M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 169 — Press ~~Mis.~~

5-6

Dated 1-2-~~19~~ 1864

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 1st February 1864.

No. 5. Read the following Proceedings of the Board of Revenue, dated 11th January 1864, No. 157:—

Read the following letter from the Acting Collector of the Godavery District, dated Cocanada, 1st December 1863, No. 400.

1. With reference to Official Memorandum of the 24th instant, No. 906, received from the Sub-Secretary, requesting that a reply may be forwarded without delay to the Board's Miscellaneous Circular, No. LIV, dated 1st July 1863, calling for proposals for first Committees to be appointed under Act XX of 1863, I have the honor to inform you that, for the reasons stated below, I did not consider it necessary to submit proposals for the first Committees to be appointed under that Act.

2. Sections 3 and 7 are applicable to Temples, Mosques, or other religious establishments, the nomination of the Trustees, Managers, or Superintendents whereof is vested in, or may be exercised by Government or any public Officer, or in which the nomination of such Trustees &c., shall be subject to the confirmation of Government.

3. Section 12 refers to the transfer to such Committees as are appointed in reference to the provisions of Sections 3 and 7 of all landed or other property, which shall be under the superintendence or in the possession of the Board or local agents.

4. There is a temple in the village of Antravadi for which the nomination of a trustee was confirmed by the Board.* It has no landed property. The money allowance granted by Government† is paid to the former Zemindar of Mogultur, who is the trustee, and he expends it on his own responsibility: but no property whatever is in the possession or under the superintendence of the Board or their local agents. I could not take steps for appointing a Committee for that Pagoda, as there was no property to place under their charge.

* Vide Proceedings 10th July 1843.
† 31st May 1819, No. 285, and 2nd January 1846.

5. There is a Pagoda or Mosque in almost every village in this District. Some are supported by landed property; some by many allowances granted by Government in lieu of lands resumed and salt fees; and some by village contributions, which are collected by the Revenue Officer together with the village charges included in the Revenue demand. They are under the management of the trustees, priests, and village authorities, whose nomination is not vested in, nor exercised by, nor subject to the confirmation of the Government or any public Officer. No landed or other property belonging to such temples and mosques is in the possession or under the superintendence of the Board or their local agents.

6. The only powers and superintendence exercised by the Collectors and Talook officials in respect to such Mosques or Temples is the prevention of the endowments from being misappropriated; the confirmation of trustees who are selected by the village communities in a very few special cases, when any misapprehension may occur between them and the persons under whose immediate management the pagodas are; and keeping the lands and other endowments under attachment, when the service has been discontinued in consequence of the non-repair of the mosque or temple or from other causes. The lands belonging to such temples and mosques could not be considered as being in my possession or under my superintendence; and, therefore, I answered the question contained in the Board's Miscellaneous Circular No. XXXIX of the 8th May 1863, in the negative on the 22nd June 1863.

7 I shall be obliged if the Board will be good enough to inform me, if, under these circumstances, they are of opinion that any of the Pagodas in this Disctrict require Committees to be formed for their management.

8. I purposely omitted the Circular under reply from my last list of unanswered letters, and I thought the Board were satisfied with the correctness of that list, as on 29th of October‡ they mentioned only one Circular which they still wished me to retain, and I shall be obliged if they will point out any other Order which has been inadvertently or erroneously omitted.

‡ Proceedings of Board No.6 ,916.

Proceedings of the Madras Government, Revenue Department, 1st February 1864.

1. Ordered to be submitted for the information of Government.

2. As the nomination of trustees in past years in the Godavery District has not been mad subject to the approval of the Collector, and the confirmation of the Board, it does not appear now necessary to appoint any Committees for the performance of the duties hitherto discharged by the village communities.

3. In the case of the Antravady Pagoda the trust was conferred on the representative of the Mogultur Zemindar's family as an *hereditary right* in Extract Minutes of Consultation dated 3rd December 1841, No. 1,490, Revenue Department, and the other cases to which Mr. Morris alludes were evidently instances in which the Collector arbitrated in disputes between the villagers' nominees and the temple establishments, and not cases in which the powers conferred by Regulation VII of 1817 were exercised for the nomination of trustees, the regulation itself having in this particular provision been rarely operative in the Northern Circars.

No. 6. ORDER THEREON, 1st February 1864, No. 169.

1. The Government are of opinion that the temple referred to in paragraph 4 of the Acting Collector's letter comes within the scope of Section IV, Act XX of 1863. So far back as 1841 it was made over on hereditary tenure to Rajah Culdindy Coomara Lutchmenarrasimharaz, and the nomination of the Trustee, Manager or Superintendent consequently neither vests in, nor is exercised by, nor is subject to the confirmation of Government or any public Officer.

2. The Temple has an annual allowance of Rupees 2,910-9-7 paid from the Treasury since 1799 in commutation of the village of Antravady, which was attached to it previous to the District coming under British rule. The Board will communicate with the Collector at once regarding the grant of land in lieu of this allowance, and report the result for the orders of Government.

3. With regard to the village Pagodas and Mosques referred to in paragraphs 5 and 6 of the Acting Collector's letter the Government are unable to pass any general orders. Mr. Morris states in paragraph 5 that they are under the management of Trustees over whose nomination Government exercise no control or interference, and in paragraph 6 he shows that in some cases Government have exercised the power of confirmation. This power may, as the Board believe, have been exercised more in the way of arbitration than as a vested right, but this is merely a surmise. The wording of the Act is quite clear, and the Collector must decide from the nature of the authority exercised in each case whether the religious establishment comes within the scope of Section III or not.

4. The Board will also call for full information regarding the money allowances now paid to these Pagodas, and the village contributions which are said to be "collected by the Revenue Officers together with the village charges included in the Revenue Demand," in view to both, where clearly payable in perpetuity, being commuted into land.

(True Extract.)

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

To the Board of Revenue.

Exd. S. T. Augustin.

Revenue Department

No. 169

Proceedings of the Madras Government

Under date 1st January 1864

Read the following

Proceedings of the Board

of Revenue.

Submitting with remarks for the information of Govt. a letter from the Acting Coll.r of the Godavery District bringing to notice that the nomination of Trustees to the Pagodas in the Distt was not in past years subject to the approval of the Collector and the confirmation of the Board.

(Here enter 11th Jan.y 1864)

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the Government are general unable to pass any order.

Mr. Morris states in para 5 that they are under the management of Trustees over whose nomination Government exercises no control or interference and in para 6 he shows that in some cases Government have exercised the power of confirmation. This power may as the Board believe have been exercised more in the way of arbitration than as a vested right but this is merely a surmise. The wording of the Act is quite clear and the Collector must decide from the nature of the authority exercised in each case whether the religious establishment comes within the scope of Section III or not.

The Board will also call for full information regarding the money allowances now paid to these Pagodas and the Village contributions which are said to be "collected by the Revenue officers together with the Village charges included in