Revenue Department

No 211

Dated 16-2-1859

No. 3. Read the following Remarks of the Board of Revenue, dated 8th January 1859, on a lapsed Yeomiah, No. 91.

No. 5649, from the Collector of Trichinopoly, 10th in Consultation 27th December 1858.

The Yeomiah referred to in the above report was originally granted in Hegira 1156, A. D. 1743, to Syed Meeran, Kateeb of the Ullookabundy Mosque in the Fort of Trichinopoly as appears from a "takeed" of the above date, in which allusion is made to a Purwanah, which is not now forthcoming. In Hegira 1169, A. D. 1756, the grant was renewed in favor of the Mosque by an Enoyetnamah, purporting to have been issued by Nawab Oom-dut-ool Umrah, which was submitted to Government in 1831 with the Board's recommendation for the continuance of the grant to the late incumbent, Mahomed Ghouse, adopted son of the former Kateeb. Its renewal was accordingly sanctioned provided his claim "to succeed to the office was undisputed."

To Govt. 3rd January 1831. *From do 21st in Con. 24th January* 1831, *No. 64, R. D.*

2. Mahomed Ghouse having held the office for a period of 27 years and performed the service for which the allowance was granted, the Board concur with the Collector in recommending its continuance to his eldest son Syed Abdul Rahimon on condition that he engages a substitute to perform the service until he attains his majority.

(By Order.)

(Signed) J. D. SIM, *Secretary.*

No. 4. Remarks of the Board of Revenue, dated 15th January 1859, on a Tabular report from the Acting Collector of Salem, dated 22d December 1858, on a lapsed Yeomiah, No. 169.

(In Con. 28th December 1858, No. 5842.)

An annual allowance of Rupees 60, granted by Nawab Wallajah for defraying the expense of lighting a Mosque at Mullapaudy, was continued to Syed Boodeen and Syed Hoossain, the grandsons of the brothers of the original grantee, under the sanction conveyed in the letter from the Chief Secretary to Government, dated 29th May 1832, No. 497, R. D. Syed Hoossain, a recipient of one half of the allowance, died on the 30th May 1858, leaving a widow but no issue. The condition on which the yeomiah was originally granted being fulfilled, the Board concur with the Acting Collector in recommending that the share enjoyed by the deceased, viz. Rupees 30 per annum, should be continued to his widow.

In Con. 4th June 1832.

(By Order,)

(Signed) J. D. SIM, *Secretary.*

No. 5. ORDER THEREON, No. 211; dated 16th February 1859.

1. The Government concur in the Board's recommendation contained in the former of the two Extracts from their Proceedings recorded above, and sanction the continuance of the lapsed allowance Rupees (147) one hundred and forty seven per annum to *Saiyad Abdul Rahiman*, eldest son of the late incumbent *Ghulám Ghaus*, Khatíb or preacher in the *Kabádi* Mosque within the Fort of Trichinopoly. The condition proposed in para. 2 is approved.

2. With regard to the Salem Yomiah for defraying the expense of lighting the *Mallapádi* Mosque, the Government are of opinion that the order dated 29th May 1832 did not contemplate the sub-division of the allowance into two distinct shares; and they consider that to pursue such a course would be detrimental* to the institution for the benefit of which the allowance was granted. The Yomiah will now stand registered in the name of *Saiyad Búdan* alone, the surviving joint holder under the order of Government quoted above.

* *Vide Cr. Bd. Rev. vol* 1 *p.* 463, *note* 1.

3. While these two cases have been under consideration, the Government have been led to refer to the orders which have been issued by the Home Authorities from 1839 to the present time, with a view to the permanent severance of the connection of Government with Native

religious institutions. And they have come to the conclusion that allowances like those respecting which orders have now been passed, one for the salary of a preacher in a Mosque, another for lighting a similar edifice, are virtually endowments of the institutions with which they are connected, and as such, come within the category of the "money disbursements to Pagodas, &c," which the Honorable Court of Directors have ordered should be commuted into land.

4. It does not appear that the subject of the commutation of these allowances has been specially discussed by Government. The Governor in Council accordingly resolves to direct the Board of Revenue to include such allowances in the enquiry which they have been directed to make in Extract Minutes Consultation 11th September 1856, and 16th August 1858; and to report in each case whether, if the grant was originally in land, that land cannot be regranted in lieu of the money payment; and where the grant has always been in money whether an assignment of land cannot now be given in lieu.

5. It would be still more advantageous to commute the allowances to a lump money payment once for all, should it be found practicable to adopt such a course consistently with a due regard for the interests of the institutions. It has already been sanctioned in the case of some Pagoda allowances in Guntoor.

(Signed) J. D. BOURDILLON,
Secretary to Government.

I accompany Rev. 31 & 58

Memorandum -

In a letter dated 10th June 1839, the Government of India forwarded to the Madras Government a copy of a letter to the Government of Bombay and requested that the principles therein laid down, might be acted upon in the Madras Presidency. These were that whenever it might be easily and safely accomplished, — that interference on the part of — Government with any particular temple, place of worship, or pil= =grimage, which has been so strongly objected to, should cease. And the General way in which this cessa= =tion was to be brought about was, that the administration of the affairs and funds of such institutions, — should be vested in individuals professing the faith to which the institutions belonged: they being

responsible

responsible together with their Subordi-
-nates to the Courts of Justice, for
the due performance of their duties.
On May 3d 1841 the Government
of India transmitted a further
communication on the subject.
Their letter gave cover to a Des-
-patch from the Honorable
Court of Directors to the effect
that "the measures which have
now been carried out for the
withdrawal of all Government
interference in Native Re-
-ligious institutions in every
other part of India, should
now without delay be carried out
in Madras."

The subject was accord-
-ingly taken in hand; and in
September 1843 after a lengthened
correspondence between the Ho-
-norable Court, the Govern^t
of India, ~~the~~ Government,
the Board of Revenue, and
Collectors

Collectors of the several Districts
the Government were enabled to
express their gratification at an
intimation conveyed in Ex: Proc.
Board of Revenue 17th August
1843 of "the total withdrawal
of all interference on the part of
Gov^t with Native religious
institutions throughout the
whole of the Presidency".

Such withdrawal was effected
in accordance with the principle
laid down at first - of vesting
the Pagoda property in Trustees
responsible to the Courts for the
performance of their trusts, and
leaving to those trustees the entire
management of the expenditure.
But in a few instances certain
landed Endowments belonging
to Pagodas, remained under
the charge of the Officers of
Government. And the Jaedik,
or money allowances were still
disbursed

disbursed from the Government Treasuries to the Trustees of Pagodas.

The spirit of the orders of the Honorable Court which have from time to time been passed on the subject since the year 1843, has been that all the lands should be made over unreservedly, and that the money allowances should be commuted to land of equivalent value.

When the Despatch in the Revenue Dep^t. N°. 41 of 1856 was penned, the religious endowments in land, under the management of Officers of Gov^t. only existed in four Districts, and in that despatch, the Gov^t. detailed the measures which had been taken to sever the Gov^t. connection with the endowments in those Districts.

The

dated 12th May 1858 N°26.

The Honorable Court were likewise informed that the Board of Revenue had been instructed to obtain a special report from all Districts in which disbursements of money to Pagodas &c. were made, shewing to what extent the ancient landed endowments could be traced, and whether they could be restored on new assignments of land made in their place. The Court in reply, desired that the enquiry might be prosecuted without delay.

The above Summary shews the spirit of the orders of the Home authorities, in respect to the connection of Government with native religious institutions. The two drafts circulated for ~~orders~~ approval with this Memorandum are in reply to recommendations of the Board of Revenue for the continuance of two Yearly or ready money allowances, one for the Salary of a Preacher in a Mosque, and the other for lighting a similar institution.

It

It appears to me that all such allowances are virtually endowments of the religious institutions with which they are connected, and by consequence, come within the category of the "Money Disbursements to Pagodas &c" which the Home authorities consider should be commuted to Land.

It does not appear that the subject of these allowances has been specially discussed by Government.

The course which would now appear proper, should the Government be of opinion that the said Peonial disbursements are really endowments of religious institutions, is to instruct the Board of Revenue to include them in the enquiry which they have been directed to make in Extract Mins. Cons. 11 Sept 1856 and 16 Aug 1858; and report whether they can be exchanged for the land instead of which they were originally given, supposing such to have been the case; or if not, whether new assignments of Land cannot be given in lieu of them.

It would be still more advantageous to commute the allowances to a lump money payment once for all. should such a course be deemed proper. It has already been sanctioned in the case of some Pagoda allowances in Guntoor.

Sd. 18 Dec 1856 & 13 Aug 1858.

W.K. Jan 27.

2nd - Should the foregoing be approved by Govt - the best plan of disposing of these two cases, both, will be by inserting both in one order, with ——— as to Para - on the general question of commutation into Land -

W.K. Jany 28.

I have no doubt on the point - that Govt. should fix itself a fair rate of payment - & should communicate them for land as well as a sum of money -

To commute the money payment for land is fair enough - but decidedly I would like to get land back as the fairer & easier payment like at present -

To give a sum of money absolute - is the very worst - Giving a stock of ready money while the Govt. under Regulation 17 - takes away legally the right - that they have to - is no wisdom - why they should do this - Well.

C 28th January 1823 Folio 69 to 114

Cancelled

Read the following Extract from the Proceedings of the Board of Revenue.

Fort Saint George 8 Jan 1859 No 61.

The Govt. sanction the continuance of the lapsed allowance Rs (147) one hundred and forty seven per annum to Saiyad Abd al Rahiman, eldest son of the late incumbent Ghulam Ghaus, Khatib, or preacher in the Kabáki Mosque within the Fort of Trichinopoly.

The condition proposed by the Board in Para 2 is approved.

W.R. Jan 13.

Rev Deptt

No. 211

Extract from the Minutes of Consultation
Under date the 16th February 1859.

Read the following
Extracts from the Proceedings
of the Board of Revenue.

(Honorable 8th & 16th Jany/59 No. 91 to 97)

A

1 The Government
concur in the Board's recom-
mendation contained in
the former of the two Extracts from their
proceedings recorded above,
and sanction the continu-
ance of the Lapsed
allowance Rs. 147/ one
hundred and forty seven
per annum to Saiyad
Abdul Rahiman, eldest
son of the late incumbent
Shulám Shaw, Khatib
or preacher in the Kabáïe
Mosque within the Fort
of Trichinopoly. The con-
dition proposed in Para 2
is

28th Jany/58 4th Feby Cq. 4th

been specially discussed by Government. The Governor in Council accordingly resolves to direct the Board of Revenue to include such allowances in the enquiry which they have been directed to make in Gº Mint Cons. 11th Sept. 1856 and 16th August 1858; and to report in each case whether ~~it be proper that the grant of which they are specially given, be superseded by the grant of land, whether any such grant of land be~~ of the grant was originally in land, that land cannot be resumed in lieu of the money payment; and where the grant has always been in money whether an assignment of land cannot now be given in lieu.

5. It would be still more advantageous to commute the allowances to a lump money payment once for all, should it be found practicable to adopt such a course consistently with a due regard for

for the interests of the institutions. It has already been sanctioned in the case of some Pagoda allowances in Tanjore.

M.R.
7.6.9.

3 Copies to the Bd of Revs Dated 17th
1 " Account General
1 " Cust Admr

is approved.

2 With regard to the Salem Yomiah for defraying the expense of lighting the Mallapáár Mosque, the Government are of opinion that the order dated 29th May 1832 did not contemplate the subdivision of the allowance into two distinct shares, and they consider that to pursue such a course would be detrimental to the institution for the benefit of which the allowance was granted. The Yomiah will now stand registered in the name of Saiyad Budar alone, the surviving joint holder, under the order of Government quoted above.

3 While these two cases have been under consideration, the Government have been led to refer to the orders which have been issued by the Home authorities

* Vide Cx B.R. Rev. vol. 1. p. 163 note 1.

authorities from 1839 to the present time with a view to the permanent severance of the connection of Government with Native religious institutions. And they have come to the conclusion that allowances like these respecting which orders have now been passed one for the salary of a Preacher in a Mosque, another for lighting a similar institution, are virtually endowments of the institutions with which they are connected, and as such, come within the Category of the "money disbursements to Pagodas &c", which the Honorable Court of Directors have ordered should be commuted into land.

4 It does not appear that the subject of the commutation of these allowance has been

Cons. 21st Jany 1881 - Nos 27 & 29.

82/2
4/10/70
18-2-91
6-4-92
30-9-92
8-9-03
20-12-07 4/10/70
27/2/12
29/9/13
20/3/16
30-8-18

Revenue 1859 Diparts.
Do to Cons: 25th February.

No 21.

Extract Mins of Cons:
Dy 16th February 1859.

Remarks of the Board of Revs Dy 19th July 59
& No. 1370 in Cons: 18th Augt

No. 1104

Sanctioning the continuance of the lapsed allowance of Rupees 147 to Sanjad Abdul Rahuman in Trichinopoly, and directing certain Pensions in Salem to stand registered in the name of Sanjad Budan alone and that these allowances should be commuted into land. The Board to report upon the subject -

No 3 at 5.

Cy 4 July 1861