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INDEXED.

[Despatch Abstract.]

MUHAMMADAN RELIGIOUS ENDOWMENTS.

Recording Proceedings, Legislative Department, on Proceedings of the Board of Revenue submitting, with remarks, replies ~~from~~ from the Collectors reporting the views of the Muhammadan community as to the necessity for legislating with a view to the protection of their religious institutions.

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Govt of {1895} Madras LEGISLATIVE.

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SEPTEMBER.

Muhammadan Religious Endowments.

Recording Proceedings of the Board of Revenue, submitting, with remarks replies from the Collectors reporting the views of the Muhammadan community as to the necessity for legislating with a view to the protection of their religious institutions.

W.O.

GOVERNMENT OF FORT ST. GEORGE.

LEGISLATIVE DEPARTMENT.

READ—again the following paper:—

G.O., dated 26th May 1894, No. 72, Legislative.

ABSTRACT.—Directing that the Government of India be addressed on the subject of legislating for the better protection of Hindu religious endowments in the Presidency of Madras, and calling upon the Board of Revenue to ascertain whether legislation in connection with Muhammadan institutions is necessary.

READ—also the following papers:—

Proceedings of the Board of Revenue (Land Revenue), dated 13th June 1894, No. 255.

ABSTRACT.—Requesting all Collectors to ascertain and report the views of the Muhammadan community as to the necessity for legislating with a view to the protection of their religious institutions, and asking certain associations in Madras to favour the Board with their views on the subject.

Proceedings of the Board of Revenue (Land Revenue), dated 19th June 1895, No. 200.

Read—the following papers:—

From the Acting Collector of Anantapur, to the Secretary to the Commissioners of Land Revenue, dated 7th August 1894, Dis. No. 2489.

With reference to Board's Proceedings, Land Revenue, No. 255, dated 13th July 1894, calling for a report as regards the views of the Muhammadan community in the matter of legislation for the protection of their religious institutions, I have the honour to state that the Divisional officers to whom the matter was referred for local inquiry and consultation of Khazis, &c., have reported that the leading members of the Muhammadan community are mostly averse to any legislation; a very small minority, who, moreover, are not connected with any religious institution, as in Hindupur, would have legislation as in the case of Hindu religious endowments. It is also reported that the mosques and other religious institutions of the kind are few and poor in their divisions, and, as such, there is no necessity for any special legislation.

2. I regret that I am not, from their replies or from my experience in other districts, able to give any very definite opinion, but I incline to the belief that such legislation in this Presidency is unnecessary and would be resented as a slur on their religious fervour. I do not recall a single instance in my experience of any complaint

made of misappropriation of funds or misfeasance in the matter of Muhammadan endowments except a single case where it was said by a rival that the opposite party was not keeping up a certain light.

(Signed) F. A. NICHOLSON,
Collector.

From the Acting Collector and District Magistrate of North Arcot, to the Secretary to the Commissioners of Land Revenue, dated Chittoor, 18th December 1894, No. 2740-Dis. Rev.

In reply to Board's Proceedings, No. 255, dated 13th June 1894, I have the honour to state that the Muhammadan community in this district appears to be divided on the question whether legislation for the protection of Muhammadan religious institutions is necessary.

2. From the two Deputy Collectors' divisions (Arni and Chittoor) it is reported that the community desires such legislation. On the other hand, in the Sub-Collector's division, there appears to be a general feeling amongst orthodox and old fashioned Muhammadans against legislation, while the Head Assistant Collector reports, as the result of his inquiries, that he has no reason to believe that legislation is regarded as a pressing need by the Muhammadan community in his division. My own opinion is that although many Muhammadans of what may be called the new school are in favour of legislation and the formation of State-appointed committees to supervise the administration of endowments, the bulk of the community do not desire any such legislation and would much resent any interference by the State.

(Signed) G. F. T. POWER,
Ag. Collector and District Magistrate.

From the Acting Collector of South Arcot, to the Secretary to the Commissioners of Land Revenue, dated Camp Vriddhachalam, 23rd October 1894, No. 661-Ver.

With reference to paragraph 1 of Board's Proceedings, dated 13th June 1894, No. 255, I have the honour to state that copy of these Proceedings was communicated to Divisional officers with a request that they would obtain and submit at an early date the views of the principal members of the Muhammadan community within the limits of their respective jurisdictions as to the necessity for legislation with a view to the protection of Muhammadan religious institutions. A printed notice on the subject (copy appended) was also published in the District Gazette inviting an expression of opinion on this subject, and copies of this notice were sent to all Muhammadan members of the district and taluk boards and of the municipal councils of

- (1) The District Judge.
- (2) Executive Engineer.
- (3) Superintendent of Police.
- (4) Do. of Post Offices.
- (5) District Board Engineer.
- (6) Do. Forest Officer.
- (7) Do. Registrar.

Cuddalore and Chidambaram. Similar copies were also sent direct to the leading Muhammadan gentlemen of the district as also to Mr. Saiyid Mustafa Sahib, Special Deputy Collector, then in the district. Copies of the notice were also forwarded to the marginally-noted officers who were

requested to inculcate them among their Muhammadan subordinates.

2. A file containing the replies in original received up to date is herewith submitted, as also a tabular statement giving an analysis of the opinions expressed. It will be observed that the total number of replies received is 21, and that there is a general consensus of opinion among the Muhammadans of this district in favour of legislation.

(Signed) A. E. CASTLESTUART STUART,
Acting Collector.

ENCLOSURES.

- From Muhammad Raza Khan, Esq., Tindivanam, Acting Sub-Collector and Joint Magistrate of South Arcot.
- From Saiyid Mustafa Sahib, Cuddalore, Special Deputy Collector.
- From Abd-ur Rahim Ahmad, Cuddalore, Merchant.
- From Hazareth Hussain Sheriff Sahib, Muhammad Ali Khaji Sahib Imamsa Rowther, Cuddalore, Committee of "The Muhammadan Religious Institution of the Cuddalore taluk."
- From Muhammad Secudar, Tirukkóyilúr, Local Fund Supervisor.
- From M. Sabji Sahib, Vriddhachalam, Forest Range Officer.
- From Hazareth Qadri Navaz Khan Sahib, Sub-Registrar of Bhuvanigiri.
- From Mir Budray Alum Sahib, Sub-Registrar of Porto Novo.
- From Abd-ul Qadir, Deputy Superintendent, Public Works Department, Porto Novo.
- From Haji Muhammad Ali Merkoir, Land-holder, Porto Novo.
- From Haidar Sheriff Sahib, Khazi of Villupuram.
- From a Pensioned Subadar-Major, Villupuram.
- From Saiyid Subban Sahib, Clerk, Public Works Department, Tiruvannámalai.
- From Saiyid Ismail Ali, Superintendent of Copyists, District Court.
- From Saiyid Muhammad Ghose and Saiyid Rasul, Copyists, District Court.
- From C. Shulam Hussain, Clerk, District Court, Cuddalore.
- From Qadir Sahib, Local Fund Maistry, Vriddhachalam.
- From Abd-ul Latiff, Local Fund Head Cooly, Vriddhachalam.
- From Hyder Beg Sahib and his son and Gudumian Sahib, Local Fund Maistries, Villupuram.
- From Saiyid Azim Sahib, Local Fund Maistry, Villupuram.
- From Saiyid Sha Mohi-ud-din, Jaghirdar of Killai.
- From P. Muhammad Ghose and certain others of Panruti.
- From Mir Khalim Hussain Sahib, Sub-Registrar of Tirukkóyilúr.

In favour of legislation for the protection of their religious institutions.

Desiring the appointment of committees for the better management of their religious institutions.

Stating that there is no necessity for legislation for the protection of their religious institutions.

Expressing inability to offer any opinion when unacquainted with the representations made by the Muhammadans at Trichinopoly to His Excellency the Governor.

From the Acting Collector of South Arcot, dated 15th November 1894, forwarding letter from his Head Assistant, stating that the principal Muhammadan community in his division is at Porto Novo and that its views given in a mahazar are against the introduction of any legislation to protect their religious institutions.

ENCLOSURE.

Mahazar from the principal Muhammadans at Porto Novo referred to above.

From the Acting Collector of South Arcot, to the Secretary to the Commissioners of Land Revenue, dated Cuddalore, 16th February 1895, No. 337-Ver.

In continuation of my letter, No. 661-Ver., dated 23rd October 1894, I have the honour to submit, in original, the opinions of the following members of the Muhammadan community of this district as to the necessity for legislating with a view to the protection of their religious institutions:—

- (a) The Superintendent of Post Offices, Cuddalore division.
- (b) Mir Muhammad Yusuf.
- (c) Saiyid Jayanulak *alias* Akka Sahib of Porto Novo.
- (d) Mir Jaffar Ali Kiriman Sahib Forester.
- (e) Saiyid Ghulam Mohi-ud-din Sahib of Killai, Chidambaram taluk.
- (f) Saiyid Maithullah Sahib, of Chidambaram.
- (g) Muhammad Jaffar and others.
- (h) Mir Hussain, Inspector of Police.
- (i) Nizam-ud-din Hussain of Ulundurpétai.
- (j) The Muhammadans of Elavánásúr.
- (k) The Muhammadans of Panruti.

2. I regret that, by an oversight, these papers were not submitted with my previous report.

(Signed) A. E. CASTLESTUART STUART,
Acting Collector.

ENCLOSURES.

From Ghulam Raza Sahib, Superintendent of Post Offices.	Stating that legislation for the better management and protection of their religious endowments is very necessary.
From Mir Muhammad Yusuf.	
From Mir Jaffar Ali Kiriman Sahib, Forester.	
From Muhammad Jaffar and others of Minambur Village, Tindivanam taluk.	
From Mir Hussain, Inspector of Police.	
From Nizam-ud-din Hussain of Ulundurpétai.	Deprecating legislation for the better protection of their religious endowments.
From the Muhammadans of Elavánásúr.	
From Saiyid Jayanulak <i>alias</i> Akka Sahib of Porto Novo.	
From Saiyid Ghulam Mohi-ud-din Sahib of Killai.	
From Saiyid Inayat-ullah Sahib of Chidambaram and the Muhammadans of Panruti.	

From the Collector of Bellary, to the Secretary to the Commissioners of Land Revenue, dated 30th July 1894, Index No. 904.

With reference to Board's Proceedings, No. 255 L.R., dated 13th June 1894, I have the honour to report that there seems to be a very general feeling in the Muhammadan community in favour of legislative protection for their endowments.

2. I sent out a short printed circular for distribution to leading Muhammadans. Of these 93 have sent written answers. None of these were opposed to legislation, and most were in favour of it.

3. The opinion of those who did not answer and of other Muhammadans generally were gathered by the Divisional officers and Tahsildars.

4. The Head Assistant reports that in Hospet eight leading Muhammadans wished for official supervision, such as obtains in His Highness the Nizam's dominions; in Hadagalli, a committee of 23 persons was formed and unanimously agreed that increased protection is necessary; in Harpanahalli five persons said they had no objection, probably not fully understanding the question; in Kúdligi, one Muhammadan village was in favour of protection (another took advantage of the opportunity to ask for endowments!).

5. In Bellary, the Muhammadans ask for an Act providing for easy supervision; those of Rayadrug go so far as to sketch an Act somewhat on the lines of the Hindu Act; in Adóni and Alúr, of fourteen persons consulted, two say they do not understand the question, three request that endowments may be continued as heretofore, four are dissatisfied with the present state of things and demand legislation, and four are glad to hear Government contemplate legislation, but hope it may be in conformity with the principles of the Muhammadan faith.

6. On the whole it seems to me the intelligent portion of the community recognizes that endowments are not sufficiently safeguarded and desires the legislative formation of supervisory committees with properly effective powers.

(Signed) J. H. A. TREMENHEERE,
Collector.

From the Acting Collector of South Canara, to the Secretary to the Commissioners of Land Revenue, dated Mangalore, 8th September 1894, No. 3210.

In reply to the Proceedings of the Board of Revenue, dated 13th June 1894, No. 255 L.R., I have the honour to report as follows.

2. The Muhammadans who have been consulted in the Head Assistant Collector's division are not in favour of legislation as their mosques are in receipt of incomes under Rs. 250, the limit fixed in the draft Bill. Of the eight principal Muhammadans consulted by the General Duty Deputy Collector, five are in favour of legislation and three are opposed to it. The Muhammadans who were consulted in Mangalore are in favour of legislation.

3. I cannot say that there is a strong feeling in favour of legislation in this district, as the idea does not appear to have occurred to the leaders of the Muhammadan community until it was suggested by Government.

(Signed) G. W. DANCE,
Acting Collector.

From the Acting Collector of the Chingleput District, to the Secretary to the Commissioners of Land Revenue, dated Saidapet, 26th October 1894, No. 2212-Ind.

Referring to Board's Proceedings, dated 13th June 1894, No. 255, I have the honour to enclose the reports of the Divisional officers enclosing letters from the leading members of the Muhammadan community in the district on the subject of legislation to secure increased protection to the religious institutions of their faith. The views of Mir Ansur-ud-din Sahib Bahadur, late Presidency Magistrate, and Nazim-ud-din Sahib Bahadur of Covelong, who were separately consulted by Mr. Thomson are recorded in communications addressed direct to the Collector.

(Signed) G. S. FORBES,
Acting Collector.

ENCLOSURES.

From the Deputy Collector in charge of Chingleput Sub-division and the Sub-Collector of the same division.	Stating that as it was found difficult to procure the opinions of the Muhammadan inhabitants of the division in writing the principal Muhammadan inhabitants were sent for and that they decided in general terms that it was not expedient to introduce any special legislation.
From Mir Sultan Mohi ud-din Sahib Bahadur, Deputy Collector, Tiruvallúr division.	
	Stating that the principal members of the Muhammadan community are in favour of legislation for the better protection of their religious institutions.

From the Deputy Collector of Saidapet division.

Stating that the two persons consulted on the subject, viz., Muhammad Ali Sahib, Khan Bahadur, retired District Forest Officer, and Muhammad Mahmud Khan Bahadur, Shrotriendar of Nandambakkam and Member of the Saidapet Taluk Board, are of opinion that legislation for increased protection to the religious endowments appertaining to Muhammadan faith is necessary.

From Nizam-ud-din Sahib Bahadur of Covelong, pensioned Tahsildar, and Mir Ansur-ud-din Sahib Bahadur, late Presidency Magistrate.

Stating that legislation for the better administration of the Muhammadan religious institutions is absolutely necessary.

From the Acting Collector of Coimbatore, to the Secretary to the Commissioners of Land Revenue, dated Coimbatore, 31st July 1894, No. 772.

With reference to paragraph 2 of G.O., dated 26th May last, No. 72, Legislative, communicated with Board's Proceedings, dated 13th June 1894, No. 255, I have the honour to report that I have consulted several leading members of the Muhammadan community both direct and through my Divisional officers and Tahsildars in the matter.

2. My Sub-Collector and Head Assistant have not submitted their reports, but I do not consider it necessary to wait for them any longer and thus delay my report, which is required to be submitted "at a very early date."

3. I enclose a memorandum containing a précis of the reports submitted by those consulted and forward, in original, the letters sent by the Sub-Registrars of Palladam and Avanashi who are educated men belonging to the Muhammadan faith.

4. It will be seen from the memorandum above alluded to that, excepting the reports from the Tahsildar of Satyamangalam and the Deputy Collector, Coimbatore division, and the views of the Khazi of this town (of which a copy is also enclosed), there is a strong and unanimous feeling in favour of legislation. As for the views held by the Khazi, he is one of the very class of persons who are found fault with and are charged with neglect of duty and misapplication and misappropriation of the endowments attached to the institutions of which they are in charge, and his arguments for non-interference on the part of Government are therefore, in my opinion, not entitled to any weight.

(Signed) R. D. BROADFOOT,
Acting Collector.

ENCLOSURES.

From Davud Khan Sahib, Mahadevi, and Muhammad Sibgathullah Chida, Sub-Registrars of Avanashi and Palladam respectively.

In favour of legislation for the better protection of Muhammadan religious institutions.

From the Tahsildar of Coimbatore ...

Submitting the views of Khazi Ghulam Mohi-ud-din Sahib of Coimbatore, against any legislative interference in the matter of the management, &c., of the Muhammadan religious institutions.

MEMORANDUM of a précis of the reports received from those consulted in regard to the necessity for legislating with a view to the protection of the religious institutions of Muhammadans.

From Hussain Rowther Bahadur, Member, Pollachi Taluk Board.

From Muhammad Taaki Hussain, Sub-Registrar of Dháripuram.

From Ghulam Rasul Khan Sahib, late Municipal Councillor, Karúr.

From Davud Khan Sahib, Mahadevi, Sub-Registrar of Avanashi.

From Muhammad Sibgathullah Chida, Sub-Registrar of Palladam.

From Muhammad Hussain Rowther Bahadur, Municipal Councillor, Erode.

From Alla-ud-din Sahib Bahadur, Municipal Councillor, Erode.

From Saiyid Abd-ul Razzaq Sahib, Sub-Registrar of Aravakurchi.

From Abd-ul Qadir Sahib, Deputy Tahsildar of Méttupálaiyam.

From Ghulam Muhammad Haider Khan Bahadur, Pensioned Police Inspector, Karúr.

From Saiyid Rasul Sahib, Stationary Sub-Magistrate of Satyamangalam.

From the Acting Deputy Collector, Kollegal Division and the Tahsildars of Bhaváni, Udamalpet, Erode, Kollegal, Karúr, Coimbatore and Pollachi.

In favour of legislation.

Reporting that the Muhammadans whom they consulted are in favour of legislation.

From the Coimbatore Division Deputy Collector and the Tahsildar of Satyamangalam.

Reporting that on enquiries made they learn that there is no necessity for legislation in regard to the Muhammadan religious institutions.

From the Acting Collector of Cuddapah, to the Secretary to the Commissioners of Land Revenue, dated Cuddapah, 11th October 1894, Dis. No. 1363-Eng.

With reference to Board's Proceedings, No. 255, dated 13th June 1894, I have the honour to inform you that some of the intelligent Muhammadan gentlemen whom I consulted and almost all the members of the Muhammadan committees in the different taluks are of opinion that legislation is necessary.

(Signed) J. HEWETSON,
Acting Collector.

From the Acting Collector of Ganjam, to the Secretary to the Commissioners of Land Revenue, dated Chatrapur, 14th November 1894, No. 844-Eng.

In reply to Board's Proceedings, No. 255, dated 13th June 1894, I have the honour to state that my Principal and Senior Assistant Collectors report that the Muhammadan community in their divisions desire legislation with a view to the protection of their religious institutions. The General Deputy Collector reports that the Muhammadans in his division do not desire any legislation, and the Head-quarters Deputy Collector states that there are no competent Muhammadans in his division to give any opinion on the subject.

(Signed) C. J. WEIR,
Acting Collector.

From the Collector of the Gódávári District, to the Secretary to the Commissioners of Land Revenue, dated Cocanada, 9th October 1894, No. 3695-Ver.

Referring to Board's Proceedings, dated 13th June 1894, No. 255, I have the honour to report that the leading members of the Muhammadan community in this district, with the exception of a small section, advocate legislation for the protection of their religious institutions on the lines of the Hindu Temples Bill with the following modifications. The dissenters are chiefly the present trustees, whose questionable conduct it is that induces the large majority of Muhammadans to uphold legislative interference.

(a) In consideration of the poverty of the Muhammadans, the minima per annum fixed in section 6 (e) in the case of income (Rs. 500), rent (Rs. 100) and municipal or local taxes (Rs. 25) may be respectively reduced to Rs. 150, Rs. 25 and Rs. 8.

(b) For the same reason as in (a), the minima similarly fixed in section 8 (e), viz., Rs. 300, Rs. 30 and Rs. 10 may be reduced to Rs. 75, Rs. 8 and Rs. 3. Further, in consideration of the backwardness of Muhammadans in education, the voter who should, under this clause, be a University graduate, may be required to have passed the Matriculation or some other equivalent examination of an Indian University.

(c) Legislation should be applied to all kinds of religious as well as charitable institutions including endowments founded for the upkeep of tombs, &c.

(d) Legislation should be extended to all institutions irrespective of the amounts of their income, because, it is said, that, unlike Hindu temples in small villages maintained solely by the daily offerings of a limited number of people who take care that their offerings are not misappropriated, all Muhammadan institutions are maintained, not by daily offerings, but by endowments of land, &c., and as on this account the scope for misappropriation exists in all institutions alike, protection by legislation is required. The difficulties involved in this wide application of law, if any, may be met by the constitution of sub-committees for the control of the small institutions within defined local areas. They further add that the members of the proposed sub-committees would need no pecuniary remuneration as their religious feelings will be sufficient incentive to act on the committees.

2. Another proposition is that they would have the trustees under the control of a district committee which should have power to appoint and remove them.

3. Now that the Madras Hindu Temples Bill has been vetoed by the Government of India, I believe there is no need to go into the merits or demerits of the above proposals.

(Signed) W. J. H. LE FANU,
Collector.

From the Acting Collector of Kurnool, to the Secretary to the Commissioners of Land Revenue, dated 18th October 1894, No. 103-C.

In reply to Board's Proceedings, No. 255, dated 13th June 1894, Land Revenue, I have the honour to report that the Muhammadan community consulted is of opinion that legislation is desirable to protect Muhammadan religious endowments; but it appears to me inadvisable as the whole subject is surrounded by many difficulties and I understand that the Government of India has disapproved of the proposed legislation with regard to Hindu religious endowments.

(Signed) C. M. MULLALY,
Acting Collector.

From the Acting Collector of Madras, to the Secretary to the Commissioners of Land Revenue, dated 11th September 1894, No. 2500.

In reply to the Proceedings of the Board of Revenue (Land Revenue), No. 255,

- (1) Moulvi Ghulam Nabi-ullah Ahmad Sahib, Shia Khazi of Madras.
- (2) Ali Dost Khan Bahadur.
- (3) The Hon'ble Muhammad Hasain Ali Khan Bahadur.
- (4) Moulvi Khazi Obaydulla Sahib, Sunni Khazi of Madras.
- (5) Muhammad Mahmud Khan Bahadur.
- (6) Saiyid Nizam-ud-din Sahib, B.A., B.L., High Court Vakil and Secretary to Central Muhammadan Association.

dated the 13th June 1894, I have the honour to state that the six Muhammadan gentlemen noted in the margin, who are said to represent certain considerable section of that community, were consulted on the subject and their replies are enclosed.

2. The first three are of the Shia sect, of whom the first two consider that no legislation is necessary in their behalf as the number of Muhammadans

religious institutions is too small for such action, while the third gentleman expresses himself unable to give any opinion definitely for want of full information in the matter. The remaining three gentlemen are of the Sunni sect and they are in favour of the proposed legislation, and have also sent in a copy of a resolution for a public meeting on the subject in support of their view.

(Signed) E. TURNER,
Acting Collector.

ENCLOSURES.

Letters from the persons referred to in the above letter.

From the Acting Collector of Madura, to the Secretary to the Commissioners of Land Revenue, dated 18th January 1895, Dis. No. 117.

Adverting to Board's Proceedings, No. 255, dated 13th June 1894, I have the honour to report that eleven leading Muhammadans in the district were requested to state their views either collectively or individually as to the necessity for legislating with a view to afford increased protection to the religious endowments appertaining to the Muhammadan faith. Eight of these have sent in their replies. The marginally-noted persons state that the present management of Muhammadan religious institutions by the trustees is far from satisfactory; that the endowments in land have in many cases been alienated by sale, mortgage, &c.; and that the provisions of Act XX of 1863 are insufficient to prevent such mismanagement. They are, therefore, in favour of legislating to give increased protection to the endowments.

2. They suggest—

- (1) that the members of the committee should be appointed by selection by the District Judge and Collector jointly and not by election;
- (2) that the members should hold office for a fixed period and not for life;
- (3) that any person who obtains permission in the District Court to sue against any member or trustee on account of embezzlement, loss, &c., of trust funds, should be exempted from payment of stamp duty for the plaints to be filed by him;
- (4) that the revenue authorities should periodically examine the accounts of receipts and expenditure of incomes appertaining to all religious institutions.

3. The two persons noted in the margin do not think any additional legislative measures are necessary. Of these two,

- (1) Saiyid Abd-ul Latif Muhi-ud-din Khadari, one is a Muhammadan priest and the other is the Town Khazi of Madura and they are trustees of some religious institutions and persons who probably fear that their present position will be affected by any fresh legislation.
- (2) Saiyid Abd-ul Qadir Ibrahim Sahib, Town Kazi, Madura.

4. There does not seem to be any very strong feeling on the subject here. One of the first replies I received was a request to ascertain what was thought about the matter by Muhammadans in Madras, as my correspondents had no opinion to give until they knew what their co-religionists in Madras wanted.

(Signed) L. C. MILLER,
Acting Collector.

From the Acting Collector of Malabar, to the Secretary to the Commissioners of Land Revenue, dated Calicut, 2nd October 1894, No. 1463-P.-Gl.

With reference to the Board's Proceedings, dated 13th June 1894, No. 255, I have the honour to state that the following members of the Muhammadan community have been consulted as to the necessity for legislating with a view to the protection of their religious institutions :—

- (1) Ali Raja of Cannanore.
- (2) Saiyid Umar Koya Tangal, Quilandi.
- (3) Muthu Koya Tangal, Calicut.
- (4) The Kondotti Tangal.
- (5) The Ponnani Tangal.
- (6) Himayathul Islam Sabha, Calicut.
- (7) Vice-President, Islam Sabha, Tellicherry.
- (8) P. Koonjayan, Stationary Sub-Magistrate, Palghat.
- (9) Muhammad Khan Sahib, Sub-Assistant Inspector of Moplah Schools.

A précis of the replies received is subjoined :—

No. 1, *Ali Raja of Cannanore*.—So far as protection against waste or mismanagement is concerned, Muhammadan institutions possessing property or endowments large enough to claim that protection should, when they are public, receive the same attention as kindred Hindu institutions. Hindu religious institutions and Muhammadan religious institutions should be dealt with in separate enactments. Private mosques, *i.e.*, mosques owned by private individuals or families, should be excluded from the provisions of the proposed enactment; committees appointed for management should be denominational, Sunnis being selected for Sunni and Shias for Shia institutions; the members of the committee should not be heterodox in their convictions or practices. There are hardly any public mosques in North Malabar; the mosques are, as a rule, maintained mainly by voluntary, though precarious, contributions; in the matter of endowments the mosques are generally poor.

Nos. 2, 3 and 5 state that there is no necessity for a legislative enactment.

No. 4 has not yet replied to the reference from this office.

No. 6, *Himayathul Islam Sabha, Calicut*.—The members of the Sabha are divided in opinion as to whether an enactment is necessary or not, but the majority are against legislation. In the opinion of those in favour of the proposed enactment, most of the mosques were originally endowed by their founders with sufficient property for their maintenance, but the property is now misappropriated by the mosque servants and necessary steps are not taken for the repair, &c., of mosques. Those against the proposed legislation state that no inconvenience has hitherto been felt in this district owing to the want of an enactment; that the mosques have no large property attached to them; that the committee appointed in 1884 considered an enactment unnecessary; and that there are no sufficient grounds at present for the proposed measure.

No. 7, *Branch Sabha at Tellicherry*.—The Sabha has held no meeting for the past two years. The Vice-President was therefore unable to ascertain its views; he considers, however, an enactment necessary as the property attached to the mosques is misappropriated by the mosque servants.

No. 8, *M.R.Ry. P. Koonjayan*.—There are very few Muhammadan institutions in the district having endowments attached to them. They are of two kinds, *viz.*,—

- (a) those created by private individuals and managed by their descendants, &c., and,
- (b) those created by the former Muhammadan rulers of the district and continued by the British Government. (These are managed by the descendants of the original trustees.)

An enactment is necessary to prevent misappropriation of mosque property.

No. 9, *M.R.Ry. Muhammad Khan Sahib*.—Mosques endowed with immovable property are very few; the income derived from such property is inadequate to meet the pay of the mosque servants, the daily expenses of the mosque and the cost of its repairs; the Muhammadan religious institutions in Malabar are poor; an enactment is therefore not necessary.

2. As the several opinion appears to be opposed to protective legislation, it is not, in my opinion, necessary to legislate for this district.

From the Collector of Nellore, to the Secretary to the Commissioners of Land Revenue, dated 13th September 1894, No. 3010-Ver.

In reply to Board's Proceedings, No. 255, dated 13th June 1894, I have the honour to submit in a tabular form the result of inquiries made as to the wishes of the Mussalman population for legislation in respect of their religious institutions. It will be seen that opinion is divided.

(Signed) S. H. WYNNE,
Collector.

ENCLOSURE.

- | | |
|--|--|
| (1) Sub-Collector | The Muhammadans in this division are generally in favour of legislation. |
| (2) Head Assistant Collector | The people are strongly in favour. |
| (3) Saiyid Mustafa Sahib, Tahsildar of Atmakur, and at present Deputy Collector. | } Stating that legislation is necessary. |
| (4) Davud Ali Khan Sahib, grandson of the ex-Jagirdar of Udayagiri. | |
| (5) Haji Saiyid Abd-ul Qadir, Khadri, landholder. | |
| (6) Deputy Collector, Nayadupeta | } Reporting that the principal members of the Muhammadan community are not in favour of legislation. |
| (7) Head-quarter Deputy Collector | |
| (8) Pirjadu of Anamasamudrampett | } Stating that legislation is not required. |
| (9) Moulavi Muhammad Assad-ud-din Sahib, Khazi of Nellore district. | |
| (10) Haji Muhammad Bahamtullah Sahib, a rich land-holder and President of Nellore. | } Is of opinion that matters connected with the Muhammadan religious communities should not be clubbed with those of the Hindus and that the Act XX of 1863. will meet all requirements if sections 5, 7, 12 and 18 are amended. |

From the Collector of Nilgiris, to the Secretary to the Commissioners of Land Revenue, dated 23rd August 1894, Gl. Dis. No. 112.

With reference to Board's Proceedings, dated 13th June 1894, No. 255, I beg to report that I have ascertained the views of the principal members of the Muhammadan community in this district as to the necessity for legislating with a view to the protection of their religious institutions. They say that there are no institutions in this district with such large endowments as to warrant legislation in view to their protection. Some of the gentlemen are, however, of opinion that the introduction of legislative measures is necessary in other districts where irregularities in respect of the administration of large endowments may perhaps occur.

(Signed) J. D. REES,
Collector.

From the Collector and District Magistrate of Salem, to the Secretary to the Commissioners of Land Revenue, dated 10th October 1894, No. 1707 M.

With reference to paragraph 1 of the resolution, dated 13th June 1894, No. 255, requesting Collectors to ascertain and report the views of the principal members of the Muhammadan community as to the necessity for legislating with a view to the protection of their religious institutions, I have the honour to report that references were made to 9 official and 27 non-official Muhammadan gentlemen in this district.

2. Eight officials, excepting the Sub-Registrar of Ómalúr, replied, and out of them the undermentioned officers—District Munsif, Námakkal, Police Inspector, Námakkal, Range Officer, Námakkal, Tahsildar, Hosúr, Sub-Registrar, Harúr, Sub-Registrar, Tiruppattúr, are in favour of legislation to protect their religious institutions. The Tahsildar, Hosúr, and the Sub-Registrar, Tiruppattúr, also assert that they are personally aware of the endowments not being appropriated to the objects for which they were originally assigned. The Inspector of Krishnagiri has refrained from giving any opinion, pleading ignorance in the matter. The Inspector of Police, Harúr, has stated that he is of opinion that the progress of events since 1884 does not show the necessity for legislation to protect religious endowments.

3. Only 11 out of the 27 non-official members replied. Every one of them is in favour of legislation to protect the religious institutions. The Mittahdar of Vanoo-hally, Krishnagiri, and Abd-ul Latiff Sahib, Second-grade Pleader, Tiruppattúr, allude to mismanagement of religious institutions for want of legislation and approve of the draft Act for the Hindus with some modifications for the Muhammadans.

The modifications proposed are chiefly in reference to—

- (i) Annual income of the institutions that should be dealt with under the Act.
- (ii) Qualifications of the Muhammadans that are entitled to vote.

4. It seems of no use to wait any longer for the replies from others. I have therefore herewith forwarded in original all the replies received in my office.

(Signed) G. STOKES,
Collector and District Magistrate.

ENCLOSURES.

From Mir Muhammad Sahiba Sahib, Mittahdar of Vanoo-hally, Krishnagiri.
From Abd-ul Latiff Sahib, Second-grade Pleader.
From Muhammad Khan Sahib, Khazi, Hosúr.
From Davud Khan Sahib, Member, Union Panchayat, Krishnagiri.
From Qadir Husain-ud-din, Khazi at Námakkal.
From Khazi Mir Zainulal-ud-din Husain, Krishnagiri.
From Mir Muhammad Habib-ullah, Krishnagiri.
From Saiyid Shah Haidar Ali, Town Khazi of Dharmapuri.
From Alkhan Sahib, Municipal Council, Vániyambádi.
From Saiyid Raja Mujain Sahib, Municipal Councillor, Tiruppattúr and Chotabha Sahib, Tiruppattúr.
From Saiyid Taj-ud-din Sahib Bahadur, District Munsif of Námakkal.
From Muhammad Raza Husain Sahib, Inspector of Police, Námakkal.
From Ahmad Hussain, Forest Range Officer, Námakkal.
From Muhammad Yakub Sahib, B.A., Tahsildar of Hosúr.
From Sullim Mohid-ud-din Sahib, Sub-Registrar of Tiruppattúr.
From Saiyid Abd-ur Rasul Sahib, Sub-Registrar of Harúr.

In favour of legislation to protect their religious institutions.

From Guffur Khan Sahib, Inspector of Police, Krishnagiri. { Refraining from giving any opinion, pleading ignorance in the matter.
From M. Muzaffar Khan, Inspector of Police, Harúr. { Stating that there is no need for legislation to protect Muhammadan religious endowment.

From the Acting Collector and District Magistrate of Tanjore, to the Secretary to the Commissioners of Land Revenue, dated 21st September 1894, No. 2350-Ver.

Adverting to Board's Proceedings, dated 13th June 1894, No. 255, I have the honour to state that, except a few Muhammadans who, as trustees, managers or superintendents, are interested in seeing that the institutions in their charge are not brought under legislative enactment, the leading members of that community, official and non-official, who have been consulted in the matter, are unanimously of opinion that, as the religious endowments appertaining to their mosques, &c., are not properly managed, and as the defects as to supervision and control in Act XX of 1863, in consideration of which amendment is proposed, tell upon Muhammadan equally with Hindu institutions, fresh legislation is necessary for affording increased protection to the endowments. My experience is all in the same direction.

(Signed) J. THOMSON,
Acting Collector and District Magistrate.

From the Acting Collector of Tinnevely, to the Secretary to the Commissioners of Land Revenue, dated 6th October 1894, No. 2331-G1.

In reply to Board's Proceedings, No. 255, dated 13th June 1894, requesting to report the views of the principal members of the Muhammadan community as to the necessity for legislating to protect their religious institutions, I have the honour to state that the leading members of that community, who were consulted, are unanimously of opinion that their institutions are now very badly managed by the present committee and that protective legislation similar to that now under consideration for Hindu temples is highly necessary.

(Signed) B. MACLEOD,
Acting Collector.

From the Acting Collector of Trichinopoly, to the Secretary to the Commissioners of Land Revenue, dated 8th November 1894, Dis. No. 2664-Ind.

With reference to the Board's Resolution, dated 13th June 1894, No. 255, L.R., I have the honour to report that there are comparatively few leading Muhammadans in this district except in Trichinopoly. The principal members and two societies in Trichinopoly town (the "Muhammadan Literary Institution" and the "Anjuman") have been consulted and their views ascertained. They are of opinion that the present provisions of Act XX of 1863 are insufficient; that many religious institutions are mismanaged and funds misappropriated by the trustees; and that legislation on the lines indicated in the draft Bill is desirable. They state that most of the institutions are under the management of the trustees described in section 4 of the Act, and that they are not under the control of the committee appointed under the Act and they recommend that the distinction between the trustees referred to in section 3 and those referred to in section 4 should be done away with and that all the trustees should be made subject to the control of the committee. I enclose the two letters received from the two societies.

(Signed) J. ANDREW,
Acting Collector.

ENCLOSURE.

From the Secretary to the Muhammadan Literary Institution, and the Anjuman, stating that legislation for the better management of the Muhammadan religious institutions is highly desirable, and suggesting certain modifications in the draft Hindu Religious Endowments Bill to suit it to the circumstances of their religious institutions.

From the Acting Collector of the Vizagapatam District, to the Secretary to the Commissioners of Land Revenue, dated 2nd November 1894, Dis. No. 1922.

With reference to the Proceedings of the Board of Revenue, dated 13th June 1894, No. 255, I have the honour to report that the principal members of the Muhammadan community of this district are of opinion that legislation is necessary for the protection of their institutions, as the endowments thereof are often alienated by mortgage, sale or otherwise, but I myself do not agree with them.

(Signed) F. D. A. O. WOLFE-MURRAY,
Acting Collector.

From the Honorary Secretary in charge of the Anjuman Anjumani Mufid-i-Ali-Islam, Madras, to the Secretary to the Commissioners of Land Revenue, dated 14th August 1894, No. 111.

In continuation of my letter, dated 8th August 1894, No. 105, I have the honour to forward a copy of the Proceedings of a meeting held at the Anjuman premises on the 11th instant and to request that you will be good enough to send me a copy of the Government Order referred to in the above Proceedings and also any paper connected with the subject.

(Signed) MUHAMMAD MUNIR,
*Hony. Secy., Anjuman Anjumani
Mufid-i-Ali-Islam.*

ENCLOSURE.

PROCEEDINGS of the meeting held at the Anjuman Anjumani Mufid-i-Ali-Islam, Madras, held on the 11th August 1894 at 5-15 P.M.

Present :

SAIYID MUHAMMAD SAHIB, *Chairman.*
SHAMSUL ULMA HAFIZ MUHAMMAD LUTIFULLAH SAHIB.
Colonel T. O. UNDERWOOD.
MUHAMMAD MUNIR SAHIB, B.A.
The Hon'ble MUHAMMAD HASAIN ALI KHAN, Bahadur.

Resolved that legislation for the protection of Muhammadan religious endowments is necessary. The Prince of Arcot is also of this opinion (*vide* copy of letter, dated 7th August 1894); a copy of the Proceedings of the Board of Revenue (Land Revenue), dated 13th June 1894, No. 255, will be sent to the Prince of Arcot, who wishes to have it translated into Urdu. The Government are requested kindly to send a copy of G.O., dated 5th February 1884, No. 58, Legislative, to the Anjuman Mufid-i-Ali-Islam, Madras.

From the Secretary, Central Muhammadan Association, Madras, to the Secretary to the Commissioners of Land Revenue, dated Triplicane, 20th August 1894.

With regard to the Board's Proceedings, dated 13th June 1894, No. 255, and the report and the draft Bill of the Hindu Endowments Committee kindly sent to the association with a view to an expression of its opinion as to the necessity of protective legislation concerning Muhammadan religious institutions, I have the honour to inform you that a general meeting of the association was held on the 18th instant under the presidentship of Muhammad Mahmud Khan Bahadur, when the following resolution was unanimously passed after a lengthy discussion :—

"Proposed by S. Nizam-ud-din Sahib, B.A., B.L., and seconded by Haider Shariff Sahib, B.A., B.L.—

"That this association is of opinion that legislation is necessary for the better management and protection of Muhammadan religious institutions in this presidency and requests Government to kindly favour the association with the amended or the new Bill, if any, previous to its presentation in council in order to enable the association to see how far it is consistent with Muhammadan law and usages on the subject."

(Signed) S. NIZAM-UD-DIN SAHIB,
Secretary, Central Muhammadan Association.

Resolution—dated 19th June 1895, No. 200.

When submitting to the Government of India a draft Bill for the better management of Hindu religious endowments in this Presidency, the Local Government wished to ascertain whether there was any necessity for legislating for the better protection of Muhammadan institutions of the same character, and directed the Board to make early and complete enquiries with the object of ascertaining the views of the principal members of the Muhammadan community on the question. The papers read above, which are the replies of Collectors and of two Muhammadan associations at Madras, to whom reference was made, will now be submitted for the information of Government with the following remarks.

2. After the enquiries had been started, the Government communicated the orders of the Government of India declining to sanction the introduction into the local Legislative Council of the Bill for the better administration of Hindu religious endowments, on the ground that it provided for executive interference by the Government or its officers with the religious concerns of the people, and that it was to that extent inconsistent with the principles embodied in Act XX of 1863. The Bill has accordingly been returned to the Hindu Religious Endowments Committee for revision and for removal, if possible, of the provisions objected to by the Government of India.

3. It being thus uncertain in what form the Bill for the better management of Hindu religious endowments will eventually be brought forward, it is obviously unnecessary to enumerate or discuss the alterations, which have been suggested in the replies now submitted, in view to adapt that Bill to the circumstances of Muhammadan institutions. The only points for consideration are—

(1) Whether any amendment of Act XX of 1863, which provides for mosques as well as for Hindu temples, is called for; and, if so

(2) What are the defects in that Act which require to be remedied in view to make it more effective.

4. So far as the votes of the Muhammadans themselves can be gauged, a narrow majority has declared in favour of legislation, while it is noticeable that the minority includes certain trustees of institutions who have everything to lose by fresh legislation. On the other hand, Mr. Nicholson, Collector of Anantapur, is of opinion that any interference by Government in the direction of the proposed legislation would be resented by the people as a slur on their religious fervour, and Mr. Power, as Collector of North Arcot, states that legislation is advocated only by Muhammadans of what may be called the "new school," but not by the bulk of the community. The Collector of Madura, Mr. L. C. Miller, points out that the local Muhammadan gentlemen have no opinion of their own, but merely echo that of their co-religionists at Madras, while Mr. Dance, as Collector of South Canara, reports that the question of legislation was never considered in that district until the Government called for a report.

5. Turning to the second question, one important defect in Act XX of 1863, which is noticed by the advocates of legislation, is that it excludes from the supervision and control of the committees, appointed under the Act, such institutions as have been under the management of hereditary trustees from before 1863; and these are stated to form the bulk of the existing Muhammadan institutions. The Act is also considered defective in that it does not sufficiently define the powers and duties of trustees and members of committees. The result is stated to be that the endowments are not applied to their legitimate objects, but have been either alienated or are divided and sub-divided like private property among the members of the family to which the trustees belong, leaving the institutions to which these endowments are attached to fall into decay.

6. The opponents of legislation, on the other hand, urge the following arguments :—

(1) that the Muhammadan religious institutions are not so large or numerous as Hindu temples;

(2) that Act XX of 1863 provides sufficient remedies for the prevention of malversation; and

(3) that what is wanted is not a legislative enactment like the one proposed, but the necessary public spirit to put in motion the machinery provided in the existing Act and that the want of such a feeling will render nugatory any fresh enactment however excellent.

Finally they draw attention to the fact that the Hindu Religious Endowments Committee appointed in 1884 considered that special legislation for protecting Muhammadan religious institutions was unnecessary, and urge that the progress of events since that year has not been such as to demonstrate the necessity for the proposed legislation.

7. On a careful consideration of the Collectors' replies, the Board is of opinion that there does not exist any such "strong feeling in favour of legislation" as would justify the Government in bringing a Bill before the Legislative Council. That the leading Muhammadans in Madras itself desire legislation is not to be wondered at, seeing that Act XX of 1863 is practically useless to them, but the general feeling, if it exists at all, does not appear to the Board to be strongly declared either one way or the other. If the Hindus obtain a revised Religious Endowments Act which is found to work well in practice, the Muhammadans will be in a position to apply for a similar enactment, but until then no steps need, in the Board's opinion, be taken to legislate for the protection of their religious institutions.

(True Extract.)

(Signed) R. C. C. CARR,
Acting Secretary.

To the Chief Secretary to Government, Legislative Department,
with a bundle of replies, in original to be returned, and a
copy of Board's Proceedings, dated 13th June 1894, No. 255.

" all Collectors.
" the Secretary, Anjumani Mufid-i-Ali-Islam.
" the Secretary, the Central Muhammadan Association.

ORDER—dated 4th September 1895, No. 86, Legislative.

Recorded.

(True Extract.)

Ag. Under Secy. to Govt.

To the Board of Revenue (Land Revenue), with enclosures.
" Public Department.

End. Rajagopal.

for copying

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No.

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