New No. Sectt. I (i)-1—Old No. M.R.O. 1—10,006—10-6-68.

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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. / ~~B.P. No.~~	848	~~Press~~ / ~~Mis.~~
Dated	8.4.1876	196

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New No. Sectt. I (i)-1—Old No. M.R.O. 1—10,006—10-6-68.

Proceedings of the Madras Government, Judicial Department, 4th April 1876.

848/1

Native Religious Endowments.

No. 41. Read the following letter from A. P. HOWELL, Esq., M.A., Officiating Secretary to the Government of India, Home Department (Public), to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Fort William, 29th February 1876, No. 306:—

I am directed to acknowledge your letters noted on the margin regarding the present state of the law regulating the administration of Native religious endowments.

No. 120, dated 31st January 1872.
,, 1975-A, dated 23rd October 1874.
,, 105, dated 20th January 1876.

2. In reply, I am to say that the Government of India agree with the Government of Madras that Act XX of 1863 has failed to prevent malversation of the endowments dealt with under its provisions, and that fresh legislation in the matter is necessary.

3. It must be understood, however, that the policy of which the Act of 1863 is the expression should, as far as possible, be maintained; and in this view it appears to the Government of India that there is more probability of a successful solution of the question in the scheme propounded by Sir William Robinson in his Minute of the 10th October 1874, than in any other scheme that has yet been devised. His proposals involve no direct interference in the administration of endowments by the European officers of the Government, but provide that the duty should be entrusted to a strong Native Board exclusively devoted to the work, and armed with full powers to inquire into and obtain redress for abuses of their authority by the local managers of the trusts.

4. It is doubtful whether it will be possible to appoint in the districts efficient local Committees, unless the European element be included in them; but, as suggested by Sir W. Robinson, there would seem to be no difficulty in providing for the effective discharge of most of the duties which would be assigned to District Committees by the appointment of Inspectors acting under the orders of the Central Board. For the work to be done thoroughly the members of the Board and their staff must be well paid; and there seems to be no reason why their salaries should not be defrayed from the funds of the endowments. It will probably be better that the members should be appointed and removed by the Government, as any system of election for the first or future members of the Board would not be likely to answer well.

5. The appointment and removal of trustees might be vested in the Central Board, subject to rules to be approved by His Excellency the Governor in Council. It does not seem necessary to fix the number of trustees for each endowment; this must vary according to the nature and previous history of the trust.

6. There would seem to be no objection to provide for the application of the surplus funds of the endowments to useful public purposes, such as the establishment of a school for general education, or of a scholarship, or the construction of some beneficial local work.

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7. I am to take this opportunity of acknowledging your letter, No. 59,* dated 12th January 1875, relative to the sale of certain villages under judicial decrees for debts due by the manager of the property, notwithstanding that the estate had been held on a rent-free tenure for charitable purposes. In the opinion of the Government of India provision should be made for the protection from alienation, under decrees of Courts, of inams granted for religious or charitable purposes.

* To the Department of Revenue, Agriculture, and Commerce.

8. I am to request that, with the permission of His Excellency the Governor in Council, a Bill, based upon the above suggestions, supplemented and modified according as local experience may suggest, may be submitted to the Government of India for sanction under Section 43 of the Indian Councils Act and for transmission to the Secretary of State. Steps will then be taken here at the proper time to repeal Act XX of 1863, as far as the Madras Presidency is concerned, so as to remove the objection, under Section 42 of the Indian Councils Act, as to the competency of His Excellency the Governor's Council to deal with this subject. I am also to request that the fullest information available may be supplied as to the actual facts of the misappropriation of the funds of the endowments. It is gathered from some expressions used in the Proceedings of the Madras Board of Revenue, dated the 18th July 1874, that the Board and the Government had before them specific instances of misappropriation which were regarded as affording strong confirmation of the opinion on which the recommendation in favor of such legislation was founded, but the papers about to this have not been sent up.

No. 42.

ORDER THEREON, 4th April 1876, No. 639.

In view to giving effect to the suggestion of this Government on the subject, approved by the Government of India, His Grace the Governor in Council resolves to invite the following gentlemen to form a Committee for the purpose of drafting a Bill for regulating the administration of Hindoo Religious Endowments in the Madras Presidency in accordance with the principles laid down in the letter from the Government of India, and reporting to Government generally on the subject:—

The Hon. Sir W. Robinson will be requested to be President of the Committee with a casting vote.
M.R.R. The Hon. V. Ramaiyengar, C.S.I.
" P. Somasoondrum Chetty.
" P. Srinivasa Rao.
" P. T. Ramanjooloo Naidoo.
" T. Mootoosami Iyer.
" P. Chentsal Rao.
" K. Ragoonadasami Row.
" Sri Kristna Tata Chari.
" V. Kristnama Chari.
The Advocate-General.

A Secretary will be appointed by Government.

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2. The papers relating to the subject will be communicated to the Committee who will be requested to collect all necessary information and to take evidence on the subject.

3. All Collectors of Districts, District Judges, and other officials will be directed to supply any information required by the Committee.

(True Extract.)

Chief Secretary.

To the Hon. Sir W. Robinson, K.C.S.I.,
" the Hon. V. Ramaiyengar, C.S.I.,
" M.R.R. P. Somasoondrum Chetty,
" " P. Srinivasa Rao,
" " P. T. Ramanjooloo Naidoo,
" " T. Mootoosami Iyer,
" " P. Chentsal Rao,
" " K. Ragoonadasami Row,
" " Sri Kristna Tata Chari,
" " V. Kristnama Chari,
" the Advocate-General,
" the Revenue Department.
" the Board of Revenue.
" all Collectors.
" all District and Session Judges.

} with papers.

Exd. J. Wright.

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Revenue Dept
No 1411

Govt. of India Affairs.

JUDICIAL.

To

The Hon S & W. ROBINSON, R.C.S.I.,

&c., &c. &c.

Dated April 4th.

Original — 6

Copy. — 6 Ed.

G.G., 4th April 1872, No. 69.

APRIL.
Nos. 41-42.

Religious Endowments.—Declaration Regulation to form a Committee for the purpose of drafting a Bill for regulating the Administration of Religious Endowments in the Madras Presidency, and reporting to Government generally on the subject.

No 848
Lodged
8 April 72

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