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MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1166	Press ~~Mis.~~
Dated	23 2. 18 .

Not to be folded or roughly handled

Ecclesiastical (78) Department.

ORDINARY.

G.O. No. 1166

DATED 2-7-1868

To the Hon. Secy. of the Govt.

[Despatch Abstract.]

Committing into hands of many people
Religious Institution.

Passing order on the Govt.

BACK PAPERS.

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

FURTHER PAPERS.

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

No. 5,693.

From R. A. DALYELL, Esq., Sub-Secretary to the Board of Revenue,
To J. D. SIM, Esq., Secretary to Government, R. D.

SIR,

1. With reference to the correspondence noted in the margin, I am directed by the Board of Revenue to request that Government will be pleased to enunciate the principles which they desire should guide their Officers in the commutation into land of the allowances now paid for Native religious purposes, (whether to a Pagoda or a private individual), and to declare whether the land must be waste, or whether land in occupation may be assigned. The most recent Order of Government on the subject is that under date 18th February 1861, No. 468, and the Board are therein desired to bring forward definite proposals for the commutation of certain allowances in the Madura District if they think fit to do so.

2. Although the question of the entire severance of the connection of Government with the religious institutions of the country, by the commutation of all such allowances into grants of land has been long ago decided in the affirmative, yet but little progress has been made in carrying out this important measure, chiefly in consequence, the Board think, of Collectors not having been furnished with sufficiently explicit and positive rules for their guidance. The Board direct me to request that Government will now be pleased to issue such rules, in view to their being universally applied with such slight modifications only as the peculiarities of each District may require. If Government will, therefore, be pleased to lay down the general principles under which land is to be assigned, and will sanction their at once being carried into effect with the above provision, the Board direct me to express their belief that there will be no difficulty experienced in totally discontinuing, within a limited period, all direct connection with the native religious institutions of the country.

3. It will not be out of place to give here a brief *resumé* of the history of the whole question, with the particulars of what has been done up to this time, in each District. In a Despatch of the year 1841, the late Honorable Court of Directors ordered that the connection of their public officers with the religious institutions of the country should cease, and in 1845 the Madras Government directed the management of the Devasthanum lands to be made over to the trustees of the Pagodas to which they were attached. These orders were generally acted on throughout the Presidency, and in February 1854 the Board reported that they had been carried into effect in all Districts, except in certain cases in Masulipatam, Tinnevelly, and Tanjore, where from peculiar circumstances it had been found especially difficult to do so.

4. In the same Proceedings, the Board recommended that the collection of the Kyatwary, and Porpicliay fees in Tinnevelly, should cease, and that the permanent allowance of Rupees 1,571-13-1 to certain Mosques and Pagodas in Kurnool, and the allowances to the Tindevanum Musjil, and the Cuddalore Pagodas in South Arcot, as well as those for resumed customs duties, and fees, in the same District, should be commuted into proportionate grants of land, and that a similar arrangement should be followed in regard to the Salt and Sayer Roosooms in Chingleput.

5. These Proceedings of the Board were disposed of in Extract from Minutes of Consultation, dated 15th August 1854, in which it was directed that the portion of a village still retained under management on behalf of a Pagoda in the Masulipatam District, should be given over either under the orders of the Court, or within a fixed period, that the Tarai lands in Tanjore should be resumed, and that land on

From Government 15th August,
in Cons. 14th September 1854,
No. 954, R. D.
Board's Proceedings to certain
Districts 14th September 1854,
No. 2,043.
Circular 11th August 1855,
No. 2,051.

In Cons. 1st March 1861,
No. 1,310.

From Government 12th, in Cons.
24th June 1841, No. 793.

From Government 8th April, in
Cons. 15th June 1846, No. 414.

Proceedings, dated 27th February
1854, No. 492.

In Cons. 14th September 1854, No. 2,936.

rent-free tenure should be assigned to the Pagodas equal in value to their interest in those lands, that the Swamibhogam lands in Tinnevely should be treated in a similar manner, and that the Kyatwary and Porpichay fees in that District should be realized on behalf of Government, and that lands equal to their value be made over to the Pagodas on account of which they had hitherto been collected.

6. It was further directed that the proposals of the Board for the commutation of the allowances, &c., in the Kurnool, South Arcot and Chingleput Districts should be carried out, and a general report upon all the Tusdeck allowances was requested for the information of the Court of Directors.

7. In Masulipatam these orders of Government were easily carried out, as reported in Board's Proceedings dated 23rd November 1858, No. 4,354; but in Tanjore and Tinnevely the case was far different. In the former District especially there was the greatest dislike on the part of the Pagoda authorities to giving up the Taruff lands, and their incorporation with the other Government lands would, for other reasons also, have been inconvenient. It was, therefore, finally decided* that the act-
* Ex. Mins. Cons. No. 969, 11th September, in Cons. 1st December 1856, No. 3,994.
 Taruff lands should be restored to the Pagodas, the Trustees thus resuming their position as landlords in occupation, liable to pay the Government assessment.

8. This course was, through a misconception, at first disapproved of by the Court of Directors but the arrangement was carried out and finally approved of in Extract from Minutes of Consultation, 17th March 1859 No. 350.
In Cons. 12th March 1859, No. 1,119.

9. In Tinnevely the orders of Government were in a great measure carried out as issued, but what had been done towards completing the arrangement gave the greatest dissatisfaction to the people, and the subject was again brought by the Board before Government,* who finally decided† that the Swamibhogam lands should be given up to the trustees in the same way as were the Taruff lands in Tanjore, and that the Porpichay and Kyatwary fees should no longer be collected, good culturable waste being granted to the Pagodas in lieu of the allowances they received on this account, which course was approved of by the Secretary of State in his Despatch, dated 6th July 1860.
* Board's Proceedings, dated 2nd November 1859, No. 4,469.
 † Government Order, No. 430, dated 20th, in Cons. 22nd March 1860, No. 1,350.
From Government 15th, in Cons. 26th August 1860, No. 1,117.

10. In Kurnool the orders of Government have been but partially followed as yet, for though it was directed that rent-free land, equivalent in value to the allowances, should be made over to the institutions or individuals, this has not been done, but the occupants of certain Government lands are in the habit of making payments to the Yeomiah-dars of the respective Pagodas, and receiving from the Government Officers a remission of kist on this account.

11. In South Arcot a portion of the allowances were found to be in lieu of fees derived from the Sayer Revenue, and the Board were of opinion that as that source of revenue had ceased to exist, the allowance might be resumed without compensation. This view was approved by the Madras Government, but overruled by the Government of India, and lands were eventually assigned to the Pagodas equal in value to the whole allowances.
Proceedings of the Board, dated 21st October 1855, No. 3,972.

12. In Chingleput it appeared that a portion of the allowances ordered to be commuted, and described above as Sayer Rossooms, had already been resumed, without compensation, under the orders of Government, dated 26th July 1853, and the remaining sum derived from Salt and Abkarry Rossooms was merged with the ordinary Tusdeck allowances of the District. The trustees were averse to the commutation of these allowances, but Government directed the Collector to use his best endeavors to induce them to consent to it, and that Officer eventually submitted a scheme to the Board, but on examination it appeared that the proposed commutation was upon far too

liberal a scale, as in calculating it, the waste land of the villages to be assigned to the Pagodas, had not been taken into account. The Collector then suggested that the measure should be deferred till the revision of the assessment took place, and the Board acceded to his proposal. In Madras also, an arrangement was attempted, but eventually abandoned as the Trustees positively declined to select the land proposed to be assigned to them in the late Chingleput District.

13. It will be observed from the foregoing that the orders of Government contained in Extract from Minutes of Consultation, August 15th 1854, have been with certain modifications carried out in the Districts of Tanjore, Tinnevely, Masulipatam and South Arcot, while they have been partially so in Kurnool, and that in Chingleput they have been deferred till the revision of the assessment shall have taken place.

14. The Board regret that the report which was called for in the Tusdeck allowances for the information of the Court of Directors, was not submitted at the time; in their original Proceedings on this subject,* they expressed their belief that a restitution of the original lands, in lieu of which these Tusdeck allowances had been granted, was impracticable, and indeed in no District, except Madras, could the lands be traced with any degree of certainty, and Government have decided that the claims of the Pagodas to the lands in that District have not been clearly enough established to justify the step of re-assignment.
* Dated 27th February 1854, No. 492.
 * See Government Order No. 468, dated 28th February, in Cons. 1st March 1861, No. 1,310.

15. In connection with the commutation of allowances to Pagodas, the Board issued Circulars* in 1854 and 1855, and on receipt of Extract from Minutes of Consultation under date 16th February 1859, No. 211, on the subject of the commutation of personal religious allowances or Yeomiahs either to a single money payment, or for a grant of land, they issued a third Circular, dated 26th February 1859, No. 719, and most of the replies to these Circulars are now on their records.
* 14th September 1854, No. 2,043.
 11th August 1855, No. 2,051.
 In Cons. 17th July 1859, No. 614.

16. Their contents may be briefly summarized as follows:—Of the Northern Districts, in Ganjam the exchange of the allowances to Inam land would not be distasteful to the people; in Vizagapatam about a third of the Pagoda Trustees would be willing to accept such commutation if Government would take the risk of seasons, the remaining two-thirds wish for no change, and in the Godavery District all are averse to anything of the sort. In the Kistna and Nellore Districts the allowances are small whether to Pagodas or individuals, and in the latter District the holders would not be averse to commutation on their own terms.

17. Of the Ceded Districts, in Kurnool, the Tusdeck has, as before stated, been partially disposed of, and neither commutation in land nor money would be acceptable either for the Pagoda grants, or those to individuals, in the Bellary and Cuddapah Districts, although two commutations of Yeomiahs were accepted in the former District.
Board's Proceedings, dated 8th July 1856, No. 2,055.

18. In the Central Districts, the proposed measure is not more popular. In Madras the approaching revision of assessment makes a commutation to land difficult, though as before stated the late Collector of Chingleput had arranged a plan with the Trustees which was rejected by the Board as being upon unnecessarily liberal terms, and but one Yeomiahdar consents to receiving 15 years' purchase of his allowance. In North Arcot the Yeomiahdars would not be averse to taking good cultivated land if it was put in their own enjoyment, and in South Arcot the late Assistant Collector was of opinion that the measure might be carried out, but in Salem and Trichinopoly it would be most unpopular.

19. In the West, the District of Malabar has no Pagodas dependant on the State revenues, and a commutation of a Yeomiah has taken place there; but in Coimbatore all parties seem to be averse to any change, while in Canara the Government right in "the wurgs" only, could be assigned, and consequently great difficulty would, in the present state of the law, be experienced by the Pagoda Trustees, or Yeomiahdars, in realizing their dues.

20. The Southern Districts of Tanjore, Madura, and Tinnevely, were not a whit more anxious that the commutation should be carried out; but in Extract In Cons. 30th November 1858, No. 5,312, from Minutes of Consultation, 26th November 1858, Government directed that this should be done in Tanjore, and on its being reported by the Collector, through the Board, that the people were averse to the measure, and that if introduced it was but fair that some allowance should be made for variations of season, and charges of management, the Government sanctioned Mr. Cadell's carrying out the arrangement on those terms, and that Officer has now completed the commutation for the greater number of the Pagodas and Yeomiahs in his District, giving cultivated land bearing an assessment equal to the allowance, plus ten per cent. to cover the variations of season, and expenses of management, and collection, or in cases where there was a payment of jodi to Government, making the land Survamani to the extent of the allowance formerly received, but in this case the additional ten per cent. has not of course been granted.

21. In Madura the people, as reported in the Board's letter to Government dated 4th June 1860, No. 2,653, show no desire for a change, and though no doubt they were alive to the advantage that their religious institutions would obtain had the proposal of the Board to restore the original lands to the Pagodas been adopted, that proposal as before stated has been negatived by Government.

22. In Tinnevely it is reported that many of the Yeomiahdars would be willing to commute their allowances to grants either of money or land, but that the Trustees would be averse to any change in the mode of making the payment of the Tusdeek.

23. It will thus be observed that in Tanjore only has any definite plan of commutation been adopted, and the Board direct me to request that Mr. Cadell's proceedings, as detailed in the Board's Proceedings of this date, may receive the sanction of Government.

24. From the information received from the Provinces it may be said then, that the general feeling of the people is decidedly averse to any commutation of the payments to Pagodas, and that the Yeomiahdars are as a body still more opposed to a similar arrangement with regard to their allowances. It is but reasonable to expect that these feelings will remain unchanged unless the proposed commutation be carried out in a liberal manner, for it must be remembered that the present payments are made with punctuality and without trouble to the recipients, whereas the realization of rent from lands, even if conveniently situated, which could not always be the case, is under the existing state of the law a most difficult process, as no person, excepting those who pay revenue to Government for their land, can distrain for arrears of rent due to them from such land; thus in the South Arcot District where, as before stated, certain lands were made over to Pagodas in lieu of allowances, the greatest difficulty has already been experienced by the Trustees in the collection of their rents. The matter was brought before Government by petition, on which the Collector was directed to afford the Trustees all the aid in his power to the extent even of assisting them in the prosecution of their suits in the established Courts. This state of things will, however, be remedied when the new Revenue Code, now under the consideration of Government, comes into operation.

25. The general mistrust felt by the natives for each other and the frequent acts of dishonesty among the Trustees of Pagodas, must also go far to make the measure unpopular, and the trouble of collection and management, and the variations of season also, must be taken into consideration, for this as well as the coming revision of assessment no doubt considerably affects the question.

26. At the same time sound policy and the very distinct orders of the Home Government on the subject leave no option now in the matter, and the Board observe that Government have occasionally expressed a similar opinion, and indeed have in some instances directed the commutation to be made, though the people were entirely opposed to it. In Tanjore from the first, it was unpopular, but, as above stated, it has been put in force under the direct orders of Government, and in the case of two allowances to Pagodas in the late Cuntoor District, similar orders were given though

Extract Minutes of Consultation,
No. 429, 7th in Cons. 18th May 1857,
No. 1,632.

the recipients were unwilling to accept anything but the restoration of the actual lands formerly resumed, which at the time of their demand produced revenue far in excess of the allowance.

27. In their letter to Government, dated 4th June 1860, No. 2,653, the Board expressed a doubt whether the compulsory commutation to land of Yeomiah allowances could be justified, and as the parties referred to were so decidedly averse to the change, the Government resolved not to press it; but the cases of such individuals with very small allowances is a doubt very different from that of a Pagoda, and it was especially to meet such cases that the Board made their proposal in the same letter for the issue of non-transferrable Promissory Notes, bearing interest equal to the present allowances, which they direct me again to bring under the consideration of Government.

28. The points then upon which the orders of Government are solicited are—(1) whether the land granted is to be cultivated or waste; (2) whether any and what allowance is to be made for the expenses of collection, the variations of season and the prospective loss consequent upon a reduction of assessment taking place in Government lands; and (3) whether the same course is to be followed with regard to the service Yeomiah allowances which are virtually endowments of the institutions with which they are connected, when the holders of them are unwilling to commute them for a single payment.

29. In conclusion, the Board direct me to express their deliberated opinion that however desirable it might be to take this opportunity of disposing of a large quantity of the waste lands of the Presidency, such a solution of the question would be not only impracticable but impolitic. It could not fail to create great dissatisfaction and opposition among all the religious classes of the native community, and it would probably be found necessary at a future date to grant compensation for the loss which the religious institutions would undoubtedly sustain by the substitution of grants of such land for their present money allowances.

30. The greater portion of the waste lands in the country are of a description as to make their cultivation, without improved irrigation, anything but profitable, even at the very low rates at which they are generally assessed, and the remainder is composed of those lands which are notoriously over assessed; the grant, therefore, of either description in lieu of a money allowance would be a manifest injustice.

31. Should it be decided to grant land already in occupation, the Ryots should have no just cause of complaint in being directed for the future to pay their land tax towards the support of their own religious institutions, and there would be no difficulty in proving that no person should be required to do so unless he belonged to the religious persuasion to which the assignment was made. Nor would any injury be sustained by the occupant if he were Government to assign their right to demand the land assessment from him, to any particular Yeomiahdar or Trustee.

32. The Board direct me to add that they consider it the paramount duty of Government to take early steps for transferring the election of Pagoda Trustees to the people themselves, and affording them the means of ensuring the just appropriation of the endowments, and the removal, and punishment, of all who may be charged with breach of trust.

I have the honor to be,

Sir,

Your most obedient servant,

(Signed) R. A. DALYELL,

Sub-Secretary.

REVENUE BOARD OFFICE,

Chepauk,

14th October 1861.

Ed. J. Wright.

REVENUE DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following Proceedings of the Board of Revenue:—

Requesting them to enunciate the principles which they desire should guide their Officers in the commutation into land of the allowances now paid for native religious purposes, and to declare whether the land must be waste or whether land in occupation may be assigned. (Here enter 14th October 1861, No. 603.)

ORDER THEREON, 2nd July 1863, No. 1,106.

1. In this letter the Board submit three questions regarding the commutation into land of existing money payments to religious Institutions:—

I. Whether the land to be granted shall be cultivated or waste. The object of Government is to give the Trustees a just equivalent for present payments, and it may, therefore, be left to the parties concerned to choose which use of land they will take.

II. Whether any and what allowance is to be made for variations of season, &c. A remission of this kind is clearly necessary. If cultivated land is taken, an allowance of 20 per cent. may be granted for vicissitudes of season and expenses of management. If waste lands be taken, the allowance should be higher, as the Trustees must find tenants and incur various expenses in bringing the land under cultivation;—15 or 20 per cent. would probably be a fair rate.

2. Where the land taken is already in the occupation of Ryots, the latter will pay their assessment to the Trustees instead of to Government. The Bill now before the Honorable the Governor's Council for the purpose of making laws, will vest Trustees and persons in their position of distraining and remove one great difficulty in carrying out the same course is to be followed with regard to service Yeomahs.

These allowances permanent and of a religious character should be commuted on the principle above laid down. Personal grants can be commuted at the option of the recipient for a single money payment; but where the community are interested in the service, it will be safer to grant lands.

(True Extract.)

(Signed) J. D. SIM,

Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

1861 Department.

No.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 14th October 1861.

Despatched.

Received.

No. 5000.

Requesting them to enunciate the principles which they desire should guide their officers in the commutation into land of the allowances now paid for native religious purposes, and to declare whether the land must be waste or whether land in occupation may be assigned.

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