, however, recommend the closure of the Manjakolam cemetery, as he thinks that the Mappillas themselves will use the new burial-ground when it is properly filled up and that when the evil of over-crowding in the Manjakolam cemetery becomes patent, the Municipal Council may take steps to close it. The Council, however, on the representation of the civil apothecary that this cemetery is over-crowded with graves, and on the recommendation of the Collector, resolved to close this cemetery also. In submitting the report of M.R.Ry. Swaminatha Aiyar and the above resolution of the Municipal Council, the Collector states that he fully approves the Council's proposals to close both the Manjakolam cemetery and the one in the big bazaar street, and to open one at Kallikad, and observes that the Council should provide funds for building a mosque and sinking a well, besides putting up a compound wall, and that the kazi should be asked to carry out the works so as to avoid any misunderstanding.

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Government {1898} of Madras.

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Recd. } 1898. *Enclosures*

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G.O., No. 104 M., 15th January 1898.

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Mappilla burial-grounds at Calicut. This had the desired effect, and the persons there present promised to select an unobjectionable site in or near the town and to report the matter to me.

7. On my third visit, they showed me the Manjakolam cemetery and requested me to propose to you to acquire the paddy flats to the south of it, to add them to the existing cemetery and to fit up the entire ground as the cemetery in the place of the one in the big bazaar street. I was not quite satisfied with this site.

8. As already stated, the Manjakolam cemetery is on the branch road from the main bazaar street to the fort. It is situated at a distance of about 150 yards from the bungalows of some European gentlemen. There are no houses on three sides of it; there are a few huts on the south. It is, no doubt, far better than the existing burial-ground at the big bazaar street, which should be closed, but still there are better and unobjectionable sites not very far off from Mappilla quarters. I told the Mappillas to select some better sites and promised to consult you about the Manjakolam cemetery. You inspected the place and did not approve of it.

9. On my fourth visit, I discussed the question again with the kazi's son, who is now officiating as priest in the absence of the kazi who is still at Rangoon and with two of the so-called karanavars of the Mappillas. I convinced them that the best ground for a Mappilla cemetery was the one on the Kallikad road about two furlongs south of the Palleprom gramom on the road to Thirumilai. The sanitary authorities have approved of the site. It is one extensive ground to the west of the road. It requires no levelling. The character of the soil is suitable for a burial-ground and it can be purchased at a small cost. There are a few Cheruma huts to the south of it and they can be removed. To the Mappillas living in Meparamba, this ground is nearer than the overcrowded Mappilla burial-ground in the big bazaar street. It is about a mile from the cemetery in the big bazaar street by the high road, but only four or five furlongs by the Patani street and Mankara road. The kazi's son and the two Mappilla karanavars promised to consult their brethren and wanted a few days' time for the purpose. I allowed them the time and returned to Calicut.

10. I went there for the fifth time on the 2nd instant. About 70 Mappillas with the kazi's son and some of the karanavars waited on me. They told me as the result of their consultations (*a*) that they had no objection to the closing of the existing burial-ground on the big bazaar street; (*b*) that they should be allowed to use the Manjakolam cemetery for burials; (*c*) that they would not put the municipality to any expenditure if they were allowed to use the Manjakolam cemetery; and (*d*) that if this was not possible they would use the ground on the Kallikad road approved of by the sanitary authorities, provided it was properly walled, a mosque was erected and a well sunk in it. I advised them to give up the idea of shifting to Manjakolam cemetery and to attend the municipal office at 7-30 A.M. on the 3rd instant. I requested Mr. Austin, the Head Assistant Collector, to inspect the Manjakolam cemetery and the proposed ground on the Kallikad road. We drove together, and he certainly preferred the latter. I requested him further to preside at a meeting of the Mappillas at 7-30 A.M. on the 3rd instant.

11. All the Mappillas who met me the previous evening did not turn up at the municipal office at 7-30 A.M. on the 3rd instant. About 42 men including the kazi's son and some karanavars attended. Ten out of about 30 Mappilla houses in the big bazaar street were represented. We did not hold a regular meeting and pass resolutions as all the people did not attend. Mr. Austin and myself asked those present about their views, and they said that they had no objection to the shifting of the overcrowded burial-ground in the big bazaar street to the ground selected in the Kallikad road. The kazi's son represented that by this arrangement he would be a loser pecuniarily, as for each burial in the present ground he gets from As. 8 to Rs. 2 as ground-fees. I told him that the municipality would not object to his collecting the customary fees in the new place also.

12. I again made inquiries at the big bazaar street and learnt that the Patani and Rowthan merchants induced the Mappillas living in the bazaar street not to attend the meeting and gave them a false hope that the matter would be dropped in a few days

with my deputation to the Cochin State. The Patanies and the Rowthans who work behind the screens are averse to this arrangement, because they think that their cemeteries also may be closed later on.

13. I was not able to get accurate figures of burials in the existing Mappilla burial-ground in the big bazaar street. The cemetery register showed, I was told, about 30 burials per annum. It cannot exceed 40 per annum.

14. The existing burial-ground in the big bazaar street should, in my opinion, be closed. It is a serious danger to the public health.

15. The Mappillas, as a body, prefer the Manjakolam cemetery to the ground on the Kallikad road. Their main objection to the latter is on the score of distance. Though Manjakolam cemetery is infinitely better than the existing one, still I will not recommend it, as a first-class unobjectionable site is available at an easy distance. The site on the Kallikad road is nearer than other cemeteries to several Mappillas and is within a mile to all Mappillas who now use the cemetery in the big bazaar street. Mappillas living in Meparamba and some living in the bazaar street and thereabouts and the kazi's son himself have approved of the site on the Kallikad road. I beg respectfully to submit that in the settlement of a very difficult question like the shifting of the Mappilla burial-grounds, it is extremely difficult to meet the wishes of all persons. I went to Palghat on five occasions and discussed the matter with the Mappillas threadbare. They can show no valid objection to the site on the Kallikad road. Unlike Calicut, where I had to deal with respectable Mappilla leaders who were quite amenable to reason, I had in Palghat to deal with ignorant Mappillas who were in the hands of wily Patanies and Rowthans.

16. My recommendation therefore is to shift the cemetery to the site on the Kallikad road. Assuming that the average number of burials per annum will be 40, 2 acres of ground will last for sixty years allowing 4 square yards per grave.

17. It is quite possible that, when the existing cemetery in the big bazaar street is closed and a new one is opened on the Kallikad road, the Mappillas living in the bazaar street may begin to use the Manjakolam cemetery. There is nothing to prevent them from doing so, and my inquiries showed that the priest in charge of this ground would have no objection to additional burials in it as he would receive the ground-fees. I do not withal recommend the closing of the Manjakolam burial-ground at present. It is very probable that they may all use the ground on the Kallikad road when it is properly filled up. If the evil of overcrowding in Manjakolam cemetery becomes patent, the municipality may then take steps to close this cemetery also with the sanction of Government.

18. I regret the delay in the submission of this report. It was due mainly to the time taken up in converting the Mappillas as far as possible to my views. The absence of the permanent kazi, whose return I awaited long, contributed to the delay.

ENCLOSURE.

EXTRACT from the proceedings of the Municipal Council, Palghat, dated 18th August 1897.

* * * * *

"24. Read endorsement, Ref. on C. No. 312 M. of 1897, dated 16th August 1897, of the Collector of Malabar, on the letter, dated 9th August 1897, from the Deputy Collector, Calicut division, stating that he does not agree with the Deputy Collector's suggestion, that the Mappillas living in the bazaar street may be allowed to use the Manjakolam cemetery and requesting the Chairman to state what he would suggest in the matter.

"And also the civil apothecary's letter, No. 191, dated 18th August 1897, stating that the Manjakolam Mappilla burial-ground is overcrowded with graves and that, for reasons stated, it should be closed at once.

"The Council are of opinion that the Manjakolam burial-ground is already overcrowded, and that it should be closed as well as the big bazaar mosque cemetery with the sanction of Government."

P. I. CHINNASWAMI PILLAI,
Chairman.

Dis. 243-M. of 1897.

Submitted to Government with reference to G.O., Mis. No. 367 M., dated 3rd March 1896.

2. The Council has since resolved to close the Manjakolam cemetery also—*vide* copy of resolution herewith submitted.

3. I fully approve of the proposal to close the Mappilla cemeteries in the big bazaar and at Manjakolam and to open a new one at Kallikad.

4. The Council will have to provide funds for building a mosque and sinking a well on the new ground besides putting up a compound wall. I would suggest that the kazi should be asked to carry out the works so as to avoid any misunderstanding.

5. M.R.Ry. Swaminatha Aiyar Avargal has displayed his usual tact in the settlement of this dispute.

CAMP, PONNANI,
31*st October* 1897.

G. W. DANCE,
Collector.

ORDER—No. 104 M. Mis., dated 15th January 1898.

The Municipal Council of Palghat is requested to take early steps for acquiring the site to the west of the Kallikad road, selected by the Sanitary Commissioner, and for making it fit for use as a burial-ground for the Mappillas, by fencing it round, laying it out with paths and providing a musjid in it at, if possible, a smaller cost than that estimated, namely, Rs. 4,610. The Council's contention that the construction of a mosque in the burial-ground is not a legitimate charge on its funds cannot be considered valid, as section 234 of the District Municipalities Act requires it to provide "convenient and fitting places" for burial and burning-grounds and no burial-ground can be regarded as either convenient or fitting if it does not meet the requirements of the religion for the followers of which it is intended. The execution of the works should be entrusted to the kazi as recommended by the Collector. When the works have been completed and the new burial-ground is ready for use, the Municipal Council should address the Government again for its sanction to close the mosque burial-ground in the big bazaar street and also the Manjakolam cemetery.

2. The Government is pleased to note the tact displayed by M.R.Ry. Swaminatha Aiyar in the settlement of this matter.

(True Extract.)

H. TREMENHEERE,
Ag. Secretary to Government.

To the Chairman, Municipal Council, Palghat.
" Collector of Malabar.
" Sanitary Commissioner.
" Revenue Department (paragraph 2 only).

Exd. A. F. Eccleston.

NOTES CONNECTED WITH G.O., MIS. No. 104 M., DATED 15TH JANUARY 1898.

[SUBJECT.—*Mappilla burial-grounds, Palghat.*]

In September 1894, the Municipal Council of Palghat requested the sanction of Government for closing a Mappilla burial-ground attached to a mosque in the big bazaar street, as it was almost filled up with graves, its existence in the heart of the town was highly objectionable and the District Medical and Sanitary officer and the Collector were also of opinion that early steps should be taken to close it. The Mappillas, however, strongly protested against this proposal on the ground that it was an unnecessary interference with their religion. The Government thereupon refused to approve the Municipal Council's proposal until another convenient place duly authorised for burial and selected in consultation with the Mappilla community had been provided for their use—*vide* G.O., No. 1703 M., dated 13th November 1894. But as the Mappillas declined altogether to co-operate with the Council in selecting a site for a new burial-ground and expressed the strongest opposition to the closure of the existing one, the Government directed the Municipal Council itself to select two or three suitable sites and to take the opinion of the Sanitary Commissioner on the occasion of his next visit to Palghat, as to their respective merits from a sanitary point of view. The Council was also asked to have estimates drawn up for fencing the site that the Sanitary Commissioner might prefer, for laying it out with paths and for providing a masjid in it, and to forward them to Government—*vide* G.O., No. 691 M., dated 23rd April 1895. The Municipal Council accordingly selected four sites, of which one close to the Kallikad road, about a mile from the Mappilla quarters, met with the approval of the District Medical and Sanitary officer. The Sanitary Commissioner inspected all the sites on the 31st May 1895 and while approving the one selected by the District Medical and Sanitary officer, suggested the selection of another situated to the west of the Kallikad road at a distance of 200 yards from the former. The Council estimated the cost of fencing this site and of laying it out with paths and providing a masjid in it at Rs. 4,610, but stated that it was unable to meet the cost of erecting a mosque, which was further not authorised by section 113 of Act IV of 1884, and that it was prepared only to acquire the site as a public burial-ground for Mappillas under section 234. It was again stated that the Mappillas were still opposed to the closure of the existing burial-ground and that there would be no use whatever in acquiring a new site as they would decline to use it. The Government then considered it advisable to try a last chance of inducing the Mappillas to give in quietly and accordingly directed M.R.Ry. S. Swaminatha Aiyar, the Head-quarters Deputy Collector, to proceed to Palghat and try to bring about an amicable settlement of the question with the Mappilla community, as he had executed a similar mission at Calicut very judiciously —*vide* G.O., No. 367 M., dated 3rd March 1896.

Vide the Chairman's letter in G.O., No. 1589 M., dated 2nd October 1895.

2. With his letter read above, the Collector of Malabar forwards the report of M.R.Ry. Swaminatha Aiyar on the result of his negotiations with the Mappillas. On the 2nd August 1897, about seventy of the Mappillas with their kazi's son waited on M.R.Ry. Swaminatha Aiyar at Palghat, when he went there on this business for the fifth time, and said (1) "that they had no objection to the closure of the existing burial-ground in the big bazaar street, (2) that they should be allowed to use instead of it the Manjakolam cemetery, (3) that they would not put the municipality to any expenditure if they were allowed to use that cemetery, and (4) that if this was not possible, they would use the ground near the Kallikad road approved by the sanitary authorities, provided it was properly walled, a mosque was erected and a well sunk in it." M.R.Ry. Swaminatha Aiyar then advised them to give up the idea of shifting to the Manjakolam cemetery and asked them to attend a meeting which was proposed to be held in the municipal office the next day. About 42 Mappillas, who represented only a third of the Mappilla houses in the town, attended that meeting and said that

they had no objection to the proposed site near the Kallikad road. The Deputy Collector says that the Mappillas as a body prefer the Manjakolam cemetery to the site on the Kallikad road, for the main reason that the latter is far away from their quarters; but that this is not a valid objection, as the site on the Kallikad road is situated within a mile of all the Mappillas who now use the mosque burial-ground in the big bazaar street; and he accordingly recommends this latter site. He does not, however, recommend the closure of the Manjakolam cemetery, as he thinks that the Mappillas themselves will use the new burial-ground when it is properly filled up and that when the evil of over-crowding in the Manjakolam cemetery becomes patent, the Municipal Council may take steps to close it. The Council, however, on the representation of the civil apothecary that this cemetery is over-crowded with graves, and on the recommendation of the Collector, resolved to close this cemetery also. In submitting the report of M.R.Ry. Swaminatha Aiyar and the above resolution of the Municipal Council, the Collector states that he fully approves the Council's proposals to close both the Manjakolam cemetery and the one in the big bazaar street, and to open one at Kallikad, and observes that the Council should provide funds for building a mosque and sinking a well, besides putting up a compound wall, and that the kazi should be asked to carry out the works so as to avoid any misunderstanding.

3. The Mappillas having consented to the closure of the burial-ground in the big bazaar street and having approved the site near the Kallikad road recommended by the Sanitary Commissioner, the Municipal Council may now be directed to acquire this site and make it fit for use as a burial-ground by fencing it all round, laying it out with paths and providing a masjid in it, if possible, at a smaller cost than that estimated. The Council's contention that the construction of a mosque is not a legitimate charge on its funds under section 113 of the Municipal Act and that under section 234 it has only to acquire the site required for a burial-ground is not valid, as the latter section lays down that "the Municipal Council shall provide a sufficient number of *convenient and fitting places* for burial and burning grounds", and it has been held that no such place can be either convenient or fitting, if it does not meet the requirements of the religion for the followers of which it is intended—*vide* paragraph 4 of G.O., No. 672 M., dated 18th April 1895, and the notes in that order. Nor can the Council's plea of want of funds to construct a mosque be accepted as at all satisfactory, seeing that the estimated balance in its favour on the 31st March 1898 is Rs. 7,600.* The Collector's recommendation that the execution of the proposed works in the new site should be entrusted to the kazi, so as to avoid any misunderstanding, does not appear to be judicious. When these works have been carried out and the new ground is ready for use, the Municipal Council can renew its application for the closure of the burial-ground in the big bazaar street and the Manjakolam cemetery.

	Rs.
* Balance as given in paragraph 5 of G.O., No. 716 M., dated 27th March 1897	4,560
Add excess of actual opening balance for 1897-98 over that estimated in that Government Order	3,040
Total ..	7,600

I don't understand. It seems to me that the Collector's suggestion is very judicious. I should adopt it.

I approve the other recommendations in this note.

H. W. B[LISS].

H.T.

But as neither the District Medical and Sanitary officer nor the Sanitary Commissioner has seen the latter cemetery and pronounced his opinion on it, it would be better to ask the District Medical officer to inspect and report on it before deciding to close it.

V. RAGHAVA CHARLU—21-12-97.

This is quite enough, I should say.

H. W. B[LISS]—5-1-98.

No. The apothecary, the Collector and the Council, all consider it should be closed.

Please see notes above.

H. TREMENHEERE—3-1-98.

Government {1898} of Madras.

LOCAL AND MUNICIPAL.

MISCELLANEOUS.

Recd. } 1898. *Enclosures*

Regd. } *Spare copies*

G.O., No. 104 M., 15th January 1898.

N. P.

JANUARY.

Burial-ground.

Requesting, with remarks, the Municipal Council of Palghat to take early steps for acquiring the site to the west of the Kallikad road and for making it fit for use as a — for the Mappillas.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—again the following papers :—

G.O., No. 691 M., dated 23rd April 1895.
" " 1589 M., dated 2nd October 1895.
" Mis. No. 367 M., dated 3rd March 1896.

READ—also the following papers :—

From M.R.Ry. S. SWAMINATHA AIYAR Avargal, B.A., Deputy Collector, Calicut Division, to the Collector of Malabar, dated Calicut, 9th August 1897, No. 833.

With reference to your endorsement, Ref. on No. 82-L.F. of 1896, on G.O., Mis. No. 367 M., dated 3rd March 1896, directing me to proceed to Palghat to bring about an amicable settlement with the Mappilla community of the place regarding the shifting of the Mappilla burial-ground, I have the honour to state that I proceeded to Palghat on five occasions to make the necessary arrangements.

2. As you are well aware, the Mappillas of Palghat, unlike their co-religionists on the coast, are poor people having no recognised leaders of their own. They are mostly coolies and a few of them have petty trade. They have not even a tangal or a kazi of their sect. Their religious head, the present kazi, is, strange to say, not quite a Mappilla.

3. I could not get any accurate information as to the total number of Mappillas in the Palghat town. According to last census there were 5,527 Muhammadans. This includes Mappillas, Rowthans and Patanies. M.R.Ry. P. I. Chinnaswami Pillai Avargal, the late Chairman, told me that the Mappillas would number about 2,000 ; but Mr. Kunhayan, who was Sub-Magistrate at Palghat for some time, is of opinion that the total number of Mappillas will not exceed 1,500.

4. The Mappillas of Palghat live in Meparamba at the western end of the town and in the big bazaar street and thereabouts. Most of those living in and near the big bazaar street are temporary settlers from Cannanore, Tellicherry and Calicut. Many of the Mappillas in Meparamba bury the dead in a cemetery beyond the municipal limits. There is no objection to this course. The Mappillas near the big bazaar street use the burial-ground in the bazaar street. A few use also the Manjakolam cemetery on the road from the bazaar street leading to the fort.

5. On my first visit, I sent for the kazi. He came to me accompanied by Qadír Sáhib, a troublesome Patani of the place. The latter as spokesman deprecated the closing of the Mappilla burial-ground in the big bazaar street and said that, if once they consented to the arrangement, the Government would close the burial-grounds of the Patanies and Rowthans also. I assured them that overcrowded burial-grounds alone condemned by sanitary officers would be closed and not all. They wanted time to consider over my proposals.

6. On my second visit, I found that the kazi had gone to Rangoon. I issued a notice and convened a meeting of the Mappillas at the municipal office. I lectured to them on the necessity and advantages of closing the existing overcrowded cemetery in the big bazaar street and having one in a good locality. I read to them also the proceedings of the Himayat Islam Sabha, Calicut, resolving to close the existing

Mappilla burial-grounds at Calicut. This had the desired effect, and the persons there present promised to select an unobjectionable site in or near the town and to report the matter to me.

7. On my third visit, they showed me the Manjakolam cemetery and requested me to propose to you to acquire the paddy flats to the south of it, to add them to the existing cemetery and to fit up the entire ground as the cemetery in the place of the one in the big bazaar street. I was not quite satisfied with this site.

8. As already stated, the Manjakolam cemetery is on the branch road from the main bazaar street to the fort. It is situated at a distance of about 150 yards from the bungalows of some European gentlemen. There are no houses on three sides of it ; there are a few huts on the south. It is, no doubt, far better than the existing burial-ground at the big bazaar street, which should be closed, but still there are better and unobjectionable sites not very far off from Mappilla quarters. I told the Mappillas to select some better sites and promised to consult you about the Manjakolam cemetery. You inspected the place and did not approve of it.

9. On my fourth visit, I discussed the question again with the kazi's son, who is now officiating as priest in the absence of the kazi who is still at Rangoon and with two of the so-called karanavars of the Mappillas. I convinced them that the best ground for a Mappilla cemetery was the one on the Kallikad road about two furlongs south of the Palleprom gramom on the road to Thirumilai. The sanitary authorities have approved of the site. It is one extensive ground to the west of the road. It requires no levelling. The character of the soil is suitable for a burial-ground and it can be purchased at a small cost. There are a few Cheruma huts to the south of it and they can be removed. To the Mappillas living in Meparamba, this ground is nearer than the overcrowded Mappilla burial-ground in the big bazaar street. It is about a mile from the cemetery in the big bazaar street by the high road, but only four or five furlongs by the Patani street and Mankara road. The kazi's son and the two Mappilla karanavars promised to consult their brethren and wanted a few days' time for the purpose. I allowed them the time and returned to Calicut.

10. I went there for the fifth time on the 2nd instant. About 70 Mappillas with the kazi's son and some of the karanavars waited on me. They told me as the result of their consultations (*a*) that they had no objection to the closing of the existing burial-ground on the big bazaar street ; (*b*) that they should be allowed to use the Manjakolam cemetery for burials ; (*c*) that they would not put the municipality to any expenditure if they were allowed to use the Manjakolam cemetery ; and (*d*) that if this was not possible they would use the ground on the Kallikad road approved of by the sanitary authorities, provided it was properly walled, a mosque was erected and a well sunk in it. I advised them to give up the idea of shifting to Manjakolam cemetery and to attend the municipal office at 7-30 A.M. on the 3rd instant. I requested Mr. Austin, the Head Assistant Collector, to inspect the Manjakolam cemetery and the proposed ground on the Kallikad road. We drove together, and he certainly preferred the latter. I requested him further to preside at a meeting of the Mappillas at 7-30 A.M. on the 3rd instant.

11. All the Mappillas who met me the previous evening did not turn up at the municipal office at 7-30 A.M. on the 3rd instant. About 42 men including the kazi's son and some karanavars attended. Ten out of about 30 Mappilla houses in the big bazaar street were represented. We did not hold a regular meeting and pass resolutions as all the people did not attend. Mr. Austin and myself asked those present about their views, and they said that they had no objection to the shifting of the overcrowded burial-ground in the big bazaar street to the ground selected in the Kallikad road. The kazi's son represented that by this arrangement he would be a loser pecuniarily, as for each burial in the present ground he gets from As. 8 to Rs. 2 as ground-fees. I told him that the municipality would not object to his collecting the customary fees in the new place also.

12. I again made inquiries at the big bazaar street and learnt that the Patani and Rowthan merchants induced the Mappillas living in the bazaar street not to attend the meeting and gave them a false hope that the matter would be dropped in a few days

NOTES CONNECTED WITH G.O., Mis. No. 104 M., DATED 15th JANUARY 1898.

[Subject.—*Mappilla burial-grounds, Palghat.*]

In September 1894, the Municipal Council of Palghat requested the sanction of Government for closing a Mappilla burial-ground attached to a mosque in the big bazaar street, as it was almost filled up with graves, its existence in the heart of the town was highly objectionable and the District Medical and Sanitary officer and the Collector were also of opinion that early steps should be taken to close it. The Mappillas, however, strongly protested against this proposal on the ground that it was an unnecessary interference with their religion. The Government thereupon refused to approve the Municipal Council's proposal until another convenient place duly authorised for burial and selected in consultation with the Mappilla community had been provided for their use—*vide* G.O., No. 1703 M., dated 13th November 1894. But as the Mappillas declined altogether to co-operate with the Council in selecting a site for a new burial-ground and expressed the strongest opposition to the closure of the existing one, the Government directed the Municipal Council itself to select two or three suitable sites and to take the opinion of the Sanitary Commissioner on the occasion of his next visit to Palghat, as to their respective merits from a sanitary point of view. The Council was also asked to have estimates drawn up for fencing the site that the Sanitary Commissioner might prefer, for laying it out with paths and for providing a masjid in it, and to forward them to Government—*vide* G.O., No. 691 M., dated 23rd April 1895. The Municipal Council accordingly selected four sites, of which one close to the Kallikad road, about a mile from the Mappilla quarters, met with the approval of the District Medical and Sanitary officer. The Sanitary Commissioner inspected all the sites on the 31st May 1895 and while approving the one selected by the District Medical and Sanitary officer, suggested the selection of another situated to the west of the Kallikad road at a distance of 200 yards from the former. The Council estimated the cost of fencing this site and of laying it out with paths and providing a masjid in it at Rs. 4,610, but stated that it was unable to meet the cost of erecting a mosque, which was further not authorised by section 113 of Act IV of 1884, and that it was prepared only to acquire the site as a public burial-ground for Mappillas under section 234. It was again stated that the Mappillas were still opposed to the closure of the existing burial-ground and that there would be no use whatever in acquiring a new site as they would decline to use it. The Government then considered it advisable to try a last chance of inducing the Mappillas to give in quietly and accordingly directed M.R.Ry. S. Swaminatha Aiyar, the Head-quarters Deputy Collector, to proceed to Palghat and try to bring about an amicable settlement of the question with the Mappilla community, as he had executed a similar mission at Calicut very judiciously —*vide* G.O., No. 367 M., dated 3rd March 1896.

Vide the Chairman's letter in G.O., No. 1589 M., dated 2nd October 1895.

2. With his letter read above, the Collector of Malabar forwards the report of M.R.Ry. Swaminatha Aiyar on the result of his negotiations with the Mappillas. On the 2nd August 1897, about seventy of the Mappillas with their kazi's son waited on M.R.Ry. Swaminatha Aiyar at Palghat, when he went there on this business for the fifth time, and said (1) "that they had no objection to the closure of the existing burial-ground in the big bazaar street, (2) that they should be allowed to use instead of it the Manjakolam cemetery, (3) that they would not put the municipality to any expenditure if they were allowed to use that cemetery, and (4) that if this was not possible, they would use the ground near the Kallikad road approved by the sanitary authorities, provided it was properly walled, a mosque was erected and a well sunk in it." M.R.Ry. Swaminatha Aiyar then advised them to give up the idea of shifting to the Manjakolam cemetery and asked them to attend a meeting which was proposed to be held in the municipal office the next day. About 42 Mappillas, who represented only a third of the Mappilla houses in the town, attended that meeting and said that

with my deputation to the Cochin State. The Patanies and the Rowthans who work behind the screens are averse to this arrangement, because they think that their cemeteries also may be closed later on.

13. I was not able to get accurate figures of burials in the existing Mappilla burial-ground in the big bazaar street. The cemetery register showed, I was told, about 30 burials per annum. It cannot exceed 40 per annum.

14. The existing burial-ground in the big bazaar street should, in my opinion, be closed. It is a serious danger to the public health.

15. The Mappillas, as a body, prefer the Manjakolam cemetery to the ground on the Kallikad road. Their main objection to the latter is on the score of distance. Though Manjakolam cemetery is infinitely better than the existing one, still I will not recommend it, as a first-class unobjectionable site is available at an easy distance. The site on the Kallikad road is nearer than other cemeteries to several Mappillas and is within a mile to all Mappillas who now use the cemetery in the big bazaar street. Mappillas living in Meparamba and some living in the bazaar street and thereabouts and the kazi's son himself have approved of the site on the Kallikad road. I beg respectfully to submit that in the settlement of a very difficult question like the shifting of the Mappilla burial-grounds, it is extremely difficult to meet the wishes of all persons. I went to Palghat on five occasions and discussed the matter with the Mappillas threadbare. They can show no valid objection to the site on the Kallikad road. Unlike Calicut, where I had to deal with respectable Mappilla leaders who were quite amenable to reason, I had in Palghat to deal with ignorant Mappillas who were in the hands of wily Patanies and Rowthans.

16. My recommendation therefore is to shift the cemetery to the site on the Kallikad road. Assuming that the average number of burials per annum will be 40, 2 acres of ground will last for sixty years allowing 4 square yards per grave.

17. It is quite possible that, when the existing cemetery in the big bazaar street is closed and a new one is opened on the Kallikad road, the Mappillas living in the bazaar street may begin to use the Manjakolam cemetery. There is nothing to prevent them from doing so, and my inquiries showed that the priest in charge of this ground would have no objection to additional burials in it as he would receive the ground-fees. I do not withal recommend the closing of the Manjakolam burial-ground at present. It is very probable that they may all use the ground on the Kallikad road when it is properly filled up. If the evil of overcrowding in Manjakolam cemetery becomes patent, the municipality may then take steps to close this cemetery also with the sanction of Government.

18. I regret the delay in the submission of this report. It was due mainly to the time taken up in converting the Mappillas as far as possible to my views. The absence of the permanent kazi, whose return I awaited long, contributed to the delay.

ENCLOSURE.

EXTRACT from the proceedings of the Municipal Council, Palghat, dated 18th August 1897.

* * * * *

"24. Read endorsement, Ref. on C. No. 312 M. of 1897, dated 16th August 1897, of the Collector of Malabar, on the letter, dated 9th August 1897, from the Deputy Collector, Calicut division, stating that he does not agree with the Deputy Collector's suggestion, that the Mappillas living in the bazaar street may be allowed to use the Manjakolam cemetery and requesting the Chairman to state what he would suggest in the matter.

"And also the civil apothecary's letter, No. 191, dated 18th August 1897, stating that the Manjakolam Mappilla burial-ground is overcrowded with graves and that, for reasons stated, it should be closed at once.

"The Council are of opinion that the Manjakolam burial-ground is already overcrowded, and that it should be closed as well as the big bazaar mosque cemetery with the sanction of Government."

P. I. CHINNASWAMI PILLAI,
Chairman.

Dis. 243-M. of 1897.

Submitted to Government with reference to G.O., Mis. No. 367 M., dated 3rd March 1896.

2. The Council has since resolved to close the Manjakolam cemetery also—*vide* copy of resolution herewith submitted.

3. I fully approve of the proposal to close the Mappilla cemeteries in the big bazaar and at Manjakolam and to open a new one at Kallikad.

4. The Council will have to provide funds for building a mosque and sinking a well on the new ground besides putting up a compound wall. I would suggest that the kazi should be asked to carry out the works so as to avoid any misunderstanding.

5. M.R.Ry. Swaminatha Aiyar Avargal has displayed his usual tact in the settlement of this dispute.

CAMP, PONNANI,
31*st October* 1897.

G. W. DANCE,
Collector.

ORDER—No. 104 M. Mis., dated 15th January 1898.

The Municipal Council of Palghat is requested to take early steps for acquiring the site to the west of the Kallikad road, selected by the Sanitary Commissioner, and for making it fit for use as a burial-ground for the Mappillas, by fencing it round, laying it out with paths and providing a musjid in it at, if possible, a smaller cost than that estimated, namely, Rs. 4,610. The Council's contention that the construction of a mosque in the burial-ground is not a legitimate charge on its funds cannot be considered valid, as section 234 of the District Municipalities Act requires it to provide "convenient and fitting places" for burial and burning-grounds and no burial-ground can be regarded as either convenient or fitting if it does not meet the requirements of the religion for the followers of which it is intended. The execution of the works should be entrusted to the kazi as recommended by the Collector. When the works have been completed and the new burial-ground is ready for use, the Municipal Council should address the Government again for its sanction to close the mosque burial-ground in the big bazaar street and also the Manjakolam cemetery.

2. The Government is pleased to note the tact displayed by M.R.Ry. Swaminatha Aiyar in the settlement of this matter.

(True Extract.)

H. TREMENHEERE,
Ag. Secretary to Government.

To the Chairman, Municipal Council, Palghat.
" Collector of Malabar.
" Sanitary Commissioner.
" Revenue Department (paragraph 2 only).

Ed. A. F. Eccleston.

they had no objection to the proposed site near the Kallikad road. The Deputy Collector says that the Mappillas as a body prefer the Manjakolam cemetery to the site on the Kallikad road, for the main reason that the latter is far away from their quarters; but that this is not a valid objection, as the site on the Kallikad road is situated within a mile of all the Mappillas who now use the mosque burial-ground in the big bazaar street; and he accordingly recommends this latter site. He does not, however, recommend the closure of the Manjakolam cemetery, as he thinks that the Mappillas themselves will use the new burial-ground when it is properly filled up and that when the evil of over-crowding in the Manjakolam cemetery becomes patent, the Municipal Council may take steps to close it. The Council, however, on the representation of the civil apothecary that this cemetery is over-crowded with graves, and on the recommendation of the Collector, resolved to close this cemetery also. In submitting the report of M.R.Ry. Swaminatha Aiyar and the above resolution of the Municipal Council, the Collector states that he fully approves the Council's proposals to close both the Manjakolam cemetery and the one in the big bazaar street, and to open one at Kallikad, and observes that the Council should provide funds for building a mosque and sinking a well, besides putting up a compound wall, and that the kazi should be asked to carry out the works so as to avoid any misunderstanding.

3. The Mappillas having consented to the closure of the burial-ground in the big bazaar street and having approved the site near the Kallikad road recommended by the Sanitary Commissioner, the Municipal Council may now be directed to acquire this site and make it fit for use as a burial-ground by fencing it all round, laying it out with paths and providing a masjid in it, if possible, at a smaller cost than that estimated. The Council's contention that the construction of a mosque is not a legitimate charge on its funds under section 113 of the Municipal Act and that under section 234 it has only to acquire the site required for a burial-ground is not valid, as the latter section lays down that "the Municipal Council shall provide a sufficient number of *convenient and fitting places* for burial and burning grounds", and it has been held that no such place can be either convenient or fitting, if it does not meet the requirements of the religion for the followers of which it is intended—*vide* paragraph 4 of G.O., No. 672 M., dated 18th April 1895, and the notes in that order. Nor can the Council's plea of want of funds to construct a mosque be accepted as at all satisfactory, seeing that the estimated balance in its favour on the 31st March 1898 is Rs. 7,600.* The Collector's recommendation that the execution of the proposed works in the new site should be entrusted to the kazi, so as to avoid any misunderstanding, does not appear to be judicious. When these works have been carried out and the new ground is ready for use, the Municipal Council can renew its application for the closure of the burial-ground in the big bazaar street and the Manjakolam cemetery.

	Rs.
* Balance as given in paragraph 5 of G.O., No. 716 M., dated 27th March 1897	4,560
Add excess of actual opening balance for 1897-98 over that estimated in that Government Order	3,040
Total ..	7,600

I don't understand. It seems to me that the Collector's suggestion is very judicious. I should adopt it.

I approve the other recommendations in this note.

H. W. B[LISS].

H.T.

But as neither the District Medical and Sanitary officer nor the Sanitary Commissioner has seen the latter cemetery and pronounced his opinion on it, it would be better to ask the District Medical officer to inspect and report on it before deciding to close it.

V. RAGHAVA CHARLU—21-12-97.

This is quite enough, I should say.

H. W. B[LISS]—5-1-98.

No. The apothecary, the Collector and the Council, all consider it should be closed.

Please see notes above.

H. TREMENHEERE—3-1-98.

Government {1898} of Madras.

LOCAL AND MUNICIPAL.

MISCELLANEOUS.

Recd. } 1898. *Enclosures*

Regd. } *Spare copies*

G.O., No. 104 M., 15th January 1898.

JANUARY.

Burial-ground.

Requesting, with remarks, the Municipal Council of Palghat to take early steps for acquiring the site to the west of the Kallikad road and for making it fit for use as a — for the Mappillas.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—again the following papers :—

G.O., No. 691 M., dated 23rd April 1895.
" " 1589 M., dated 2nd October 1895.
" Mis. No. 367 M., dated 3rd March 1896.

READ—also the following papers :—

From M.R.Ry. S. SWAMINATHA AIYAR Avargal, B.A., Deputy Collector, Calicut Division, to the Collector of Malabar, dated Calicut, 9th August 1897, No. 833.

With reference to your endorsement, Ref. on No. 82-L.F. of 1896, on G.O., Mis. No. 367 M., dated 3rd March 1896, directing me to proceed to Palghat to bring about an amicable settlement with the Mappilla community of the place regarding the shifting of the Mappilla burial-ground, I have the honour to state that I proceeded to Palghat on five occasions to make the necessary arrangements.

2. As you are well aware, the Mappillas of Palghat, unlike their co-religionists on the coast, are poor people having no recognised leaders of their own. They are mostly coolies and a few of them have petty trade. They have not even a tangal or a kazi of their sect. Their religious head, the present kazi, is, strange to say, not quite a Mappilla.

3. I could not get any accurate information as to the total number of Mappillas in the Palghat town. According to last census there were 5,527 Muhammadans. This includes Mappillas, Rowthans and Patanies. M.R.Ry. P. I. Chinnaswami Pillai Avargal, the late Chairman, told me that the Mappillas would number about 2,000; but Mr. Kunhayan, who was Sub-Magistrate at Palghat for some time, is of opinion that the total number of Mappillas will not exceed 1,500.

4. The Mappillas of Palghat live in Meparamba at the western end of the town and in the big bazaar street and thereabouts. Most of those living in and near the big bazaar street are temporary settlers from Cannanore, Tellicherry and Calicut. Many of the Mappillas in Meparamba bury the dead in a cemetery beyond the municipal limits. There is no objection to this course. The Mappillas near the big bazaar street use the burial-ground in the bazaar street. A few use also the Manjakolam cemetery on the road from the bazaar street leading to the fort.

5. On my first visit, I sent for the kazi. He came to me accompanied by Qadír Sáhib, a troublesome Patani of the place. The latter as spokesman deprecated the closing of the Mappilla burial-ground in the big bazaar street and said that, if once they consented to the arrangement, the Government would close the burial-grounds of the Patanies and Rowthans also. I assured them that overcrowded burial-grounds alone condemned by sanitary officers would be closed and not all. They wanted t to consider over my proposals.

6. On my second visit, I found that the kazi had gone to Rangoon. I issued notice and convened a meeting of the Mappillas at the municipal office. I lectured to them on the necessity and advantages of closing the existing overcrowded cemetery in the big bazaar street and having one in a good locality. I read to them also th proceedings of the Himayat Islam Sabha, Calicut, resolving to close the existin

Mappilla burial-grounds at Calicut. This had the desired effect, and the persons there present promised to select an unobjectionable site in or near the town and to report the matter to me.

7. On my third visit, they showed me the Manjakolam cemetery and requested me to propose to you to acquire the paddy flats to the south of it, to add them to the existing cemetery and to fit up the entire ground as the cemetery in the place of the one in the big bazaar street. I was not quite satisfied with this site.

8. As already stated, the Manjakolam cemetery is on the branch road from the main bazaar street to the fort. It is situated at a distance of about 150 yards from the bungalows of some European gentlemen. There are no houses on three sides of it; there are a few huts on the south. It is, no doubt, far better than the existing burial-ground at the big bazaar street, which should be closed, but still there are better and unobjectionable sites not very far off from Mappilla quarters. I told the Mappillas to select some better sites and promised to consult you about the Manjakolam cemetery. You inspected the place and did not approve of it.

9. On my fourth visit, I discussed the question again with the kazi's son, who is now officiating as priest in the absence of the kazi who is still at Rangoon and with two of the so-called karanavars of the Mappillas. I convinced them that the best ground for a Mappilla cemetery was the one on the Kallikad road about two furlongs south of the Palleprom gramom on the road to Thirumilai. The sanitary authorities have approved of the site. It is one extensive ground to the west of the road. It requires no levelling. The character of the soil is suitable for a burial-ground and it can be purchased at a small cost. There are a few Cheruma huts to the south of it and they can be removed. To the Mappillas living in Meparamba, this ground is nearer than the overcrowded Mappilla burial-ground in the big bazaar street. It is about a mile from the cemetery in the big bazaar street by the high road, but only four or five furlongs by the Patani street and Mankara road. The kazi's son and the two Mappilla karanavars promised to consult their brethren and wanted a few days' time for the purpose. I allowed them the time and returned to Calicut.

10. I went there for the fifth time on the 2nd instant. About 70 Mappillas with the kazi's son and some of the karanavars waited on me. They told me as the result of their consultations (*a*) that they had no objection to the closing of the existing burial-ground on the big bazaar street; (*b*) that they should be allowed to use the Manjakolam cemetery for burials; (*c*) that they would not put the municipality to any expenditure if they were allowed to use the Manjakolam cemetery; and (*d*) that if this was not possible they would use the ground on the Kallikad road approved of by the sanitary authorities, provided it was properly walled, a mosque was erected and a well sunk in it. I advised them to give up the idea of shifting to Manjakolam cemetery and to attend the municipal office at 7-30 A.M. on the 3rd instant. I requested Mr. Austin, the Head Assistant Collector, to inspect the Manjakolam cemetery and the proposed ground on the Kallikad road. We drove together, and he certainly preferred the latter. I requested him further to preside at a meeting of the Mappillas at 7-30 A.M. on the 3rd instant.

11. All the Mappillas who met me the previous evening did not turn up at the municipal office at 7-30 A.M. on the 3rd instant. About 42 men including the kazi's son and some karanavars attended. Ten out of about 30 Mappilla houses in the big bazaar street were represented. We did not hold a regular meeting and pass resolutions as all the people did not attend. Mr. Austin and myself asked those present about their views, and they said that they had no objection to the shifting of the overcrowded burial-ground in the big bazaar street to the ground selected in the Kallikad ad. The kazi's son represented that by this arrangement he would be a loser niarily, as for each burial in the present ground he gets from As. 8 to Rs. 2 as nd-fees. I told him that the municipality would not object to his collecting the stomary fees in the new place also.

12. I again made inquiries at the big bazaar street and learnt that the Patani and owthan merchants induced the Mappillas living in the bazaar street not to attend the eting and gave them a false hope that the matter would be dropped in a few days

with my deputation to the Cochin State. The Patanies and the Rowthans who work behind the screens are averse to this arrangement, because they think that their cemeteries also may be closed later on.

13. I was not able to get accurate figures of burials in the existing Mappilla burial-ground in the big bazaar street. The cemetery register showed, I was told, about 30 burials per annum. It cannot exceed 40 per annum.

14. The existing burial-ground in the big bazaar street should, in my opinion, be closed. It is a serious danger to the public health.

15. The Mappillas, as a body, prefer the Manjakolam cemetery to the ground on the Kallikad road. Their main objection to the latter is on the score of distance. Though Manjakolam cemetery is infinitely better than the existing one, still I will not recommend it, as a first-class unobjectionable site is available at an easy distance. The site on the Kallikad road is nearer than other cemeteries to several Mappillas and is within a mile to all Mappillas who now use the cemetery in the big bazaar street. Mappillas living in Meparamba and some living in the bazaar street and thereabouts and the kazi's son himself have approved of the site on the Kallikad road. I beg respectfully to submit that in the settlement of a very difficult question like the shifting of the Mappilla burial-grounds, it is extremely difficult to meet the wishes of all persons. I went to Palghat on five occasions and discussed the matter with the Mappillas threadbare. They can show no valid objection to the site on the Kallikad road. Unlike Calicut, where I had to deal with respectable Mappilla leaders who were quite amenable to reason, I had in Palghat to deal with ignorant Mappillas who were in the hands of wily Patanies and Rowthans.

16. My recommendation therefore is to shift the cemetery to the site on the Kallikad road. Assuming that the average number of burials per annum will be 40, 2 acres of ground will last for sixty years allowing 4 square yards per grave.

17. It is quite possible that, when the existing cemetery in the big bazaar street is closed and a new one is opened on the Kallikad road, the Mappillas living in the bazaar street may begin to use the Manjakolam cemetery. There is nothing to prevent them from doing so, and my inquiries showed that the priest in charge of this ground would have no objection to additional burials in it as he would receive the ground-fees. I do not withal recommend the closing of the Manjakolam burial-ground at present. It is very probable that they may all use the ground on the Kallikad road when it is properly filled up. If the evil of overcrowding in Manjakolam cemetery becomes patent, the municipality may then take steps to close this cemetery also with the sanction of Government.

18. I regret the delay in the submission of this report. It was due mainly to the time taken up in converting the Mappillas as far as possible to my views. The absence of the permanent kazi, whose return I awaited long, contributed to the delay.

Enclosure.

Extract from the proceedings of the Municipal Council, Palghat, dated 18th August 1897.

* * * * *

"24. Read endorsement, Ref. on C. No. 312 M. of 1897, dated 16th August 1897, of the Collector of Malabar, on the letter, dated 9th August 1897, from the Deputy Collector, Calicut division, stating that he does not agree with the Deputy Collector's suggestion, that the Mappillas living in the bazaar street may be allowed to use the Manjakolam cemetery and requesting the Chairman to state what he would suggest in the matter.

"And also the civil apothecary's letter, No. 191, dated 18th August 1897, stating that the Manjakolam Mappilla burial-ground is overcrowded with graves and that, for reasons stated, should be closed at once.

"The Council are of opinion that the Manjakolam burial-ground is already overcrowded and that it should be closed as well as the big bazaar mosque cemetery with the sanction of Government."

P. I. CHINNASWAMI PILLAI,
Chairman.

Dis. 243-M. of 1897.

Submitted to Government with reference to G.O., Mis. No. 367 M., dated 3rd March 1896.

2. The Council has since resolved to close the Manjakolam cemetery also—*vide* copy of resolution herewith submitted.

3. I fully approve of the proposal to close the Mappilla cemeteries in the big bazaar and at Manjakolam and to open a new one at Kallikad.

4. The Council will have to provide funds for building a mosque and sinking a well on the new ground besides putting up a compound wall. I would suggest that the kazi should be asked to carry out the works so as to avoid any misunderstanding.

5. M.R.Ry. Swaminatha Aiyar Avargal has displayed his usual tact in the settlement of this dispute.

Camp, Ponnani,
31*st October* 1897.

G. W. DANCE,
Collector.

Order—No. 104 M. Mis., dated 15th January 1898.

The Municipal Council of Palghat is requested to take early steps for acquiring the site to the west of the Kallikad road, selected by the Sanitary Commissioner, and for making it fit for use as a burial-ground for the Mappillas, by fencing it round, laying it out with paths and providing a musjid in it at, if possible, a smaller cost than that estimated, namely, Rs. 4,610. The Council's contention that the construction of a mosque in the burial-ground is not a legitimate charge on its funds cannot be considered valid, as section 234 of the District Municipalities Act requires it to provide "convenient and fitting places" for burial and burning-grounds and no burial-ground can be regarded as either convenient or fitting if it does not meet the requirements of the religion for the followers of which it is intended. The execution of the works should be entrusted to the kazi as recommended by the Collector. When the works have been completed and the new burial-ground is ready for use, the Municipal Council should address the Government again for its sanction to close the mosque burial-ground in the big bazaar street and also the Manjakolam cemetery.

2. The Government is pleased to note the tact displayed by M.R.Ry. Swaminatha Aiyar in the settlement of this matter.

(True Extract.)

H. TREMENHEERE,
Ag. Secretary to Government.

To the Chairman, Municipal Council, Palghat.
" Collector of Malabar.
" Sanitary Commissioner.
" Revenue Department (paragraph 2 only).

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NOTES CONNECTED WITH G.O., Mis. No. 104 M., DATED 15th JANUARY 1898.

[Subject.—*Mappilla burial-grounds, Palghat.*]

In September 1894, the Municipal Council of Palghat requested the sanction of Government for closing a Mappilla burial-ground attached to a mosque in the big bazaar street, as it was almost filled up with graves, its existence in the heart of the town was highly objectionable and the District Medical and Sanitary officer and the Collector were also of opinion that early steps should be taken to close it. The Mappillas, however, strongly protested against this proposal on the ground that it was an unnecessary interference with their religion. The Government thereupon refused to approve the Municipal Council's proposal until another convenient place duly authorised for burial and selected in consultation with the Mappilla community had been provided for their use—*vide* G.O., No. 1703 M., dated 13th November 1894. But as the Mappillas declined altogether to co-operate with the Council in selecting a site for a new burial-ground and expressed the strongest opposition to the closure of the existing one, the Government directed the Municipal Council itself to select two or three suitable sites and to take the opinion of the Sanitary Commissioner on the occasion of his next visit to Palghat, as to their respective merits from a sanitary point of view. The Council was also asked to have estimates drawn up for fencing the site that the Sanitary Commissioner might prefer, for laying it out with paths and for providing a masjid in it, and to forward them to Government—*vide* G.O., No. 691 M., dated 23rd April 1895. The Municipal Council accordingly selected four sites, of which one close to the Kallikad road, about a mile from the Mappilla quarters, met with the approval of the District Medical and Sanitary officer. The Sanitary Commissioner inspected all the sites on the 31st May 1895 and while approving the one selected by the District Medical and Sanitary officer, suggested the selection of another situated to the west of the Kallikad road at a distance of 200 yards from the former. The Council estimated the cost of fencing this site and of laying it out with paths and providing a masjid in it at Rs. 4,610, but stated that it was unable to meet the cost of erecting a mosque, which was further not authorised by section 113 of Act IV of 1884, and that it was prepared only to acquire the site as a public burial-ground for Mappillas under section 234. It was again stated that the Mappillas were still opposed to the closure of the existing burial-ground and that there would be no use whatever in acquiring a new site as they would decline to use it. The Government then considered it advisable to try a last chance of inducing the Mappillas to give in quietly and accordingly directed M.R.Ry. S. Swaminatha Aiyar, the Head-quarters Deputy Collector, to proceed to Palghat and try to bring about an amicable settlement of the question with the Mappilla community, as he had executed a similar mission at Calicut very judiciously —*vide* G.O., No. 367 M., dated 3rd March 1896.

Vide the Chairman's letter in G.O., No. 1589 M., dated 2nd October 1895.

2. With his letter read above, the Collector of Malabar forwards the report of M.R.Ry. Swaminatha Aiyar on the result of his negotiations with the Mappillas. On the 2nd August 1897, about seventy of the Mappillas with their kazi's son waited on M.R.Ry. Swaminatha Aiyar at Palghat, when he went there on this business for the fifth time, and said (1) "that they had no objection to the closure of the existing burial-ground in the big bazaar street, (2) that they should be allowed to use instead of it the Manjakolam cemetery, (3) that they would not put the municipality to any expenditure if they were allowed to use that cemetery, and (4) that if this was not possible, they would use the ground near the Kallikad road approved by the sanitary authorities, provided it was properly walled, a mosque was erected and a well sunk in it." M.R.Ry. Swaminatha Aiyar then advised them to give up the idea of shifting to the Manjakolam cemetery and asked them to attend a meeting which was proposed to be held in the municipal office the next day. About 42 Mappillas, who represented only a third of the Mappilla houses in the town, attended that meeting and said that

they had no objection to the proposed site near the Kallikad road. The Deputy Collector says that the Mappillas as a body prefer the Manjakolam cemetery to the site on the Kallikad road, for the main reason that the latter is far away from their quarters; but that this is not a valid objection, as the site on the Kallikad road is situated within a mile of all the Mappillas who now use the mosque burial-ground in the big bazaar street; and he accordingly recommends this latter site. He does not, however, recommend the closure of the Manjakolam cemetery, as he thinks that the Mappillas themselves will use the new burial-ground when it is properly filled up and that when the evil of over-crowding in the Manjakolam cemetery becomes patent, the Municipal Council may take steps to close it. The Council, however, on the representation of the civil apothecary that this cemetery is over-crowded with graves, and on the recommendation of the Collector, resolved to close this cemetery also. In submitting the report of M.R.Ry. Swaminatha Aiyar and the above resolution of the Municipal Council, the Collector states that he fully approves the Council's proposals to close both the Manjakolam cemetery and the one in the big bazaar street, and to open one at Kallikad, and observes that the Council should provide funds for building a mosque and sinking a well, besides putting up a compound wall, and that the kazi should be asked to carry out the works so as to avoid any misunderstanding.

3. The Mappillas having consented to the closure of the burial-ground in the big bazaar street and having approved the site near the Kallikad road recommended by the Sanitary Commissioner, the Municipal Council may now be directed to acquire this site and make it fit for use as a burial-ground by fencing it all round, laying it out with paths and providing a masjid in it, if possible, at a smaller cost than that estimated. The Council's contention that the construction of a mosque is not a legitimate charge on its funds under section 113 of the Municipal Act and that under section 234 it has only to acquire the site required for a burial-ground is not valid, as the latter section lays down that "the Municipal Council shall provide a sufficient number of *convenient and fitting places* for burial and burning grounds", and it has been held that no such place can be either convenient or fitting, if it does not meet the requirements of the religion for the followers of which it is intended—*vide* paragraph 4 of G.O., No. 672 M., dated 18th April 1895, and the notes in that order. Nor can the Council's plea of want of funds to construct a mosque be accepted as at all satisfactory, seeing that the estimated balance in its favour on the 31st March 1898 is Rs. 7,600.* The Collector's recommendation that the execution of the proposed works in the new site should be entrusted to the kazi, so as to avoid any misunderstanding, does not appear to be judicious. When these works have been carried out and the new ground is ready for use, the Municipal Council can renew its application for the closure of the burial-ground in the big bazaar street and the Manjakolam cemetery.

	Rs.
* Balance as given in paragraph 5 of G.O., No. 716 M., dated 27th March 1897	4,560
Add excess of actual opening balance for 1897-98 over that estimated in that Government Order	3,040
Total ..	7,600

I don't understand. It seems to me that the Collector's suggestion is very judicious. I should adopt it.

I approve the other recommendations in this note.

H. W. B[LISS].

H.T.

But as neither the District Medical and Sanitary officer nor the Sanitary Commissioner has seen the latter cemetery and pronounced his opinion on it, it would be better to ask the District Medical officer to inspect and report on it before deciding to close it.

V. RAGHAVA CHARLU—21-12-97.

This is quite enough, I should say.

H. W. B[LISS]—5-1-98.

No. The apothecary, the Collector and the Council, all consider it should be closed.

Please see notes above.

H. TREMENHEERE—3-1-98.

Government {1898} of Madras.

LOCAL AND MUNICIPAL.

MISCELLANEOUS.

Recd. } 1898. *Enclosures*

Regd. } *Spare copies*

G.O., No. 104 M., 15th January 1898.

N. P.

JANUARY.

Burial-ground.

Requesting, with remarks, the Municipal Council of Palghat to take early steps for acquiring the site to the west of the Kallikad road and for making it fit for use as a — for the Mappillas.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

READ—again the following papers :—

G.O., No. 691 M., dated 23rd April 1895.
„ „ 1589 M., dated 2nd October 1895.
„ Mis. No. 367 M., dated 3rd March 1896.

READ—also the following papers :—

From M.R.Ry. S. SWAMINATHA AIYAR Avargal, B.A., Deputy Collector, Calicut Division, to the Collector of Malabar, dated Calicut, 9th August 1897, No. 833.

With reference to your endorsement, Ref. on No. 82-L.F. of 1896, on G.O., Mis. No. 367 M., dated 3rd March 1896, directing me to proceed to Palghat to bring about an amicable settlement with the Mappilla community of the place regarding the shifting of the Mappilla burial-ground, I have the honour to state that I proceeded to Palghat on five occasions to make the necessary arrangements.

2. As you are well aware, the Mappillas of Palghat, unlike their co-religionists on the coast, are poor people having no recognised leaders of their own. They are mostly coolies and a few of them have petty trade. They have not even a tangal or a kazi of their sect. Their religious head, the present kazi, is, strange to say, not quite a Mappilla.

3. I could not get any accurate information as to the total number of Mappillas in the Palghat town. According to last census there were 5,527 Muhammadans. This includes Mappillas, Rowthans and Patanies. M.R.Ry. P. I. Chinnaswami Pillai Avargal, the late Chairman, told me that the Mappillas would number about 2,000; but Mr. Kunhayan, who was Sub-Magistrate at Palghat for some time, is of opinion that the total number of Mappillas will not exceed 1,500.

4. The Mappillas of Palghat live in Meparamba at the western end of the town and in the big bazaar street and thereabouts. Most of those living in and near the big bazaar street are temporary settlers from Cannanore, Tellicherry and Calicut. Many of the Mappillas in Meparamba bury the dead in a cemetery beyond the municipal limits. There is no objection to this course. The Mappillas near the big bazaar street use the burial-ground in the bazaar street. A few use also the Manjakolam cemetery on the road from the bazaar street leading to the fort.

5. On my first visit, I sent for the kazi. He came to me accompanied by Qadír Sáhib, a troublesome Patani of the place. The latter as spokesman deprecated the closing of the Mappilla burial-ground in the big bazaar street and said that, if once they consented to the arrangement, the Government would close the burial-grounds of the Patanies and Rowthans also. I assured them that overcrowded burial-grounds alone condemned by sanitary officers would be closed and not all. They wanted time to consider over my proposals.

6. On my second visit, I found that the kazi had gone to Rangoon. I issued a notice and convened a meeting of the Mappillas at the municipal office. I lectured to them on the necessity and advantages of closing the existing overcrowded cemetery in the big bazaar street and having one in a good locality. I read to them also the proceedings of the Himayat Islam Sabha, Calicut, resolving to close the existing

Mappilla burial-grounds at Calicut. This had the desired effect, and the persons there present promised to select an unobjectionable site in or near the town and to report the matter to me.

7. On my third visit, they showed me the Manjakolam cemetery and requested me to propose to you to acquire the paddy flats to the south of it, to add them to the existing cemetery and to fit up the entire ground as the cemetery in the place of the one in the big bazaar street. I was not quite satisfied with this site.

8. As already stated, the Manjakolam cemetery is on the branch road from the main bazaar street to the fort. It is situated at a distance of about 150 yards from the bungalows of some European gentlemen. There are no houses on three sides of it; there are a few huts on the south. It is, no doubt, far better than the existing burial-ground at the big bazaar street, which should be closed, but still there are better and unobjectionable sites not very far off from Mappilla quarters. I told the Mappillas to select some better sites and promised to consult you about the Manjakolam cemetery. You inspected the place and did not approve of it.

9. On my fourth visit, I discussed the question again with the kazi's son, who is now officiating as priest in the absence of the kazi who is still at Rangoon and with two of the so-called karanavars of the Mappillas. I convinced them that the best ground for a Mappilla cemetery was the one on the Kallikad road about two furlongs south of the Palleprom gramom on the road to Thirumilai. The sanitary authorities have approved of the site. It is one extensive ground to the west of the road. It requires no levelling. The character of the soil is suitable for a burial-ground and it can be purchased at a small cost. There are a few Cheruma huts to the south of it and they can be removed. To the Mappillas living in Meparamba, this ground is nearer than the overcrowded Mappilla burial-ground in the big bazaar street. It is about a mile from the cemetery in the big bazaar street by the high road, but only four or five furlongs by the Patani street and Mankara road. The kazi's son and the two Mappilla karanavars promised to consult their brethren and wanted a few days' time for the purpose. I allowed them the time and returned to Calicut.

10. I went there for the fifth time on the 2nd instant. About 70 Mappillas with the kazi's son and some of the karanavars waited on me. They told me as the result of their consultations (*a*) that they had no objection to the closing of the existing burial-ground on the big bazaar street; (*b*) that they should be allowed to use the Manjakolam cemetery for burials; (*c*) that they would not put the municipality to any expenditure if they were allowed to use the Manjakolam cemetery; and (*d*) that if this was not possible they would use the ground on the Kallikad road approved of by the sanitary authorities, provided it was properly walled, a mosque was erected and a well sunk in it. I advised them to give up the idea of shifting to Manjakolam cemetery and to attend the municipal office at 7-30 A.M. on the 3rd instant. I requested Mr. Austin, the Head Assistant Collector, to inspect the Manjakolam cemetery and the proposed ground on the Kallikad road. We drove together, and he certainly preferred the latter. I requested him further to preside at a meeting of the Mappillas at 7-30 A.M. on the 3rd instant.

11. All the Mappillas who met me the previous evening did not turn up at the municipal office at 7-30 A.M. on the 3rd instant. About 42 men including the kazi's son and some karanavars attended. Ten out of about 30 Mappilla houses in the big bazaar street were represented. We did not hold a regular meeting and pass resolutions as all the people did not attend. Mr. Austin and myself asked those present about their views, and they said that they had no objection to the shifting of the overcrowded burial-ground in the big bazaar street to the ground selected in the Kallikad road. The kazi's son represented that by this arrangement he would be a loser pecuniarily, as for each burial in the present ground he gets from As. 8 to Rs. 2 as ground-fees. I told him that the municipality would not object to his collecting the customary fees in the new place also.

12. I again made inquiries at the big bazaar street and learnt that the Patani and Rowthan merchants induced the Mappillas living in the bazaar street not to attend the meeting and gave them a false hope that the matter would be dropped in a few days

with my deputation to the Cochin State. The Patanies and the Rowthans who work behind the screens are averse to this arrangement, because they think that their cemeteries also may be closed later on.

13. I was not able to get accurate figures of burials in the existing Mappilla burial-ground in the big bazaar street. The cemetery register showed, I was told, about 30 burials per annum. It cannot exceed 40 per annum.

14. The existing burial-ground in the big bazaar street should, in my opinion, be closed. It is a serious danger to the public health.

15. The Mappillas, as a body, prefer the Manjakolam cemetery to the ground on the Kallikad road. Their main objection to the latter is on the score of distance. Though Manjakolam cemetery is infinitely better than the existing one, still I will not recommend it, as a first-class unobjectionable site is available at an easy distance. The site on the Kallikad road is nearer than other cemeteries to several Mappillas and is within a mile to all Mappillas who now use the cemetery in the big bazaar street. Mappillas living in Meparamba and some living in the bazaar street and thereabouts and the kazi's son himself have approved of the site on the Kallikad road. I beg respectfully to submit that in the settlement of a very difficult question like the shifting of the Mappilla burial-grounds, it is extremely difficult to meet the wishes of all persons. I went to Palghat on five occasions and discussed the matter with the Mappillas threadbare. They can show no valid objection to the site on the Kallikad road. Unlike Calicut, where I had to deal with respectable Mappilla leaders who were quite amenable to reason, I had in Palghat to deal with ignorant Mappillas who were in the hands of wily Patanies and Rowthans.

16. My recommendation therefore is to shift the cemetery to the site on the Kallikad road. Assuming that the average number of burials per annum will be 40, 2 acres of ground will last for sixty years allowing 4 square yards per grave.

17. It is quite possible that, when the existing cemetery in the big bazaar street is closed and a new one is opened on the Kallikad road, the Mappillas living in the bazaar street may begin to use the Manjakolam cemetery. There is nothing to prevent them from doing so, and my inquiries showed that the priest in charge of this ground would have no objection to additional burials in it as he would receive the ground-fees. I do not withal recommend the closing of the Manjakolam burial-ground at present. It is very probable that they may all use the ground on the Kallikad road when it is properly filled up. If the evil of overcrowding in Manjakolam cemetery becomes patent, the municipality may then take steps to close this cemetery also with the sanction of Government.

18. I regret the delay in the submission of this report. It was due mainly to the time taken up in converting the Mappillas as far as possible to my views. The absence of the permanent kazi, whose return I awaited long, contributed to the delay.

ENCLOSURE.

EXTRACT from the proceedings of the Municipal Council, Palghat, dated 18th August 1897.

* * * * *

"24. Read endorsement, Ref. on C. No. 312 M. of 1897, dated 16th August 1897, of the Collector of Malabar, on the letter, dated 9th August 1897, from the Deputy Collector, Calicut division, stating that he does not agree with the Deputy Collector's suggestion, that the Mappillas living in the bazaar street may be allowed to use the Manjakolam cemetery and requesting the Chairman to state what he would suggest in the matter.

"And also the civil apothecary's letter, No. 191, dated 18th August 1897, stating that the Manjakolam Mappilla burial-ground is overcrowded with graves and that, for reasons stated, it should be closed at once.

"The Council are of opinion that the Manjakolam burial-ground is already overcrowded, and that it should be closed as well as the big bazaar mosque cemetery with the sanction of Government."

P. I. CHINNASWAMI PILLAI,
Chairman.

Dis. 243-M. of 1897.

Submitted to Government with reference to G.O., Mis. No. 367 M., dated 3rd March 1896.

2. The Council has since resolved to close the Manjakolam cemetery also—*vide* copy of resolution herewith submitted.

3. I fully approve of the proposal to close the Mappilla cemeteries in the big bazaar and at Manjakolam and to open a new one at Kallikad.

4. The Council will have to provide funds for building a mosque and sinking a well on the new ground besides putting up a compound wall. I would suggest that the kazi should be asked to carry out the works so as to avoid any misunderstanding.

5. M.R.Ry. Swaminatha Aiyar Avargal has displayed his usual tact in the settlement of this dispute.

G. W. DANCE,
Collector.

CAMP, PONNANI,
31*st October* 1897.

ORDER—No. 104 M. Mis., dated 15th January 1898.

The Municipal Council of Palghat is requested to take early steps for acquiring the site to the west of the Kallikad road, selected by the Sanitary Commissioner, and for making it fit for use as a burial-ground for the Mappillas, by fencing it round, laying it out with paths and providing a musjid in it at, if possible, a smaller cost than that estimated, namely, Rs. 4,610. The Council's contention that the construction of a mosque in the burial-ground is not a legitimate charge on its funds cannot be considered valid, as section 234 of the District Municipalities Act requires it to provide "convenient and fitting places" for burial and burning-grounds and no burial-ground can be regarded as either convenient or fitting if it does not meet the requirements of the religion for the followers of which it is intended. The execution of the works should be entrusted to the kazi as recommended by the Collector. When the works have been completed and the new burial-ground is ready for use, the Municipal Council should address the Government again for its sanction to close the mosque burial-ground in the big bazaar street and also the Manjakolam cemetery.

2. The Government is pleased to note the tact displayed by M.R.Ry. Swaminatha Aiyar in the settlement of this matter.

(True Extract.)

H. TREMENHEERE,
Ag. Secretary to Government.

To the Chairman, Municipal Council, Palghat.
" Collector of Malabar.
" Sanitary Commissioner.
" Revenue Department (paragraph 2 only).

Exd. A. F. Eccleston.

NOTES CONNECTED WITH G.O., MIS. No. 104 M., DATED 15TH JANUARY 1898.

[SUBJECT.—*Mappilla burial-grounds, Palghat.*]

In September 1894, the Municipal Council of Palghat requested the sanction of Government for closing a Mappilla burial-ground attached to a mosque in the big bazaar street, as it was almost filled up with graves, its existence in the heart of the town was highly objectionable and the District Medical and Sanitary officer and the Collector were also of opinion that early steps should be taken to close it. The Mappillas, however, strongly protested against this proposal on the ground that it was an unnecessary interference with their religion. The Government thereupon refused to approve the Municipal Council's proposal until another convenient place duly authorised for burial and selected in consultation with the Mappilla community had been provided for their use—*vide* G.O., No. 1703 M., dated 13th November 1894. But as the Mappillas declined altogether to co-operate with the Council in selecting a site for a new burial-ground and expressed the strongest opposition to the closure of the existing one, the Government directed the Municipal Council itself to select two or three suitable sites and to take the opinion of the Sanitary Commissioner on the occasion of his next visit to Palghat, as to their respective merits from a sanitary point of view. The Council was also asked to have estimates drawn up for fencing the site that the Sanitary Commissioner might prefer, for laying it out with paths and for providing a masjid in it, and to forward them to Government—*vide* G.O., No. 691 M., dated 23rd April 1895. The Municipal Council accordingly selected four sites, of which one close to the Kallikad road, about a mile from the Mappilla quarters, met with the approval of the District Medical and Sanitary officer. The Sanitary Commissioner inspected all the sites on the 31st May 1895 and while approving the one selected by the District Medical and Sanitary officer, suggested the selection of another situated to the west of the Kallikad road at a distance of 200 yards from the former. The Council estimated the cost of fencing this site and of laying it out with paths and providing a masjid in it at Rs. 4,610, but stated that it was unable to meet the cost of erecting a mosque, which was further not authorised by section 113 of Act IV of 1884, and that it was prepared only to acquire the site as a public burial-ground for Mappillas under section 234. It was again stated that the Mappillas were still opposed to the closure of the existing burial-ground and that there would be no use whatever in acquiring a new site as they would decline to use it. The Government then considered it advisable to try a last chance of inducing the Mappillas to give in quietly and accordingly directed M.R.Ry. S. Swaminatha Aiyar, the Head-quarters Deputy Collector, to proceed to Palghat and try to bring about an amicable settlement of the question with the Mappilla community, as he had executed a similar mission at Calicut very judiciously —*vide* G.O., No. 367 M., dated 3rd March 1896.

Vide the Chairman's letter in G.O., No. 1589 M., dated 2nd October 1895.

2. With his letter read above, the Collector of Malabar forwards the report of M.R.Ry. Swaminatha Aiyar on the result of his negotiations with the Mappillas. On the 2nd August 1897, about seventy of the Mappillas with their kazi's son waited on M.R.Ry. Swaminatha Aiyar at Palghat, when he went there on this business for the fifth time, and said (1) "that they had no objection to the closure of the existing burial-ground in the big bazaar street, (2) that they should be allowed to use instead of it the Manjakolam cemetery, (3) that they would not put the municipality to any expenditure if they were allowed to use that cemetery, and (4) that if this was not possible, they would use the ground near the Kallikad road approved by the sanitary authorities, provided it was properly walled, a mosque was erected and a well sunk in it." M.R.Ry. Swaminatha Aiyar then advised them to give up the idea of shifting to the Manjakolam cemetery and asked them to attend a meeting which was proposed to be held in the municipal office the next day. About 42 Mappillas, who represented only a third of the Mappilla houses in the town, attended that meeting and said that

they had no objection to the proposed site near the Kallikad road. The Deputy Collector says that the Mappillas as a body prefer the Manjakolam cemetery to the site on the Kallikad road, for the main reason that the latter is far away from their quarters; but that this is not a valid objection, as the site on the Kallikad road is situated within a mile of all the Mappillas who now use the mosque burial-ground in the big bazaar street; and he accordingly recommends this latter site. He does not, however, recommend the closure of the Manjakolam cemetery, as he thinks that the Mappillas themselves will use the new burial-ground when it is properly filled up and that when the evil of over-crowding in the Manjakolam cemetery becomes patent, the Municipal Council may take steps to close it. The Council, however, on the representation of the civil apothecary that this cemetery is over-crowded with graves, and on the recommendation of the Collector, resolved to close this cemetery also. In submitting the report of M.R.Ry. Swaminatha Aiyar and the above resolution of the Municipal Council, the Collector states that he fully approves the Council's proposals to close both the Manjakolam cemetery and the one in the big bazaar street, and to open one at Kallikad, and observes that the Council should provide funds for building a mosque and sinking a well, besides putting up a compound wall, and that the kazi should be asked to carry out the works so as to avoid any misunderstanding.

3. The Mappillas having consented to the closure of the burial-ground in the big bazaar street and having approved the site near the Kallikad road recommended by the Sanitary Commissioner, the Municipal Council may now be directed to acquire this site and make it fit for use as a burial-ground by fencing it all round, laying it out with paths and providing a masjid in it, if possible, at a smaller cost than that estimated. The Council's contention that the construction of a mosque is not a legitimate charge on its funds under section 113 of the Municipal Act and that under section 234 it has only to acquire the site required for a burial-ground is not valid, as the latter section lays down that "the Municipal Council shall provide a sufficient number of *convenient and fitting places* for burial and burning grounds", and it has been held that no such place can be either convenient or fitting, if it does not meet the requirements of the religion for the followers of which it is intended—*vide* paragraph 4 of G.O., No. 672 M., dated 18th April 1895, and the notes in that order. Nor can the Council's plea of want of funds to construct a mosque be accepted as at all satisfactory, seeing that the estimated balance in its favour on the 31st March 1898 is Rs. 7,600.* The Collector's recommendation that the execution of the proposed works in the new site should be entrusted to the kazi, so as to avoid any misunderstanding, does not appear to be judicious. When these works have been carried out and the new ground is ready for use, the Municipal Council can renew its application for the closure of the burial-ground in the big bazaar street and the Manjakolam cemetery.

	Rs.
* Balance as given in paragraph 5 of G.O., No. 716 M., dated 27th March 1897	4,560
Add excess of actual opening balance for 1897-98 over that estimated in that Government Order	3,040
Total ..	7,600

I don't understand. It seems to me that the Collector's suggestion is very judicious. I should adopt it.

I approve the other recommendations in this note.

H. W. B[LISS].

H.T.

But as neither the District Medical and Sanitary officer nor the Sanitary Commissioner has seen the latter cemetery and pronounced his opinion on it, it would be better to ask the District Medical officer to inspect and report on it before deciding to close it.

V. RAGHAVA CHARLU—21-12-97.

This is quite enough, I should say.

H. W. B[LISS]—5-1-98.

No. The apothecary, the Collector and the Council, all consider it should be closed.

Please see notes above.

H. TREMENHEERE—3-1-98.