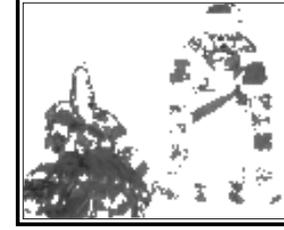


ஸ்ரீ:



ஸ்ரீமதே ராமாநுஜாய நம:

ஸ்ரீவைஷ்ணவஸ்ரீ

முழக்கம்-16

பாஞ்சஜன்யம்
பிப்ரவரி 2013-165

ஒலி 2

1.உ ச்சநீதிமன்றத்தில் தொடரப்பட்ட வழக்கு எண்.476/2012.

பாஞ்சஜன்யம் இதழ் 164இல் தெரிவித்திருந்தபடி உச்ச நீதிமன்றத்தில் தொடரப்பட்ட வழக்கின் முழுவிபரம் (உச்சநீதிமன்றத்தில் தாக்கல் செய்யப்பட்டுள்ளபடி), இந்த இதழில் வெளியிடப்படுகிறது. ஓர் ஆண்டு உழைப்பின் பலனாக இந்தப் பிரமாண பத்திரம் உருவாக்கப்பட்டுள்ளது.

சென்ற இதழில் ப்ரார்த்தித்துக் கொண்டபடி அன்பர்கள் பெருமளவில் நிதியுதவி தந்து இந்த வழக்கை மேற்கொண்டு நடத்துவதற்கு உதவிபுரிய வேண்டும். நம் திருக்கோயில்களை கபளீகரம் செய்யப் பிறந்துள்ள அசுர இனத்தைச் சார்ந்தவர்கள் தான் இந்துசமய அறநிலையத்துறையினர் என்பதைத் தக்க புள்ளி விபரங்களோடும், ஆதாரங்களோடும் இந்தப் பிரமாண பத்திரத்தில் சுட்டிக்காட்டப்பட்டுள்ளது. அர்ச்சாவதாரத்தை காப்பாற்ற வேண்டியது நம்முடைய கடமையாகும். பூர்வர்களுடைய தியாகத்தை பற்றிப்பேசும் ஸ்ரீவைஷ்ணவர்கள் இந்த அறப்போரில் ஏதாவது ஒருவகையில் பங்குகொள்ள வேண்டும்.

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO. OF 2012

IN THE MATTER OF:

1. SHRI.DAYANANDASARASWATI SWAMIJI, RESIDING
AT ARSHAVIDYA GURUKULAM, ANAIKATTI, P.O.
COIMBATORE, TAMIL NADU

2. SHRI PARAMATMANANDA SARASWATI SWAMIJI,
RESIDING AT ARSHA VIDYA MANDIR, ANAND
NIKETAN TRUST, NEAR SAURASHTRA UNIVERSITY,
MUNJAKA, RAJKOT-360005.

3. SHRI.VISHVESHWARANAND GIRIJI MAHARAJ, RE-
SIDING AT SENYAS ASHRAM, SANYAS ASHRAM ROAD,
VILLE PARLE WEST, MUMBAI- 400056.

PETITIONER No.1, PETITIONER No.2, PETITIONER
No.3
VS.

1. THE STATE OF TAMIL NADU REPRESENTED BY
ITS SECRETARY, STATE SECRETARIAT,
RELIGIOUS ENDOWMENTS TAMIL DEVELOPMENT
AND INFORMATION DEPARTMENT, CHENNAI- 600
005, TAMIL NADU STATE. CONTESTING, RESPON-
DENT, No.1

2. THE STATE OF ANDHRA PRADESH
REP. BY ITS SECRETARY,
REVENUE ENDOWMENTS DEPARTMENT, SECRE
TARIAT, HYDERABAD 500004, ANDHRA PRADESH
STATE. CONTESTING, RESPONDENT, No.2

3. UNION TERRITORY OF PUDUCHERRY
REPRESENTED BY ITS SECRETARY,
HINDU RELIGIOUS INSTITUTIONS DEPARTMENT,
GOVERNMENT OF PUDUCHERRY CHIEF SECRE-
TARIAT, PUDUCHERRY 605001. CONTESTING, RESPON-
DENT, No.3

AND IN THE MATTER OF :
WRIT PETITION UNDER ARTICLE 32 OF THE CONSTI-
TUTION OF INDIA READ WITH ORDER XXXV OF THE
SUPREME COURT RULES CHALLENGING THE CON-
STITUTIONAL VALIDITY OF SECTIONS 3(1), 3 (4), 23,
24, 26, 32, 35, 36, 36-A, 36-B, 43-A, 45, 47, 49, 49-B, 50, 53,
54 (1), 57, 58, 61, 63, SECTIONS 71-76, 92 ,97, 108 AND 111
OF THE TAMIL NADU HINDU RELIGIOUS AND CHARI-
TABLE ENDOWMENTS ACT, 1959 ACT (HEREINAFTER
REFERRED TO AS THE TAMIL NADU ACT) AND SEC-
TION 8, 12, 13, 15, 17-19 & 22, 25, 29, 41, 49, 51-5, 66, 70
AND 87 OF THE ANDHRA PRADESH CHARITABLE AND
HINDU RELIGIOUS INSTITUTIONS AND ENDOW-
MENTS ACT, 1987 [(ACT 30 OF 1987),(HEREINAFTER
REFERRED TO AS 'THE ANDHRA PRADESH ACT') AND
SECTIONS 3A, 4, 8, 9, 11, 12,13 AND 14 OF THE
PONDICHERRY HINDU RELIGIOUS INSTITUTIONS,
ACT, 1972 AS BEING ULTRA VIRES OF ARTICLES 14,
15(1), 19(1)(G), 21,25, 26 AND 31(1)AB, (HEREINAFTER
REFERRED TO AS 'THE PONDICHERRY ACT') AS BE-
ING ULTRA VIRES OF ARTICLES 14,15(1) 19(1)(G),21, 25,
26 AND 31(1)(A)(B) OF THE CONSTITUTION OF INDIA.

TO

THE HON'BLE THE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUDGES OF THE SUPREME
COURT OF INDIA

**The Humble Petition of the Petitioners Above named
MOST RESPECTFULLY SHOWETH**

1. By way of the present petition under Article 32 of the Constitution of India, the Petitioner is challenging the Constitutional validity of Sections 3(1), 3 (4), 23, 24, 26, 32, 35, 36, 36-A, 36-B, 43-A, 45, 47, 49, 49-B, 50, 53, 54 (1), 57, 58, 61, 63, Sections 71-76, 92, 97, 108 and 111 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 Act (hereinafter referred to as the Tamil Nadu Act) as being ultra vires of Articles 14,15(1) 19(1)(g),21, 25, 26 and 31(1)(a)(b) of the Constitution of India for the reasons expatiated hereunder. Petitioner is also challenging the Constitutional validity of Section 8, 12, 13, 15, 17-19 & 22, 25, 29, 41, 49, 51-5, 66, 70 and 87 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 [(Act 30 of 1987),(hereinafter referred to as 'the Andhra Pradesh Act') and sections 3A, 4, 8, 9, 11, 12,13 and 14 of the Pondicherry Hindu Religious Institutions, Act, 1972 as being ultra vires of Articles 14, 15(1), 19(1)(g), 21,25, 26 and 31(1)AB, (hereinafter referred to as 'the Pondicherry Act').

2. The 1st Petitioner herein, is the Convener of the Hindu Dharma Acharya Sabha and the Managing Trustee of the Hindu Dharma Acharya Sabha Trust. The Hindu Dharma Acharya Sabha is a congregation of Hindu Dharma Acharyas and is the apex body of such Dharma Acharyas that provides leadership, guidance and a collective voice for the Hindus. It came into being in 2002 and has grown encompassing virtually all the ancient Sampradayas including Vedanta, Advaita, Dvaita and Visishtadvaita, Sri Vaishnava, Tamil Saivism and Lingayats, Swami Narayana of Hindu Dharma, with its current membership of over 125 Acharyas. The members are revered Heads of Mutts which are several hundred years old and include Sankaracharyas and other Peetathipathis. This Acharya Sabha

crystallizes the collective Hindu consciousness and seeks to speak in a single Hindu voice on matters of deep import to Hindu society and Dharma.

3. The 1st Petitioner, is a widely respected and admired scholar of Hindu tenets and traditional teacher of Vedanta and is the Founder and Head of the All India Movement for Seva (AIM-for-Seva), a large voluntary charitable organization that he founded and heads and which was awarded consultative status with ECOSOC (Economic and Social Council) by the United Nations in 2005. This organization is devoted to serving people in the remote areas of India, mainly in the field of Education and Health Care. Besides imparting value-based education and health services to poor rural children and their families throughout India, the organization teaches good personal and social ethics.

4. Under the guidance and leadership of the first Petitioner, the Hindu Dharma Acharya Sabha (HDAS) has so far held several periodic Conferences since its inception in 2002. One of the leading resolutions passed by the HDAS under the leadership of this Petitioner in every conference relates to governance of religious endowments and temples by the Hindu Communities themselves and HDAS has presented proposals and appropriate and situation-specific administrative models for Hindu temple administration in states like Karnataka, Andhra Pradesh, Himachal Pradesh, Madhya Pradesh and Uttar Pradesh. The HDAS under the continued leadership and guidance of this Petitioner provides leadership at various levels, including areas regarding legal and legislative process in the matter of temple governance in order to make it more transparent and accountable and primarily vested in the communities of Hindus rather than in an ostensibly secular Government.

5. The 2nd Petitioner, is the General-Secretary of the Hindu Dharma Acharya Sabha and the Hindu Dharma Acharya Sabha Trust and the Founder Acharya of Arsha Vidya Mandir, Rajkot a centre for learning the Vedas, Upanishads Baghwat Geeta and other ancient holy texts. The 2nd Petitioner imparts this teaching of traditional texts to ascetics, to students, teachers and even to those who lead corporate careers and are in Government service.

The 2nd Petitioner has represented the Acharya Sabha in many important international meets like Hindu-Jewish Leadership Summit, Hindu-Buddhist Conference – Cambodia, World Religious Leaders’ Summit, Baku – Azerbaijan, G8-World Religious Leaders’ Summit – Winnipeg.

6. The Third Petitioner is the spiritual head of the nationwide institution of Sanyas Ashram founded four centuries ago and which is an important institution engaged in the spiritual, cultural, religious, and educational activities and development in India and is also a member of the Hindu Dharma Acharya Sabha Trust. The 3rd Petitioner, as a leading Hindu Dharma Acharya, has participated in many international religious meets and cultural exchange programs including the United Nations World Peace Summit in the year 2000 C.E. The 3rd Petitioner is committed to the services for the social upliftment of the downtrodden through the various social development services done through the Sanyas Ashram and its nationwide branches and a huge number of followers in India and overseas are being inspired with the message of cohesive brotherhood achieved through Sanatan wisdom and way of life propagated by the 3rd Petitioner.

7. The 1st Respondent is the State of Tamil Nadu and the 2nd Respondent is the State of Andhra Pradesh. The 3rd

Respondent is the Union Territory of Puducherry (Pondicherry).

8. The Petitioners herein are aggrieved by the Tamil Nadu Act , the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 [(Act 30 of 1987), hereinafter referred to as the ‘Andhra Pradesh Act’ for brevity] and by the Pondicherry Hindu Religious Institutions Act, 1972 (hereinafter referred to as the ‘Pondicherry Act’ for brevity) which have many provisions that are against Articles 14, 15(1), 19(g), 21, 25, 26 and 31A of the Constitution. The provisions of the Tamil Nadu Act, the Andhra Pradesh Act and the Pondicherry Act, impugned herein, take away the internal autonomy of the Religious Institutions and Denominations. Even the conduct of religious rites and rituals are completely constricted and regulated by the Executive Officers and by the Trustees appointed by the Government, in violation of the rights guaranteed to the people who practice and profess the religion and of the religious denominations under Article 14,15 (1), 19(1)(g), 21, 25 and 26 of the Constitution of India. The proposed expenditures and budgets for conducting religious rituals have to be considered upfront by the authorities of the Department and the Government and only after meeting with their approvals money can be expended for such rituals. The temples are thus virtually treated as the personal fiefdom of the political masters. There is no rationale or justice for the government to discriminate and arbitrarily fetter and restrict the temples’ internal autonomy in management and administration which cannot be dubbed as secular in character, more so when there is no aid or contribution or grant from the Government.

The Constitutional mandate of “hands-off” from the religious institutions is totally breached so far as the Hindu Temples and Charitable Institutions are concerned. Surely,

this was not the intent of the Constitution makers nor is it keeping with the letter and spirit of “secularism” understood in the Constitutional sense of the fundamental freedoms granted to persons of all faiths and beliefs under Articles 25 to 30 of the Constitution. True copy of the extract of the relevant provisions of the Tamil Nadu Act, Andhra Pradesh Act and Pondicherry Act are annexed hereto as ANNEXURE-P1.

9. The Petitioners wish to make it clear that they are fully in favour of total transparency and accountability in regard to receipts and expenditures of all places of worship and charitable institutions of all Hindus, Muslims, Christians, Sikhs, Buddhists, Jains or any other community. The Hindu temples have largely been established and are being maintained by the believers in the Hindu Dharma through voluntary contributions of money, time, skill, labour and learning. Persons in the community, whether in a hamlet, village, town or city still continue to voluntarily pool their resources of time, money and labour for sustaining and maintaining existing temples and in promoting and establishing new temples. They have their own voluntary organizations which function in a democratic manner and fully accountable to the members of the community.

If profit making bodies like companies including hospitals, Co-operative societies or if non-profit and voluntary associations including those which run hospitals, colleges and schools can have their internal autonomy undisturbed except in exceptional situations, there is no justification for indiscriminate takeover of Hindu Temples and Charities and running them on a permanent basis as government departments without any time-limit and without any regard to the religious sentiments of Hindu temple going population running in to a billion. There is no discernible logic or reason in the Acts

impugned herein, for incorporating such arbitrary and discriminatory provisions, whereas, on the other hand, they are in violation of the fundamental rights guaranteed to the Petitioners under Article 25, 26 and 31A of the Constitution.

THE 1959 ACT;

10. In the State of Tamil Nadu, the law relating to the administration and governance of the Hindu Religious and Charitable Institutions and Endowments in the State is governed by the Tamil Nadu HR & CE Act, 1959 (hereinafter referred to as the ‘1959 Act’ for brevity).

11. While the Tamil Nadu Act was enacted on the ground that it was needed to prevent maladministration and mismanagement, the exercise of these purported regulatory powers of the State in the temporal and secular administration of the Hindu Religious and Charitable Institutions has today become an engine of expropriation of Hindu temples and properties, interference in purely religious affairs including conduct of Temple festivals and rituals and oppression of the Hindu community by the political forces of the State, in a most undemocratic manner. About 3500 temples had been brought under the control of the HR & CE Department under the 1951 Act. Even under the 1959, Tamil Nadu Act, in the year 1967, there were only about 8800 temples in respect of which the alleged regulatory powers were invoked. As of now this number has become about 38,800 temples and Mutts. True copy of the relevant pages of the Policy note 2012-2013 of the Tamil Nadu HR & CE Department showing the total number of Hindu temples and religious institutions under the control of Government is annexed as ANNEXURE P-2.

These temples are compelled to contribute substantial amounts as administration and audit fees. Apart from the forced and arbitrary contributions in the guise of administra-

tive fees and audit fees that are equal to about 1/6th of the total gross income of the institution, a sizeable part of their income is being taken away for non-temple and non-Hindu purposes. True copy of the relevant Pages of the Policy Note 2012-13 of the Tamil Nadu HR & CE Department showing the extent of properties belonging to Hindu Temples and Religious Institutions in Tamil Nadu and the meager income claimed to have been collected from them by the Department is annexed as ANNEXURE P-3. Copy of the response received under RTI Act and which shows crores of rupees diverted from Pazhani Sri Dhandayuthapani Temple for Municipal works and for purposes not related to the temple is annexed as ANNEXURE P-4.

As of 2010-2011 the entire annual expenditure of the HR & CE Department in Tamil Nadu, which was Rs. 48.33 crores, was met out of the fees charged which exceeded Rs. 83 Crores. This amount of Rs.83 crores which was received as administrative and audit fees by the department does not include the huge sums of money taken away by the HR & CE department from temples labelled “affluent temples” to the Common Good Fund and various expenses unrelated to the temple running into several crores of rupees, the details of which the authorities are refusing to disclose. These atrocities are direct infringements of the rights guaranteed under Articles 25 & 26 of the Constitution of India.

12. The very object of the Act to amend and consolidate the law relating to the administration and governance of Hindu Religious and Charitable Institutions and endowments in the State of Tamil Nadu by bringing all of these institutions under the amended Act without any existence of justifying circumstances for the same or without even prescribing any time limit for which the Act would be applicable to the Institutions and the Endowments, is wholly flawed, unsustainable and con-

trary to the fundamental rights guaranteed under Articles 14, 15(1), 19(1)(g), 21, 25, 26, and 31A(1)(b) of the Constitution of India. Even provisions that are ostensibly regulatory in nature, effectively amount to taking over control of the Religious Institutions and Charitable Endowments, not to talk of the other provisions, which even on the face of it, take away control of the Religious Institutions and Charitable Endowments.

13. The 1959 Act came into force after repealing the Madras HR & CE Act, 1951 which was in existence at the time of commencement of the 1959 Act. The history of the legislations since 1926 concerning the religious institutions, denominations etc. and the H.R. & C.E Departments, the provisions of the legislations relating to the administration and governance of the Hindu Religious and Charitable Institutions and Endowments in the States of Tamil Nadu and the actions of the officers of the said Departments under the cover of the said legislations reveal that consistent attempts are being made to usurp temples from traditional management, there is gross violation of the rights guaranteed under Articles 14, 15(1), 19(1)(g), 21 25, 26 and 31A of the Constitution and to misuse properties of temples and endowments. Several provisions of the 1951 Act, which were struck down as ultra vires the Constitution have been deliberately and surreptitiously reintroduced with more draconian powers in the 1959 Act. The position is the same with the provisions of the Andhra Pradesh Act and of the Pondicherry Act, impugned in this Writ Petition.

The following chart would establish the re-appearance of the provisions, struck down in the 1951 Act, in the 1959 Act.

The impugned Tamil Nadu Act The 1951 Act Sec. 43-A and Sec.45 of the 1959 Act

Sections 56, 66, 67 and 68 of the 1951 Act that were struck down by the Hon'ble Supreme Court in Shirur Mutt Case – AIR 1954 SC 282

43-A. (1) Notwithstanding anything contained in section 45 or any other provision in this Act, the Commissioner may appoint, subject to such conditions as may be prescribed, an Executive Officer for any temple under the control of a math.

(2) The Executive Officer shall be subject to the control of the trustee of the math and shall exercise such powers and discharge such duties as may be prescribed.

(3) The Commissioner may, for good and sufficient cause, suspend, remove or dismiss the Executive Officer.

45. Appointment and duties of Executive Officer –

1. Notwithstanding anything contained in this Act, the Commissioner may appoint, subject to such condition as may be prescribed, an executive officer for any religious institution other than a math or a specific endowment attached to a math.

Explanation.- In this section “math” shall not include a temple under the control of a math.

(added by Act 50 of 1974)

(2) The Executive Officer shall exercise such powers and discharge such duties as may be assigned to him by the Commissioner;

Provided that only such powers and duties as appertain to the administration of the properties of the religious institution referred to in sub-section (1) shall be assigned to the Executive Officer.

3. The Commissioner may define the powers and duties which may be exercised and discharged, respectively by the Executive Officer and the trustee, if any, of the religious institu-

tion other than a math or a specific endowment attached to math.

4. The Commissioner may, for good and sufficient cause, suspend, remove or dismiss the Executive Officer.

56. (1) For the administration of the secular affairs of a math, the trustee of the math shall, when so required by the Commissioner, appoint a competent person as manager and report the name of the person so appointed, to the Commissioner; and in default of such appointment, the Commissioner may himself make the appointment.

(2) The manager appointed under sub section (1) shall be subordinate to the trustee of the math and shall, in addition to the trustee, be responsible for the due submission to the Commissioner of the registers, accounts and budgets of the math, and also for the performance of the other statutory duties imposed upon the trustee by or under this Act.

66. Appointment of salaried Executive Officer-

(1) For every institution notified under this Chapter, the Commissioner shall as soon as may be appoint a salaried executive officer, who shall be a person professing the Hindu religion.

(2) The salary and allowance of the executive officer, as determined by the Commissioner, shall be paid from the funds of the religious institution.

67. Term of office and duties of Executive Officer.-

(1) The executive officer shall hold office for such period as may be fixed by the Commissioner and he shall exercise such powers and perform such duties a may be assigned to him by the Commissioner:

Provided that only such powers and duties as appertain to the administration of the endowments of the religious institution shall be assigned to the executive officer.

(2) The Commissioner shall define the powers and duties which may be exercised and performed respectively by the executive officer and the trustee, if any, of the religious institution.

(3) The executive officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860)

68. The Commissioner may, for good and sufficient cause, suspend, remove or dismiss the executive officer.

Sec 71-76 of the 1959 Act

Sections 63 to 69 of the 1951 Act that were struck down by Hon'ble Supreme Court in the Shirur Mutt Case

71. Issue of Notice to show cause why institution should not be notified –

(1) Notwithstanding that a religious institution is governed by a scheme settled or deemed to have been settled under this Act, where the Commissioner has reason to believe that such institution is being mismanaged and is satisfied that in the interests of its administration, it is necessary to take proceedings under this Chapter, the Commissioner may, by notice published in the prescribed manner, call upon the trustee and all other persons having interest to show cause why such institution should not be notified to be subject to the provisions of this Chapter.

(2) Such notice shall state the reasons for the action proposed, and specify a reasonable time, not being less than one

month from the date of the issue of the notice, for showing such cause.

(3) The trustee or any person having interest may thereupon prefer any objection he may wish to make to the issue of a notification as proposed.

4) Such objection shall be in writing and shall reach the commissioner before the expiry of the time specified in the notice aforesaid or within such further time as may be granted by the Commissioner.

72. Consideration of objections, if any, and notification of institution.-

(1) Where no such objection has been received within the time so specified or granted, the Government may, on receipt of a report from the Commissioner to that effect, by notification, declare the religious institution to be subject to the provisions of this Chapter.

(2) Where any such objections have been received within the time so specified or granted, the Commissioner shall hold an inquiry into the objections in the manner prescribed, and decide whether the institution should be notified to be subject to the provisions of this Chapter or not.

(3) If the Commissioner decides that the institution should be notified as aforesaid, he shall make a report to that effect to the Government who may thereupon, declare the religious institution to be subject to the provisions of this Chapter.

(4) Any trustee or any person having an interest, who is aggrieved by the notification published under sub-section (1) or sub-section (3) may, within thirty days from the date of its

publication, institute a suit in the Court for the cancellation of such notification and the Government shall cancel the notification if the Court so directs:

Provided that the Court shall have no power to suspend the operation of the notification pending the disposal of the suit.

(5) Any party aggrieved by a decree of the Court under sub-section (4) may, within ninety days from the date of the decree, appeal to the High Court.

(6) Notwithstanding anything contained in sub-sections (4) and (5), if the Government after taking into consideration such matters relating to the management and administration of the religious institutions as may be prescribed, are satisfied at any time after the publication of a notification under sub-section (1) or sub-section (3) that it is no longer necessary to continue the notification, they may cancel the notification.

73. Scheme to lapse on notification -

On the publication of the notification, the scheme of administration, if any, settled for the religious institution, whether before or after the commencement of this Act, and all rules, if any framed under such scheme shall cease to apply to the institution; and such scheme and rules shall not be deemed to be revived by reason of the cancellation of the notification under sub-section (4) under sub-section (6) of section 72.

74. Appointment of salaried Executive Officer.-

For every institution notified under this Chapter, the Commissioner shall, as soon as may be, appoint a salaried executive officer, who shall be a person professing the Hindu religion.

76. Saving – Nothing in this Chapter shall apply to maths or other religious institutions having hereditary trustees who have a beneficial interest in the income of the institution.

63. Issue of Notice to show cause why institution should not be notified -

(1) Notwithstanding that a religious institution is governed by a scheme settled or deemed to have been settled under this Act, where the Commissioner has reason to believe that such institution is being mismanaged and is satisfied that in the interests of its administration, it is necessary to take proceedings under this Chapter, the Commissioner may, by notice published in the prescribed manner, call upon the trustee and all other persons having interest to show cause why such institution should not be notified to be subject to the provisions of this Chapter.

(2) Such notice shall state the reasons for the action proposed, and specify a reasonable time, not being less than one month from the date of the issue of the notice, for showing such cause.

(3) The trustee or any person having interest may thereupon prefer any objection he may wish to make to the issue of a notification as proposed.

4) Such objection shall be in writing and shall reach the commissioner before the expiry of the time specified in the notice aforesaid or within such further time as may be granted by the Commissioner.

64. Consideration of objections, if any, and notification of institution.- (1) Where no such objection has been received within the time so specified or granted, the Government may, on receipt of a report from the Commissioner to that effect,

by notification published in the Fort. St. George Gazette, declare the religious institution to be subject to the provisions of this Chapter.

(2) Where any such objections have been received within the time so specified or granted, the Commissioner shall hold an inquiry into the objections in the manner prescribed, and decide whether the institution should be notified to be subject to the provisions of this Chapter or not.

(3) If the Commissioner decides that the institution should be notified as aforesaid, he shall make a report to that effect to the Government who may thereupon, by notification published in the Fort St. George Gazette declare the religious institution to be subject to the provisions of this Chapter.

(4) Every notification published or deemed to be published under this section shall remain in force for a period of five years, but it may by notification, be cancelled at any time or continued from time to time for a further period or periods not exceeding five years at a time as the Government may by notification, in each case, think fit to direct.

65. Scheme to lapse on notification -

On the publication of the notification, the scheme of administration, if any, settled for the religious institution, whether before or after the commencement of this Act, and all rules, if any framed under such scheme shall cease to apply to the institution; and such scheme and rules shall not be deemed to be revived by reason of the cancellation of the notification or by reason of its having ceased to be in force by efflux of time

66. Appointment of salaried Executive Officer.-

(1) For every institution notified under this Chapter, the Commissioner shall, as soon as may be, appoint a salaried execu-

tive officer, who shall be a person professing the Hindu religion.

(2) The salary and allowance of the executive officer, as determined by the Commissioner, shall be paid from the funds of the religious institution.

67. Term of office and duties of Executive Officer.-

(1) The executive officer shall hold office for such period as may be fixed by the Commissioner and he shall exercise such powers and perform such duties as may be assigned to him by the Commissioner:

Provided that only such powers and duties as appertain to the administration of the endowments of the religious institution shall be assigned to the executive officer.

(2) The Commissioner shall define the powers and duties which may be exercised and performed respectively by the executive officer and the trustee, if any, of the religious institution.

(3) The executive officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act XLV of 1860)

68. The Commissioner may, for good and sufficient cause, suspend, remove or dismiss the executive officer.

14. After the 1954 Judgment of this Hon'ble Court in the Shirur Mutt Case, the then Madras Government amended the 1951 Act through an Amendment Act (Act No. XXVII of 1954) purportedly in deference to the observations of this Hon'ble Court in that judgment. It repealed Sec.56 of the 1951 Act, which this Hon'ble Court found to be extremely drastic. However the Government did not repeal the other sections by which an Executive Officer was appointed under

the 1951 Act, namely Sections 63-69. Furthermore, it removed the time limit of five years for which the notification issued under these sections could be in force and made these provisions more anti-constitutional and violative of Article 31(A)1b.

Section 45 of the Tamil Nadu Hindu Religious and Charitable Endowments Act 1959, the then Tamil Nadu Government introduced Section 45, which is even more drastic than the repealed Section 56 of the 1951 Act. Section 45 invests in the Commissioner invasive and arbitrary powers and provides absolutely no safeguards for those who would be aggrieved by this section. It also introduced new provisions and altered the earlier provisions and these new provisions and alterations were against the dictum of this Hon'ble Court as laid out by the Constitutional Bench in the Shirur Mutt Case. True copy of the Judgment dated 16-Mar-1954 reported in AIR 1954 SC 282 is annexed hereto as ANNEXURE- P5.

THE ANDHRA PRADESH CHARITABLE AND HINDU RELIGIOUS INSTITUTIONS AND ENDOWMENTS ACT, 1987 [(ACT 30 OF 1987);

15. As regards the State of Andhra Pradesh, the administration of the Temples in the State is governed by the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 [(Act 30 of 1987), hereinafter referred to as the 'Andhra Pradesh Act' for brevity]. The Act is passed in total disregard of the fundamental rights guaranteed under Articles 25 & 26 of the Constitution of India. The Religious Denominations, along with other religious institutions and endowments are brought within the sweep of the provisions of the Act, notwithstanding the rights guaranteed to them under Article 26, over and above the rights under Article 25 guaranteed to every person, in the matters of religion. The Act is unconstitutional on this ground alone.

Contrary to Section 92 of the CPC, the Andhra Pradesh Act circumscribes the power of the Civil Court in according permission to a Trust to alienate the trust properties by vesting the power in the Government. Temple and endowment properties have been leased out to persons and organizations indiscriminately, under the guise of the Act and these lease agreements on the face of it are not beneficial to the interests of the institution concerned. True copies of the G.O. Ms. 240 dated 13.04.2012 showing land leased at 5% of the market value, G.O. Ms. No. 103 dated 03.02.2009-permitting lease of 81.55 acres of land for an adhoc amount of Rs. 300,000/- per annum and G.O. Ms. No. 606 dated 31.05.2011 permitting alienation of property belonging to Tirumala Tirupati Devasthanam to build a Marriage Hall for another temple are annexed herewith and marked as Annexure-P6.

16. While on the one hand, the freedom in the erection of the buildings, the installation of deities, the expenses to be incurred, the performance of poojas, the gathering of worshippers and the securing of the income from the endowments is interfered with by the Government, lands belonging to the Temple and the Denomination are being indiscriminately alienated/dealt with totally arbitrarily and in violation of Constitutional provisions. The Government infringes the freedom to practice the religion of the devotees when power exists in the Government or in its instrumentalities to control the 'dittams' (budgets) of the temple poojas which goes on to dictate what and how much shall be spent for such rituals and even determine what ceremonies shall be performed and handles the properties belonging to the Temple in a manner it chooses, disregarding the interest of the Temple, Denomination and the devotees.

17. Appointment of Trustees that are made under the Act are against Articles 25 and 26 by the Government. The Trust-

ees are Government Servants, are paid by the Government and they owe their existence and preferment to Government. True copies of G.O. Rt. No. 859 dated 16th June 2010, G.O. RT. No.877 dated 21.06.2010, G.O. Rt. No. 1125 dated 15.09.2011-, G.O. Rt. no. 910 dated 28.07.2011, evidencing that all the Trustees appointed under the Act govt. nominees. Persons are appointed by Government in Development Committee, Renovation Committee, Festival

Committee, etc in Religious Institutions without there being any powers to do so, under the Act. True copies of G.O. Rt. no. 669 dated 08.07.2009, G.O. Rt. no. 859 dated 16.06.2010 and G.O. Rt. no 1765 dated 18.12.2009 evidencing such appointments are annexed as ANNEXURE-P7.

18. The Appointment of Specified Authority under Section 137 of the Andhra Pradesh Act, is against Articles 25 and 26 and is a drastic provision as it completely brings the religious institution under the control of Government as there is not even the sham of administration by Trustees in such institutions. True copies of G.O. Rt. no. 547 dated 09.04.2010, G.O. Ms. No 651 dated 18.06.2011 read with G.O. Ms. No. 1662 dated 25.08.2011 evidences such appointments and are annexed as ANNEXURE-P 8.

19. Funds belonging to the Temple are transferred and the money is used to carry out civic works of Municipalities. True copy of G.O. Ms. No. 869 dated 11.07.2008 according permission to TTD to release an amount of Rs. 8.40 Crores as interest free loan to Roads & Bridges Department of Andhra Government for unspecified period and further enhancing the loan to Rs. 9.83 crores and the Minutes of Meeting held in chambers of Vigilance Commissioner of TTD on 26.06.96, are annexed as ANNEXURE-P 9.

The Government controls and orders transfer of funds from Hindu Religious Institutions presumed to be having “surplus” funds to be transferred for purposes not connected with the religious institutions or for non-religious purposes purportedly under Sec. 72 of the Andhra Pradesh Act are serious violations of religious rights of Hindus under Articles 14, 15, 25 and 26. True copy of G.O. Rt. No. 130 dated 31.01.2011 according permission for diverting an amount of Rs. 250,000/- from Sri Suryanarayana Murthy Choultry to Veeravalipalem Gram Panchayat, East Godhavari District for construction of Mineral Water Plant is annexed as ANNEXURE-P 10.

It has become a usual practice for the Government to sanction funds to Ministers, from out of the Temple money for making offerings to the deity. True copies of G.O. Rt. no. 1353 dated 14.09.2009; G.O. Rt. no. 1147 dated 21.09.2011 and G.O. Rt. no. 300 dated 18.02.2012 sanctioning Rs.10,000/- on each occasion for Ministers to offer Silk Sarees to be offered to deities on behalf of Government, are annexed as ANNEXURE-P11.

However, when it comes to genuine expenditure to be incurred for the protection of the Temple structures and the interest of the institution and the people, the Government takes up an indifferent attitude. The 500 year old Rajagopuram of Sri Kalahasti temple, a temple of great antiquity and fame came crashing down on 26-May-2010. In spite of warning for many years the temple management done by the Religious Endowments department of Andhra Pradesh Government did nothing to strengthen or safeguard this important and ancient tower.

20. These changes in stand only depicts the hollowness in the claim of the government that the provisions in the impugned Acts are for the protection and benefit of the Reli-

gious Institutions/Denominations and in the interest of the people associated with the Institutions/Denominations.

THE PONDICHERRY HINDU RELIGIOUS INSTITUTIONS, ACT, 1972;

21. As regards the Union Territory of Puducherry (Pondicherry), the administration of Hindu Religious Institutions including temples are governed by the Pondicherry Hindu Religious Institutions Act, 1974 which has many provisions that are against Constitutional rights guaranteed under Articles 14, 15(1), 19(1)(g), 21, 25, 26 and 31A (1) (b).

22. Authorities under the said Act are appointed by the Government and are Government Servants, pure and simple. They are paid by the Government. They owe their existence and preferment to Government and are holders of civil posts within the meaning of Article 311 of the Constitution. The Act makes the administration of all temples and religious endowments subject to the general superintendence and control of the Commissioner. The trustees are bound, by these Sections, to obey orders issued by the Government, the Commissioner and his deputies. The expenditures of the temples and institutions have to be allowed for the various items of expenditure, irrespective of whether it is for secular or religious purposes in such institutions. The financial control over the temples stands effectively transferred from the community to the Government and its servants which is impermissible. The Denominational character of the temple is completely ignored. Appointment, suspension and removal of the trustees rest with the authorities under the Act. It is significant to note that one of the grounds for removal is stated to be willful disobedience of any lawful order issued under the provisions of the Act by the Government, Commissioner, Joint Commissioners, Deputy Commissioners and Assistant Commissioners.

When other institutions like schools, societies, general charities and non-profit organizations can choose or elect their trustees from their own members, it is a moot point how the provisions for statutorily appointing trustees for the Hindu Religious Institutions built by and for Hindus and sustained by Hindu worshippers, can be valid. Even in trusts belonging to majority communities Government cannot appoint trustees except in compelling circumstances.

23. The Impugned legislations have many provisions that are against Articles 14, 15(1), 19(g), 21, 25, 26 and 31A of the Constitution, are in the teeth of the earlier judgments passed by this Hon'ble Court, are illegal even otherwise and deserve to be set aside by this Hon'ble Court. The implementation and actions taken by the Respondents under the impugned legislations, besides being in violation of the fundamental rights of the devotees claiming rights through the Religious Institutions and the Religious Denominations, are a far cry away from the projected objective of the impugned Acts, i.e., to ensure that Hindu Temples and Endowments are properly administered and their income is duly appropriated for the purposes for which they were founded or exist. Under the Constitution, Regulatory power, not total controlling authority, could be given to the authorities to prevent mismanagement and to ensure greater transparency and accountability in the administration of the properties of the religious institutions. However, unguided, arbitrary and draconian controlling powers vested in the authorities under the impugned Acts have resulted in systematic and deliberate taking over the control of the institutions and the properties. The Temple, the Institutions under the impugned Acts and their properties are treated and appropriated as if they are the private properties of the Governments and the political parties in power for nurturing their own vested interests and vote bank politics. It is respectfully submitted that the Impugned legis-

lations are replete with provisions which are contrary to and in the teeth of the fundamental rights guaranteed in the Constitution, particularly Articles 25 & 26.

24. Under the guise of the provisions in the Tamil Nadu Act, the Andhra Pradesh Act and the Pondicherry Act, atrocities against the Temple Devotees, Hereditary Trustees, Religious Denominations, Religious Institutions and groups are committed by the Respondents and their officers. Provisions exist in the said Acts, enabling exercise of vast powers to cut down the dittams either abridging or abrogating the Poojas and the ceremonies in the temple and make the practice of the religion dependent upon the will and pleasure of Governmental servants and the Government.

To illustrate this aspect, in Tiruchengode Temple, Tamil Nadu, which has more than a crore of rupees as annual income, the money earmarked for the primary purpose of the Temple, i.e., worship including daily pujas and rituals is less than 1% of the income of this Temple. The funds for the poojas are deliberately kept low in every temple to facilitate siphoning of the funds to undisclosed and non-religious expenditures by the Government. Likewise, vast Temple properties which are endowed on the deity by thousands of Hindu Devotees over many centuries which are to be respected and managed as Trust properties meant for maintaining and running the Temples and its rituals for the benefit of the worshippers are leased or alienated at abysmally low market value to unjustly enrich persons in power and those close to them and without following the safeguards provided in the 1959 Act. The mandatory provisions for fixing fair rents and the essential and indispensable provisions to be followed regarding transferring of properties of temples and endowments are deliberately ignored.

25. Among Hindus, it is well known that a large part of their daily life, their habits and customs are inextricably entwined with religious faith. All the important ceremonies in a person's life from birth to death are dictated by religious rules. Indispensable religious rites punctuate even the daily routine of personal ablutions and food. Traditionally and culturally the Temple was a vital organ of the basic structure of Hindu religion and communities. The Hindu Temples represent the culmination of social and religious aspirations of the Hindu Society. Temple, the focal point in the life of the Hindu Community is also the index of the community's wellbeing. It is also the bond that draws into its fold people from the various segments and denominations and binds them together. Every Hindu community Temple, apart from being a source of spiritual or religious comfort, also serves as a center for education, music and fine arts. In a way that could not be done by any other means, the Temples taught the people for centuries lessons of purity, harmony and devotion. Temples have always been centres of arts, music, dance and education from time immemorial. History is testimony to the fact that the Temple, its rituals and preservation of its heritage were accorded the highest importance by the Hindu community in and around it and that ensured perennial flow of benefits from the dharmic institutions of Temples and its connected charities to the community. The ancient Temples, besides being Heritage centers and troves of art, were also the repositories of the History of the land. The inscriptions, copper plates, murals and even the stone carvings found in the temples fill in the gaps in ancient and medieval Indian History where every other source fails. It is of paramount importance and a Constitutional duty that these invaluable records in and from the temples are preserved with great care and expertise.

A great loss to many sections of the Hindu Community is the systematic closure of the dharmic institutions like Veda

Patasalas, Agama Patasalas, Music schools, gho-shalas and native vaidya salas promoted and nurtured by the temples within their precincts and in their properties. Due to the willful indifference of the HR & CE Departments and systematic implementation of anti-vedic, anti-Sanskrit and anti-religious policies of continuing governments most of these institutions associated with the temples were wiped out from the face of the temples. The continuing and willful non-collection of huge income due to these specific endowments and alienation of the properties meant for these institutions have wrecked havoc for Hindus.

These have also resulted in denying many, economically and socially weaker sections of Hindus, their right to carry on the religious and devout professions of their ancestors like Vedic scholars, scholars of Sanskrit and sastras, temple musicians, temple artisans and the like. These were the sources of livelihood for a large section of each society. Denying these opportunities by the forced extinction of these institutions has not only made these professionals a rare commodity, it has resulted in the annihilation of traditional sub-sects within the Hindu society. It had also resulted in the exodus of large number of people from villages and smaller towns to degenerated jobs and ways of life in the cities. These culturally and religiously important ways of livelihood and profession is difficult to be revived in the Temples and in the related endowments under the administration of HR & CE Departments and the State governments.

Unprofessional and unconcerned handling of the invaluable records, murals, inscriptions and sculptures on the pretext of maintenance by the temporal administrators belonging to Government have resulted in irreparable destructions in many a temple of these finest testimonies to history and heritage. If this is allowed to continue there is a clear and imminent

danger of citizens of India losing their most reliable sources of heritage and cultural history of this great country.

26. During the early British rule, there was active support from the government in temple administration. Government's support was to collect land revenue for large 'devasthanams' which was otherwise difficult to collect by the temple authorities. Interestingly the amount due to the temples as land revenue was paid upfront to the temples though the British Government collected such rent and revenue due throughout the year. Unlike the current government, which charges 16% for administering temple properties, the British Government did not levy any such charges for their services. The administration part played by the Government was to mainly take over the onerous job of collecting the incomes and rentals for the land holdings of the temples.

27. In this context, it is relevant to point out that the State or any Authority cannot, under the cover or garb of adopting regulatory measures tend to destroy the autonomy of any religious institution. The introduction of an outside authority, who has no interest or knowledge of customs, practices, rituals, heritage and usage of the religious institution, in the governing body of the Religious Institution to conduct the affairs of the Institutions, including religious functions, have proved to be destructive of Articles 25 & 26 of the Constitution and reduces the Institutions and the rights of those professing and practicing the Religion to helpless Institutions or persons, as the case may be, making a mockery of the rights guaranteed under Articles 14, 15(1), 19(g), 21, 25, 26 and 31 A of the Constitution.

28. While reasonable "restrictions" by the State upon free exercise of religion are permitted both under Articles 25 and 26 on grounds of public order morality and health, such regu-

lation cannot go to the length of annihilating the rights guaranteed under Articles 25 and 26. However, what the Impugned legislations do, is exactly this. What Article 25(2)(a) contemplates is only regulation of activities which are economic, commercial or political in their character though they are associated with religious practices and nothing further.

29. It is common knowledge that the flow of material wealth and money is imperative to ensure the practice of the religion in a temple or a religious institution where worship and propagation of religion take place. The land on which the temple is situated, the construction of the building, the installation of the deity, the performance of poojas, the worship by the devotees, the means to ensure the upkeep and maintenance of the temples, the continuity of the religious rites and the management of the properties belonging to the deity as per custom and tradition of the institution and the denomination fall within the ambit of the freedom guaranteed under Articles 25 and 26. Further, even the management of the properties of the Religious Institution taken over by the Government cannot be for an indefinite period and has to be only for a limited period, contravention of which is violative of Article 31A(1)(b) of the Constitution.

30. If the freedom in the erection of the buildings, the installation of deities, the expenses to be incurred, the performance of poojas, the gathering of worshippers and the securing of the income from the endowments is interfered with, the freedom to practice the religion is also infringed. Power exists in the Government or in its instrumentalities to dictate what and how much shall be spent for such rituals and even determine what ceremonies shall be performed, which, by means are secular in character. The enabling provisions in the impugned Acts, under cover of which the Government takes such actions, are an infringement of the freedom guaranteed under Articles 25 and 26.

31. In the erstwhile Madras Presidency, temples were classified by the Revenue authorities of the British East India Company as “chillara” (minor), “madhyama” (middle class) and ‘Tasdik’ (endowed by the State). The madhyama and chillara temples were free from any Government supervision or support. The local communities continued these temples as was the case with other religious institutions. As stated earlier after the assumption of governance by the East India Company, all the Tasdik amounts enjoyed by the Tasdik temples were commuted into their annual estimated money values and were added to the Government land revenue demand leviable from the lands and these tasdik values were paid in the beginning of the year to the temples.

In 1863, even these Tasdik temples which were the only temples that were under the nominal supervision of the Revenue Authorities were handed over fully to the trustees since the British Parliament did not favour Government supervision of Hindu and Muhammadan Institutions. Christian Institutions, of course, never came under Government involvement, supervision or control at any point of time.

32. The Indian Constitution also acknowledged the importance of the religious rights of the people. While the Constitution provides for administration of the Religious Institutions according to law, no interference was ever envisaged in the religious matters as long as they were not opposed to public law, order and morality.

In Tamil Nadu, the HR & CE department as per the HR & CE Act 1959 classifies temples as per the annual income of these institutions and one such classification is, “Non-listed institutions: under Section 49(1)”. These temples have an annual income of less than Rs. 10,000/- per annum and under this classification the Department has 34,265 Hindu religious

institutions under its administration and these temples form about 85% of the total number of temples taken over by Tamil Nadu Government. It is beyond one's imagination as to why an ostensibly secular Government should compulsorily take-over and retain the detailed administration of these very minor institutions, which does not even have an income of Rs.1000/- per month. This, by any standards, cannot be sustained as power to regulate, under the Constitution. Such provisions are arbitrary and unconstitutional. These minor institutions, which have no properties and very little income, were far better off in terms of daily rituals, poojas and maintenance when they were administered and taken care of by the Community of Hindus in their localities.

The Constitution not only protects the freedom of religious opinion but also protects acts done in pursuance of the religion and this is made clear by the use of the expression "practice of religion" in Article 25, as held by this Hon'ble Court in Commr., Hindu Religious Endowments v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt, 1954 SCR 1005. This Hon'ble Court further held,

“...what constitutes the essential part of a religion is primarily to be ascertained with reference to the doctrines of that religion itself. If the tenets of any religious sect of the Hindus prescribe that offerings of food should be given to the idol at particular hours of the day, that periodical ceremonies should be performed in a certain way at certain periods of the year or that there should be daily recital of sacred texts or oblations to the sacred fire, all these would be regarded as parts of religion and the mere fact that they involve expenditure of money or employment of priests and servants or the use of marketable commodities would not make them secular activities partaking of a commercial or economic character; all

of them are religious practices and should be regarded as matters of religion within the meaning of Article 26(b).....”

It was further held that the regulation by the State contemplated in Article 25(2)(a) is not regulation of religious practices as such, that the freedom to observe the religious practices is guaranteed by the Constitution and the regulation by the State is contemplated only when such religious practices run counter to public order, health and morality.

33. In Acharya Jagdishwaranand Avadhuta and Ors. Vs. Commissioner of Police, Calcutta and Anr., this Hon'ble Court has held;”..

Religion is certainly a matter of faith with individuals or communities and it is not necessarily theistic. There are well known religions in India like Buddhism and Jainism which do not believe in God or in any Intelligent First Cause. A religion undoubtedly has its basis in a system of beliefs or doctrines which are regarded by those who profess that religion as conducive to their spiritual well being, but it would not be correct to say that religion is nothing else but a doctrine or belief. A religion may not only lay down a code of ethical rules for its followers to accept, it might prescribe rituals and observances, ceremonies and modes of worship which are regarded as integral parts of religion, and these forms and observances might extend even to matters of food and dress...

Restrictions "by the State upon free exercise of religion are permitted both under Articles 25 and 26 on grounds of public order morality and health. Clause (2) (a) of Article 25 reserved the right of the State to regulate or restrict any economic, financial, political and other secular activities which may be associated with religious practice and there is a further right

given to the State by Sub-clause (b) under which the State can legislate for social welfare and reform even though by so doing it might interfere with religious practices....

The contention formulated in such broad terms cannot, we think, be supported. In the first place, what constitutes the essential part of a religion is primarily to be ascertained with reference to the doctrines of that religion itself. If the tenets of any religious sect of the Hindus prescribe that offerings of food should be given to the idol at particular hours of the day, that periodical ceremonies should be performed in a certain way at certain periods of the year or that there should be daily recital of sacred texts or oblations to the sacred fire, all these would be regarded as parts of religion and the mere fact that they involve expenditure of money or employment of priests and servants or the use of marketable commodities would not make them secular activities partaking of a commercial or economic character; all of them are religious practices and should be regarded as matters of religion within the meaning of Article 26(b)....”

34. Traditionally, the Temples were administered by Trustees and were not controlled by the Government. However under the Tamil Nadu HR & CE Acts of 1951 and 1959, and the various amendments that were carried out to the 1959 Act, under the promulgation of the Andhra Pradesh Act, 1987 and the Pondicherry Act, 1972, the trustees became mere figureheads under the HR & CE Departments and the Governments, which appoint these Trustees. The Trustees have very little powers vested with them and their appointment lasts only for a year or so. The Government exercises authority over both the trustees and trust funds in devious ways. The Commissioner and his subordinates have absolute say in any budgets and expenditure proposals. The few disqualifications in the 1959 Act and the few qualifications prescribed

by the Andhra Pradesh Act and the Pondicherry Act are far too basic and do not take into consideration the traditions, heritage and denominational character of the institutions, the religious sentiments of the Hindus and is an invasion of their rights under Articles 19(g), 25 and 26 of the Constitution.

35. The impugned Acts have provisions wherein not only does the financial control of Hindu temples and religious institutions lie absolutely with the Government and its agents, the power and authority to adjudicate and rule over matters relating to traditions, customary honours, partake in religious rituals, denominational character of a religious institutions and established usage of a religious institution and the like which are matters of fact, also lie with the Government and its agents. The expenditures of the temples and institutions have to be allowed by the government for the various items regardless of whether the expenditures are for secular or religious purposes in such institutions, i.e., under the impugned Acts, the temples and institutions are, effectively under the mercy of the government as regards the expenditures in the Temple. The Assistant Commissioner of the area in which the institution is located is empowered to pass such orders as he may think fit on such proposals of expenditures and budgets. The Government servants are therefore, empowered to direct what shall be spent and how much shall be spent for the ceremonies and rituals or other items to be incurred by the temple or religious institutions. So much so, this has resulted in HR & CE and Government Officials being given unjust primary importance in all temple rituals and festivals. The festival and consecration invitations and announcements go out in the name of these officials and their political masters, who, most often turn out to be non-believers and atheists.

The offerings to hundies in the Temples are made by the devotees, out of devotion and their beliefs. Such devotees believe and desire that the funds from these offerings be used for the daily rituals, festivals and upkeep of the Temples. The government in scant regard of the religious sentiments and expectations of the worshippers arbitrarily divert these funds to non-religious government expenditures. The unsuspecting devotee does not know that when he offers Rs.100/- in the temple Hundie, he is actually offering the State Government Rs.16.00, which is taken away by the Government as “administrative and audit” fees. The real intention of the Government under the guise of regulating the Temple funds is to tap the huge collection of offerings by devotees to temples, for undisclosed and unconnected purposes. The offerings of devotees thus serve as an easy source of money for the government. The primary purpose of temples which is propagation of Hindu customs, rituals and more particularly the religion itself is completely ignored under the Government administration. True copy of the Annual expenditure statement of Tiruchengode Temple showing that less than one percent of the income of the temple being spent for daily poojas is annexed as Annexure P-12.

As the Government has the power to revise any orders passed by any of these HR & CE authorities, it follows that the financial control over the temples stands effectively transferred from the community to the Government and its servants, robbing the community of its right to profess, practice and propagate their Religion through these Religious Institutions.

36. The power to regulate, by any stretch, cannot extend to apportionment and utilization of such money belonging to the Religious Institutions and the persons, who profess, practice and propagate their Religion through these Religious Insti-

tutions. That such money belonging to the Religious Institutions are appropriated under the guise of fees, salaries etc. will not legitimize such action on the part of the Government either under the provisions of the Constitution or other laws purportedly enacted to regulate only Hindu religious institutions of this country.

37. Most of the wealth and properties of the Religious Institutions and the Temples are contributed by persons, who profess, practice and propagate their Religion through these Religious Institutions, including Temples. The said persons, in their capacity as citizens, are made to pay all the taxes, customs and duties, etc. applicable to the general public. However, out of the taxed funds when Hindus make contributions to their religious institutions they are made to pay an additional “tax” of 16% as administrative and audit fees in temples.

The utilization of the funds belonging to the Religious Institutions, for purposes other than those pertaining to purposes of worship and propagation of religion and maintaining the tradition, culture associated with the Temples, results in taxing the Hindus twice. In other words, citizens, merely for being the persons, who profess, practice and propagate the Hindu Religion have to bear the brunt of being burdened with the payment of forced contributions or levy of fee to the Government for the making contributions for religious purposes or services, as the case may be, resulting in discrimination vis-à-vis the citizens of the country who belong to Religions other than Hinduism. The State cannot discriminate on the basis of religion and appropriation of the money belonging to the Religious Institutions, including Temples, for purposes other than those pertaining to purposes of worship and propagation of religion and maintaining the tradition, culture asso-

ciated with the Temples, in as much as the same is violative of Article 14 and 15(1) of the Constitution.

38. The impugned Acts have arbitrarily selected only Hindu religious institutions and endowments for the purpose of extreme Governmental control and departmentalization. Such interference by the Government amounts to discrimination and is violative of Article 14 and 15(1) of the Constitution. The following chart would show the disparity followed by State Governments in regulating religious institutions of different religions:

Religious Institutions

Hindu, Muslim, Christian

1. Scope of the Acts Like T.N. HR & CE Act, 1959 or Andhra Pradesh . Religious Endowments Act

All Institutions including Temples, Mutts and Endowments Only Trusts and Endowments. Places of worship i.e. Mosques are not included, No Acts or legislations to regulate or control Christian Institutions or Trusts.

2. Executive Officer, Appointed by Commissioner who is a Govt. Servant, Appointed by non-Government Wakf Board, No such appointments.

3. Status of Executive Officer, Government Servant, Non-Government Person alone can be appointed, No such appointments.

4. Powers under the Acts, General Superintendence and control of Temples, Mutts, endowments and their properties, Can Supervise only Wakf properties, None

5. Religious Matters, High level of interference in Hindu religious matters including daily poojas, Interference in religious matters specifically prohibited, None.

39. The entire scheme and context of the impugned Acts negates any freedom or autonomy in the Hindu religious communities or denominations to administer or manage their temples. The Government under the impugned Acts, can wield its power to appoint or remove the Trustees and compel them to obey all orders of the Government or its servants on pain of prosecution and dismissal, and in devious ways can remove the Trustees, replace them by its nominees. The Hindu denominations or communities have no lot or part in the choice of Trustees or voice in the management of the institution and it is plain that Articles 25 and 26 are rendered nugatory and of no real effect whatsoever for Hindus and Hindu Denominations.

40. The State Governments of Tamil Nadu and Andhra Pradesh and the Union Territory of Puducherry have taken over the administration and control thousands of religious institutions including Mutts and denominational temples either by alleging mismanagement or stating that the institutions are wrongly taken over for under the guise of “better management”. While these reasons are perspicuously against law, fundamental rights and clear decisions of Constitutional Benches of the Supreme Court, these Governments continue with such takeovers with impunity.

For instance, the HR & CE Department in Tamil Nadu has about 38,500 temples under its control and administration and there has been no instance of this department voluntarily repatriating a temple back to the Trustees or to the community after setting right the alleged mismanagement within a few years. Such takeovers have actually resulted in the deterioration of the temples and religious institutions under the Government administration. Besides using the draconian and arbitrary Section 45 of the 1959 Act to appoint Executive Officers for thousands of temples in Tamil Nadu,

Executive Officers were appointed in hundreds of large temples in Tamil Nadu by the HR & CE Department under Section 64(5) when that section affords no powers to appoint Executive Officers to religious institutions including temples. To quote an example, in Shri Thiagaraja Temple, Tiruvottriyur, Chennai an existing scheme has been modified and an Executive Officer has been appointed under Section 64(5) of the 1959 Act which does not sanction power to appoint Executive Officer is annexed as ANNEXURE P-13.

41. Article 31A (1)(b) of the Constitution states the take-over of management of any property by the State can be only for a limited period. No such safeguard is provided for in the impugned legislations and this seriously violates article 31A(1) (b) and the religious rights of Hindus under Article 14, 19 (g), 25 and 26. While the 1951 Act of the Tamil Nadu Government had a safeguard in this regard, it was deliberately omitted in 1959 Act.

42. When we are considering the question of vires, what is to be determined is the existence of the power to interfere and not the extent of such power. The power exists and it has been so exercised to cut down the dittams either abridging or abrogating the Poojas and the ceremonies in the temple and make the practice of the religion dependent upon the will and pleasure of Governmental servants and the Government. Chronic ineffectiveness and maladministration in collecting income from the properties of the temple is akin to interference with the daily worship, propagation of the temple tenets and with the religious faiths of any community or denomination.

43. As far as the worshipping Hindus, Hindu Communities, Hereditary Trustees of various temples and religious institutions, various Mutts and denominations and sub-sects of Hin-

us are concerned, the Impugned Acts infringes Articles 14, 15(1), 19 (g), 25, 26 and 31A (1) b. The impugned Acts are ultra vires Articles 14, 15(1) 19 (1) (g), 25, 26 and 31 (1) (a) (b) of the Constitution of India. Petitioner craves leave to challenge the provisions of the Tamil Nadu HR& CE Act, 1959, the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 and the Pondicherry Hindu Institutions Act, 1972 for the following;

G R O U N D S

A. The impugned Acts are ultra vires Articles 14, 15(1), 19(1)(g), 21, 25, 26 and 31 (1) (a) (b) of the Constitution of India and are also in the teeth of earlier judgments of this Hon'ble Court.

B. The impugned Acts, wherein not only does the financial control of Hindu temples and religious institutions lie absolutely with the Government and its agents, the power and authority to adjudicate and rule over matters relating to traditions, customary honours, partake in religious rituals, denominational character of a religious institutions and established usage of a religious institution and the like which are matters of fact, also lie with the Government and its agents, is a direct infringement of the rights guaranteed to persons and Religious Denominations under Articles 25 and 26 of the Constitution. The temples are run as Government departments, salaries and perquisites modeled on government salaries and even dearness allowances as per government official models from time to time.

C. Under the guise of the power to regulate, what is being actually done is exercising control over those who are otherwise protected under Articles 25 and 26 of the Constitution.

D. Huge sums of money from Temples and other Religious Institutions under the 1959 Act and the Andhra Pradesh Act are transferred to the public exchequer and utilized for purposes unconnected with the primary purposes of worship and propagation of religion and maintaining the tradition, culture associated with the Temples besides preserving the art and architecture found in the Temples. The power to regulate, by any stretch, cannot extend to apportionment and utilization of such money belonging to the Religious Institutions and the persons who profess, practice and propagate their Religion through these Religious Institutions. That such money belonging to the Religious Institutions are appropriated under the guise of fees, salaries etc. will not legitimize such action on the part of the Government either under the provisions of the Constitution or other laws.

E. The utilization of the funds belonging to the Religious Institutions, for purposes other than those pertaining to purposes of worship and propagation of religion and maintaining the tradition, culture associated with the Temples, results in taxing the Hindus twice vis-à-vis the other citizens, or levying fee for the same service, is discriminatory and is violative of Article 14 and Article 15(1) of the Constitution. The impugned Acts have arbitrarily selected only Hindu religious institutions and endowments for the purpose of extreme Governmental control and departmentalization. Such interference by the Government amounts to discrimination and is violative of Article 14 and 15(1) of the Constitution.

F. Under the impugned Acts, the Trustees are reduced to mere helpless nobodies both in what they do and in the method of their doing. In this context, it may be pointed out that, in the past fifty years, all major and important temples in Tamil Nadu have only trustees appointed by the Government or the HR & CE Department and we cannot now imagine a more

subservient or sycophantic group of nominated figureheads anywhere else acting as trustees or administrators of religious institutions.

It is difficult to imagine a more insidious and a more complete discrimination that annuls the rights of the society of temple worshipping-Hindus and the local community or denomination to which the temple (and its endowments) rightfully belongs and the unlawful vesting of the rights in the executive Government.

In Tamil Nadu, HR & CE Department has a classification, “Non-listed institutions: under Section 46(1)” and under this classification it has 34,265 (as of March 2012) Hindu religious which have an annual income of less than Rs.10,000/- It is incomprehensible as why Government should compulsorily take over and retain the detailed administration of these very small institutions whose income per month is not even Rs. 1000/- .

G. The very object of the Tamil Nadu Act to amend and consolidate the law relating to the administration and governance of Hindu Religious and Charitable Institutions and endowments in the State of Tamil Nadu by bringing all of these institutions under the amended Act without any justifying circumstances for the same or without even prescribing any time limit for which the Act would be applicable to the Institutions and the Endowments, is wholly flawed, unsustainable and contrary to the fundamental rights guaranteed under Articles, 14, 15(1), 19(1)(g), 21, 25, 26, and 31A(1)(b) of the Constitution of India.

H. While the Tamil Nadu Act in section 3(1) provides that the provisions of the Act may be made applicable to Charitable Endowments on finding that they are being mismanaged,

no such safeguard are provided for the other religious institutions like temples and Mutts under the Act.

Without prejudice to the submission of the petitioner that the Act cannot ipso facto be made applicable to all Hindu religious institutions or without there being any justifying reasons, it is submitted that;

I. Assuming that the Tamil Nadu Act is to be made applicable to the Religious Institutions, no guidelines have been put in place as to when and under what circumstances the provisions of the Act could be applicable to Hindu Religious Institutions. No definite period for which the Act would be applicable for these institutions is contemplated. Likewise no notice is contemplated under section 3(1) or 3(4) to the affected parties. The absence of such provisions goes to the root of the maintainability of the sections 3(1) and 3(4) of the Act.

J. Section 4 of the Tamil Nadu Act deals with exemption of religious institutions from the Act. Such power to exempt is coupled with duty. It therefore transpires that, if in line with the objective of the provisions of the Act, a religious institution offers to conduct its affairs in a clean, transparent and efficient manner it would be the duty of the competent authority of the Government under the Act to grant the exemption sought for. Available data shows that there is no such instance where the Government has exercised its power in favour of institutions and endowments that apply for such exemption.

K. Section 8 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 creates four classes of authorities, viz., Commissioner, Joint Commissioners, Deputy Commissioners and Assistant Commissioners. Similar provision exists in Section 3 of the AP Act and in Sections 3 and 9 of the

Pondicherry Act. These classes of authorities under the said Acts are appointed by the Government and are Government Servants, pure and simple. They are paid by the Government. They owe their existence and preferment to Government. The Government may also remove them. All these officers are employees of the Government and therefore, they are holders of civil posts within the meaning of Article 311 of the Constitution.

L. Section 23 of the Tamil Nadu Act, Section 8(1) of the Andhra Pradesh Act and Section 3 and 3A of the Pondicherry Act make the administration of all temples and religious endowments subject to the general superintendence and control of the Commissioner. The trustees are bound, by these Sections to obey all lawful orders issued by the Government, the Commissioner and his deputies.

M. By virtue of Section 23 of the Tamil Nadu Act, Section 8(1) of the Andhra Pradesh Act and Section 3 and 3A of the Pondicherry Act, the expenditures of the temples and institutions have to be allowed for the various items of expenditure for secular or religious purposes in such institutions. The financial control over the temples stands effectively transferred from the community to the Government and its servants which is impermissible.

N. Section 24 of the Tamil Nadu Act empowers the Commissioner and his subordinate officers and also persons authorised by them to enter the premises of any place of worship for the purpose of exercising any power conferred or any duty imposed by or under the Act. Clause (5) of the Section further states that if any question arises whether entry is prohibited by any religious practice or usage of the Religious Institution, the Commissioner has power to decide the same, which is wholly unreasonable and illegal. Such right of entry in a public temple or other religious institution, for persons

who are not connected with the spiritual functions thereof, is a serious infringement of the rights guaranteed under Articles 25 and 26 and affects the religious sentiments of the devotees of the Hindu Religion and amounts to insulting the Religious Institutions/ the persons professing/practicing Hindu religion. A power in the nature of the one in Sec. 24, can be invoked by the Competent Authority in rare circumstances only, when there is enough cause or material warranting such intrusions. The concerned officer has to apply his mind, has to be satisfied, for reasons to be recorded, that circumstances exist for entry of the Commissioner and his subordinate officers into the religious institution. None of these conditions are satisfied in Section 24 of the Tamil Nadu Act.

An Appeal provided against the Commissioner lies to the Government. The said remedy of Appeal to the Government is equally inefficacious and purposeless. Available records show that the Government uniformly upholds or confirms the orders of the Commissioners.

O. Section 26 of the Tamil Nadu Act governs with the criteria for disqualifications of a Trustee under the Act. No qualifications have been specified for the important role of a Trustee of a Hindu religious institution. The disqualifications like insanity, insolvency, etc., which are of general nature, are hardly sufficient to protect and preserve the sanctity of the Religious Institutions, including Temples. Scant regard shown to the rights of persons who practice, profess, propagate the Religion through the Religious Institutions, is writ large in Section 26 of the Tamil Nadu Act and offends the rights guaranteed under Articles 25 and 26 of the Constitution. Going by Section 26 of the Tamil Nadu Act, any person claiming to be a Hindu can be appointed by the Government/ HR & CE Department to be a temple trustee. In fact, such trustee can even be a non-believer in the tenets of the temple

or even an atheist as has been the case with the appointment of political nominees as trustees for many important religious institutions in Tamil Nadu. The Denominational character of the temple and the very requirement that the trustees should belong to that denomination are completely ignored.

P. Appointment, suspension and removal of the trustees rest with the authorities under the Tamil Nadu Act, the Andhra Pradesh Act and the Pondicherry Act; and it is significant to note that one of the grounds for removal is stated to be willful disobedience of any lawful order issued under the provisions of the Act by the Government, Commissioner, Joint Commissioners, Deputy Commissioners and Assistant Commissioners.

Sections 17 to 19 of the Andhra Pradesh Act deals with procedure for making appointments of trustees, their qualifications and disqualifications.

The provisions of the Tamil Nadu Act, and of the Andhra Pradesh Act, 1987 have reduced the trustees to mere figureheads with HR & CE Department and the Government appointing Trustees. Further the Tamil Nadu Act does not specify any merit or qualification for the prospective trustees who are to be appointed by the Department or Government except that such Trustees shall be Hindus who are not of unsound mind and are not insolvent. The few qualifications prescribed by the Andhra Pradesh Act are far too basic and does not take into consideration the traditions, heritage, denominational character of the institutions or the knowledge and qualifications of the trustees with regard to the custom, rituals or the denominational tenets of the temple.

Q. Section 32 is discriminatory and direct intrusion into internal autonomy of the Religious Institutions under the Tamil

Nadu Act. Since the other institutions like societies, general trusts, education institutions are spared off the obligation to furnish accounts why should trustees of Hindu Religious Institutions alone are statutorily forced to submit budgets, accounts, reports and returns to the Department under section 32 of the Tamil Nadu Act.

R. When other institutions like schools, societies, general charities and non-profit organizations can choose or elect their trustees from their own members, it is a moot point how Government under Sec. 47 of the Tamil Nadu Act statutorily appointing trustees for the Hindu Religious Institutions built by and for Hindus and sustained by Hindu worshippers can be valid. Even in trusts belonging to majority communities Government cannot appoint trustees except in compelling circumstances. Sec.47 (2) gives even speculative powers to the Commissioner and his subordinates to appoint non- hereditary trustees in the religious institutions, which is unsustainable. Similarly the power vested in the Assistant Commissioner to appoint trustees for unlisted temples under section 49 portrays the Government's intention to control even very small religious institutions having an annual income of less than Rs. 10,000/- per annum.

S. Sec. 50 of the Tamil Nadu Act is wholly unsustainable and is in the teeth of the powers of the Courts. This statutory power authorizes the Commissioner and his subordinates to appoint trustees in total disregard to the settled schemes by competent courts.

T. Sec. 53 of the Tamil Nadu Act gives excessive and unguided powers to the Authority under the section to suspend, remove or dismiss any trustee. The said power is unsustainable and deserves to be set aside by this Hon'ble Court.

U. Sec. 57 of the Tamil Nadu Act vests arbitrary power with the trustees and the Commissioner of a religious institution to fix fees for the performance of any service, ritual or ceremony in such religious institution notwithstanding anything contained in any scheme already settled or in any decree and even if it contrary to the usage of the institution.

V. Draconian powers are given to the Department under Section 58 of the Tamil Nadu Act, which extends to even purely religious activities and directly interferes in the pujas and rituals. The powers of the Department under Section 58 are brutal negation of the rights under Article 25 and 26 of the Constitution.

W. Draconian powers are given to the Department under Section 61 of the Tamil Nadu Act which deals with Mutts, which are invasion of the inviolable religious rights of the Mahant to practice and propagate his religion. The vesting of the final powers to the Government to pass orders is a serious encroachment to the religious and administrative rights guaranteed under Article 26.

X. The law as it stood by this Hon'ble Court considering Sec. 58 of the 1951 Act has undergone change as is reflected in Madras Bar Association Case regarding vesting of Judiciary power with the Executive. While the Shirur Judgment upheld this section for reasons recorded in the judgment, it still only upheld the power of the competent official of the HR & CE Department to settle schemes and not to modify schemes already settled by the Courts. The HR & CE Department has been and is abusing this section to modify schemes settled and even to appoint Executive Officers to religious institutions using this section when this section accords no such power. Sections 64 and 65 of the Tamil Nadu Act are also directly in conflict with the Sec. 92 of the CPC.

Y. Provisions 63-69 of the 1951 Act, which were struck down as being draconian to the core and sans appeal safeguards have been deliberately and surreptitiously reintroduced with powers, which are more draconian than the provisions of the 1951 Act. Sec. 72- 76 of the Tamil Nadu Act as shown in the Chart in the Para 6 of this petition are a repeat of the Chapter VI of the 1951 Act which was struck by this Hon'ble Court in its entirety.

Z. Section 35 of the Tamil Nadu Act authorizes the Trustee to incur expenditure for securing health, etc. of pilgrims and worshippers, and for training of Archakas, etc. Sub-section (2) of Section 35 mandates that in incurring expenditures enumerated therein, the Trustee of the Religious Institution, other than a Math of specific endowment attached to a Math, shall be guided by the general or special instructions of the Commissioner. The said provision is an unreasonable restriction on the rights guaranteed under Articles 25 and 26 of the Constitution.

In this context, it may be pointed out that this Hon'ble Court in Annexure P-6 judgment has had occasion to consider the corresponding Section 30 (2) of the 1951 Act and was pleased to strike down the said Section as being unconstitutional. The reasoning given by this Hon'ble Court qua Section 30 (2) would apply on all fours to Section 35 (2) of the Tamil Nadu Act.

AA. Similarly Section 36 of the Tamil Nadu Act which deal with "Utilisation of Surplus" is a direct infringement of the rights guaranteed under Articles 25 and 26 of the Constitution. Under this section the surplus funds of the religious endowments and temples can be expended only for the purposes sanctioned by the Commissioner and no exchange, sale or mortgage or even a lease for a term exceeding five years

of temple and endowment properties would be valid unless it is sanctioned by the Commissioner.

No rights whatever are reserved for the community to which the temple belongs or to the trustees who have been traditionally administering the temple, either in or over the temple and its funds.

It is not for them that the account has to be rendered or the budget to be submitted, or for them to grant sanction for the expenditure of the funds of the temple; but the entire power is transferred from the community or trustees to the servants of the Government and ultimately to the Government itself.

AB. The annihilation of dharmic institutions attached to temples has resulted in denying sections of Hindus their right to carry on the religious and devout professions of their ancestors like Vedic scholars, scholars of Sanskrit and sastras, temple musicians, temple artisans and the like. This is an invasion of the rights of these sections of Hindus guaranteed by Article 19 (1) (g) of the Indian Constitution in as much as these were the sources of livelihoods for a large section of each society. Denying these opportunities by the extinction of these institutions has not only made these professionals a rare commodity it has resulted in the annihilation of traditional sub-sects within the Hindu society. It had also resulted in the exodus of large numbers of people from villages and smaller towns to degenerated jobs and ways of life in the cities. These culturally and religiously important ways of livelihood and profession can never be revived in the Temples and the related endowments under the administration of HR & CE and the governments.

AC. Section 36 of the Tamil Nadu Act, which deals with Utilisation of Surplus Funds, corresponds to Section 31 of the 1951 Act, which was struck down by this Hon'ble Court.

The reasoning given by this Hon'ble Court qua Section 30 (2) would apply on all fours to Section 35 (2) of the Tamil Nadu Act.

AD. By virtue of sec. 45, 43-A and by sections 72-78 of the Tamil Nadu Act the Commissioner through the Executive Officer appointed by him takes over the entire administration of the temple. Similar provisions exist vide Section 29 of the Andhra Pradesh Act of 1987 and Section 9 of the Pondicherry Act of 1972. Though Sec. 45 of the Tamil Nadu Act reads that only powers that appertain to the properties of the religious institution can be assigned to the Executive Officer appointed under that section, the Commissioner assigns other additional powers and duties that appertain to the administration of the temple as well. At the same time, he proscribes and diminishes many of the existing powers and duties of the Trustees that are not relating to the properties of the temple, when he has no right to do so. The Commissioner thus narrows the scope of authority of the Trustees of the religious institution reducing them to a superfluous and vacuous body having no voice in the administration of the temple. There is no access to Court or appeal safeguards for sections 43-A and 45. The Act seems to provide an appeal safeguard for Sec-74 but it is a sham since the Act says the aggrieved person may approach a Civil Court against the notification of his temple but the Court shall have no power to stay the notification.

In fact, the equivalent sections 56 and 63-69 of the 1951 Act were struck down by a Seven Judge Constitution Bench of the Hon'ble Supreme Court in 1954 SCR 282 (Shirur Mutt Case) for being draconian to the core and for not providing any appeal safeguards. But the then Madras Government clandestinely brought back the sections after renumbering them and slightly modifying the language as sec. 45 and sec-

tions 72-78 when the new Act was brought out in 1959. It later added section 43-A as an amendment to the Tamil Nadu Act in the year 1974. The reasoning given by this Hon'ble Court qua Section 56 and Sections 63-69 would apply on all fours to Section 29 of the Andhra Pradesh Act of 1987 and Section 9 of the Pondicherry Act of 1972.

AE. Section 49-B of the Tamil Nadu Act, Section 41 of the Andhra Pradesh Act, and Section 9(d) of the Pondicherry Act, vest power with the Executive Officer not to implement order or resolution of the trustee, which is again violative of rights guaranteed under Articles 25 and 26 of the Constitution. Any proceeding or any order by the Trustees may be set aside by the Commissioner or by the Government. It is no longer in the body of worshippers or in the Community or in the Trustees that the ownership and direction of the administration of the temple resides, but in the Government and in the Government servants. The Trustees are thus reduced to mere helpless nobodies both in what they do and in the method of their doing. They dare not disobey the Government or the Commissioner, expect on pain of dismissal or prosecution.

AF. Not only does the financial control of Hindu temples and Hindu religious institutions lie absolutely with the Government and its agents, the power and authority to adjudicate and rule over matters relating to traditions, customary honours, partake in religious rituals, denominational character of a religious institutions and established usage of a religious institution and the like which are matters of fact and rights guaranteed under the Indian Constitution, also lie with the Government and its agents vide Sections 63 and 114 of the Tamil Nadu Act and 93 and 121 of the Andhra Pradesh Act.

In this context, it is submitted that if there are issues regarding deciding any rituals or religious matters, only a competent civil court adducing to evidence, customs and established

traditions, can decide as an appropriate forum, such cases of religious disputes and claims of religious rights.

The section 63 of the Tamil Nadu Act empowers the Deputy Commissioner or the Joint Commissioner who are without adequate judicial experience to decide whether the religious institution should be notified on the ground that the religious institution is being mismanaged, notwithstanding that a religious institution is governed by a scheme settled or deemed to have been settled under the Act. Such power to decide questions, which can be decided only by persons with adequate judicial experience, is arbitrary and draconian, resulting in invasion of the rights of the Petitioners under the Constitution.

AG. For the purposes of maintaining these authorities the temple has to make an annual contribution of 12% of its income. The income so interpreted is the gross income; and in addition up to 4% of the income is to be paid as audit fee.

It is a moot point to note that the Tamil Nadu Act does not define “income”. The Government chose to define the term through rules made under Sec.116 of the Act but this was found ultra vires the Act by the Hon’ble High Court of Madras. However this definition as per rules made under the Act remains intact and the Department continues to enforce it in its calculation and collection of fees from religious institutions.

It is a well-known fact that the HR & CE Department is making a surplus every year from this collection of contribution received from various Religious Institutions as can be seen from the statement of annual receipts of contributions from Hindu Religious Institutions and the annual expenses of the Department given by HR & CE Department, Government of Tamil Nadu under Right to Information Act, 2005.

AH. Entire chapter VIII of the Tamil Nadu Act is an interference with the internal autonomy of the religious community. No other Institutions, under any other department of the Government, is subjected to such kind of government control and this results into an invasion into the rights of Hindu Citizens of India under Articles 14, 25 and 26 of the Constitution of India. Under Section 87 the government has the power to appoint auditors. When the other institutions like non-religious trusts, societies, educational institutions and commercial institutions are not subjected to audit by the Government, the power vested in the Government under the impugned Act to appoint auditors for the Hindu Religious Institutions alone are discriminatory, arbitrary and unsustainable.

AI. Sec 92 of the Tamil Nadu Act is not legally sustainable. Charging of fee of 12% of the income of the Religious Institutions for paying the Government and its officers is not justifiable on any account. Extraction of such significant share of the income in the name of fee for services rendered, after imposing the presence of the government and officers in every Religious Institutions fails any test of reasonableness and legality.

AJ. Chapter VIII of the Tamil Nadu Act which deals with the budgets, accounts and audit is violative of Articles 14, 15(1), 25 and 26. The Religious Institutions are subjected to the Control of the Government and the HR & CE Department, which defies all claims of strictly regulatory exercise of powers, by the Government and the HR & CE Department with no specific period for which the Religious Institutions would be subject to such control. It is only the religious institutions as compared to other institutions like societies, educational institutions that are being subject to control which is discriminatory and hit by Articles 14 and 15(1) of the Constitution. The said Chapter VIII of the Act is a gross violation

of the rights guaranteed by the Constitution under Articles 25, 26 and 31A of the Constitution.

AK. After making a payment of up to 16% as administrative and audit fees, temples are permitted by HR & CE Departments to utilize up to 40% of its gross income for payment of salaries to its employees. This enormous amount of apportionment together with the fees payable to the department leaves very little money with the religious institution for the primary purposes of worship and propagation of religion and maintaining the tradition, culture associated with the temples besides preserving the art and architecture found in the temples. The Government and its servants have scant regard for these primary purposes.

AL. The power to regulate, by any stretch, cannot extend to apportionment and utilization of such money belonging to the Religious Institutions and the persons, who profess, practice and propagate their Religion through these Religious Institutions. That such money belonging to the Religious Institutions are appropriated under the guise of fees, salaries etc. will not legitimize such action on the part of the Government.

AM. Huge sums of money from Temples and other Religious Institutions under the Tamil Nadu Act are transferred to the public exchequer and utilized for purposes unconnected with the primary purposes of worship and propagation of religion and maintaining the tradition, culture associated with the Temples besides preserving the art and architecture found in the Temples. Most of the money of the Religious Institutions and the Temples under the 1959 Act, are contributed by the persons, who profess, practice and propagate their Religion through these Religious Institutions, including Temples. The said persons, in their capacity as citizens, are made to pay all the taxes, fees etc. applicable to the general public. The utilization of the funds belonging to the Religious

Institutions, for purposes other than those pertaining to purposes of worship and propagation of religion and maintaining the tradition, culture associated with the Temples, results in taxing the Hindu's twice for the same taxing event, or levying fee for the same service. In other words, citizens, merely for being the persons, who profess, practice and propagate the Hindu Religion have to bear the brunt of being burdened with the payment of tax twice or levy of fee twice for the very same taxable event or service, as the case may be, resulting in discrimination vis-à-vis the citizens of the country who belong to Religion other than Hindu. The State cannot discriminate on the basis of religion and appropriation of the money belonging to the Religious Institutions, including Temples, for purposes other than those pertaining to purposes of worship and propagation of religion and maintaining the tradition, culture associated with the Temples, is violative of Article 14 of the Constitution.

AN. Section 108 of the Tamil Nadu Act is repugnant to Section 92 of the CPC, which is Central Act and the same is not sustainable.

AO. Likewise, Section 111 whereby no notification or certificate issued, order passed, decision made, proceedings or action taken, scheme settled or things done under the Tamil Nadu Act by the Commissioner and other authorities under the Act, is questionable in any Court of Law. It vests the authorities under the Act with arbitrary and unbridled power, liable to be struck down by this Hon'ble Court.

AP. The impugned Acts have arbitrarily selected only Hindu religious institutions and endowments for the purpose of Governmental control and departmentalization. Such interference by the Government amounts to discrimination and is violative of Article 14 of the Constitution.

AQ. Appointment, suspension and removal of the trustees rest with the authorities under the Tamil Nadu Act and the Andhra Pradesh Act; and it is significant to note that one of the grounds for removal is stated to be willful disobedience of any lawful order issued under the provisions of the Act by the Government, Commissioner, Joint Commissioners, Deputy Commissioners and Assistant Commissioners.

Sections 17 to 19 of the Andhra Pradesh Act deals with procedure for making appointments of trustees, their qualifications and disqualifications. The trustees became mere figureheads with HR &CE Department and the Government appointing Trustees, with very little powers vesting with them. The servants of the temple also are not completely under the control of the trustees. While trustees are no doubt entitled to suspend or remove the temple servants, a right of appeal is provided to the Deputy Commissioner or his superiors. The temple servants, therefore, would know who exactly are their masters; and this would no doubt have its own effect on their conduct and deportment towards the trustees.

AR. That a careful consideration of the aforesaid action of the Respondents under the guise of regulation would show that the said actions are a direct infringement of the rights guaranteed under Articles 25, 26 and 31 A of the Constitution. In this context, it is pointed out that this Hon'ble Court, in E.V. Chinniah

Vs. State of Andhra Pradesh and Ors., AIR 2005 SC 162, (2005)1SCC394, had reiterated and relied upon the decision of the earlier decision in Kartar Singh v. State of Punjab MANU/SC/0029/1956 : 1956CriLJ945) and held that;

“..it is necessary for the courts to go into and examine the true character of the enactment, its object, its scope and effect to find out whether the enactment in question is genu-

inely referable to the field of legislation allotted to the State under the constitutional scheme...”

This Court further held;

“..It is a trite law that justice must be equitable. Justice to one group at the costs of injustice to other group is another way of perpetuating injustice.”

AS. The impugned Acts have arbitrarily selected only Hindu religious institutions and endowments for the purpose of Governmental control and departmentalization. Such interference by the Government amounts to discrimination and is violative of Article 14 and 15(1) of the Constitution.

AT. The stand of the Respondents is that the impugned Acts were enacted to reform or eradicate the evils prevalent in the management of religious institutions and endowments. If reformation or eradications of the evils prevalent in the management of religious institutions and endowments is the real object of the Acts impugned, there is no justification for the selection of only the endowments of one religion to the exclusion of other religions in India. It is in this aspect that the contention under Article 14 and 15 has to be viewed. The question is not just whether a Government can select institutions and endowments of one particular religion for legislative reforms, but also in addition to that whether a Government can take over into its exclusive control the religious institutions and endowments of one particular religion under the guise of remedying the evils alleged to exist.

AU. If India is a secular state, all religious institutions and endowments must be subject to equal treatment and equality before Law. Either a religious institution should be regarded in the eye of the State as a voluntary association subject to legal rights, liabilities and duties which they share in com-

mon with other voluntary associations regardless of whether the institution belongs to one particular religion or another, or all religious institutions should be amenable to the same rigour of Governmental administration, control and departmentalization.

AV. The impugned Acts, far from regulating the freedom on the right to profess, practice and propagate the Hindu Religion, effectively takes away the said freedom and leaves the Religious Institutions under the impugned Acts and the persons who profess, practice and propagate the Hindu Religion at the mercy of the Government and the H.R. & C.E Department.

AW. Interference with the heritage structures, buildings and the income of the properties and in the expenditures that are requisite and sanctioned by the tenets of the temple would result in interference with the daily worship or with the religious faith of any community or denomination.

AX. The impugned Acts concentrate the right of administration of the temples completely in the hands of Government instrumentalities created by the impugned Acts and in the Government itself. The entire scheme and context of the impugned Acts negates any freedom or autonomy in the religious communities or denominations to administer or manage the temple. If the Government can wield its power to appoint or remove the Trustees and compel them to obey all orders of the Government or its servants on pain of prosecution and dismissal, and in devious ways can remove the Trustees and replace them by its nominees and the denominations or communities have no lot or part in the choice of Trustees or voice in the management of the institution, it is plain that Articles 25 and 26 are rendered nugatory and of no real effect whatever for Hindus of this country.

AY. Many State Governments have taken over the administration and control thousands of religious institutions including Mutts and denomination temples either by alleging mismanagement or stating that the institutions are taken over for “better management” under the guise of the Impugned Act. While these reasons are perspicuously against law, fundamental rights and clear decisions of Constitutional Benches of the Supreme Court, the State Governments continue with such takeovers with impunity.

For instance, the HR & CE Department in Tamil Nadu has about 38,500 temples under its control and administration and there have been no instance of this department voluntarily repatriating a temple back to the Trustees or to the community after setting right the alleged mismanagement in a few years.

AZ. Article 31A(1)(b) of the Constitution states the take-over of management of any property by the State can be only for a limited period. There is no such safeguard provided for in the impugned legislations and this seriously violates article 31A(1) (b) and the religious rights of Hindus under Article 14, 19 (g), 25 and 26.

BA. As far as the worshipping Hindus, Hindu Communities, Hereditary Trustees of various temples and religious institutions, various Mutts and denominations and sub-sects of Hindus are concerned, the Impugned Acts infringes Articles 14, 15(1), 19 (g), 25, 26 and 31A (1) b. The impugned Acts are ultra vires Articles 14, 15(1) 19 (1) (g), 25, 26 and 31 (1) (a) (b) of the Constitution of India.

BB. Once this Hon'ble Court is satisfied with the unsustainability of the Act, as being ultra vires the Constitution and other laws of the land, there has been rampant mis-

use of the power of regulation granted to the State under the Constitution, this Hon'ble Court would be perfectly justified in laying down guidelines on the extent to which the exercise of the powers of the State is permissible.

29. In view of the fact that the Petitioners herein are challenging the legislations of three different States and the challenge to the same are on the grounds of infringement of the Fundamental rights of the Petitioners herein, the Petitioners are advised to approach this Hon'ble Court directly under Article 32 of the Constitution of India.

30. This Hon'ble Court has jurisdiction under Article 32 to entertain, try and dispose of the present Writ Petition.

31. The Petitioners have not filed any similar petition before this Hon'ble Court or before any other High Court, for the same or similar reliefs.

PRAYER

In the circumstances, it is most humbly prayed that this Hon'ble Court may be pleased to;

(i) declare that the Section 3(1), 3 (4), 23, 24, 26, 32, 35, 36, 36-A, 36-B, 43-A, 45, 47, 49, 49,-B 50, 54 (1), 63, Sections 71-76, 92,97, 108 and 111 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 Act as being ultra vires Articles 14, 19 (1) (g), 25, 26 and 31 (1) (a) (b) of the Constitution of India.

(ii) declare that the Sections 8, 12, 13, 15, 17-19 & 22, 25, 29, 41, 49, 51-55, 66, 70 and 87 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 [(Act 30 of 1987) as being ultra vires Articles 14, 19 (1) (g), 25, 26 and 31 (1) (a) (b) of the Constitution of India.

(iii) declare that the Sections 3A, 4, 8, 9, 11, 12, 13 and 14 of the Pondicherry Act, 1972 as being ultra vires Articles 14, 19 (1) (g), 25, 26 and 31 (1) (a) (b) of the Constitution of India.

(iv) that pending the hearing and final disposal of the Writ Petition, the Respondents by themselves, their servants and agents be restrained from acting in furtherance of the impugned Section 3(1), 3 (4), 23, 24, 26, 32, 35, 36, 36-A, 36-B, 43-A, 45, 47, 49, 49,-B 50, 54 (1), 63, Sections 71-76, 92,97, 108 and 111 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 Act.

(v) that pending the hearing and final disposal of the Writ Petition, the Respondents by themselves, their servants and agents be restrained from acting in furtherance of the impugned Section 8, 12, 13, 15, 17-19 & 22, 25, 29, 41, 49, 51-55, 66, 70 and 87 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 [(Act 30 of 1987).

(vi) that pending the hearing and final disposal of the Writ Petition, the Respondents by themselves, their servants and agents be restrained from acting in furtherance of the impugned Sections 3A, 4, 8, 9, 11, 12, 13 and 14 of the Pondicherry Act, 1972

(vii) that this Hon'ble Court may be pleased to pass such other as may be deemed fit in the facts and circumstances of the case.

FOR WHICH ACT OF KINDNESS, THE PETITIONERS SHALL AS IN DUTY BOUND EVER PRAY.

Filed by :

K.R. SASIPRABHU

Advocate for the Petitioners

Drawn by : Ms.Bindu K Nair, Advocate

Settled by : Mr. C.S. Vaidyanathan, Sr. Advocate

Drawn on: 02.08.2012

Filed on : 06.10.2012

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A No. 2012

IN WRIT PETITION (CIVIL) NO. 476/2012. OF 2012

IN THE MATTER OF:HIS HOLINESS PUJYA SHRI

DAYANANDA SARASWATI SWAMI

TO

THE HON'BLE THE CHIEF JUSTICE OF INDIA

AND HIS COMPANION JUDGES OF THE SU-

PREME COURT OF INDIA

The Humble Petition of the Petitioners Above named

MOST RESPECTFULLY SHOWETH

Grounds For Interim Prayer

BC. The Petitioner further submits that it is in the interest of justice, equity and good conscience that pending the hearing and final disposal of the Writ Petition, the Respondents by themselves, their servants and agents be restrained from acting in furtherance of the impugned Sections 3(1), 3 (4), 23, 24, 26, 32, 35, 36, 36-A, 36-B, 43-A, 45, 47, 49, 49-B, 50, 54 (1), 63, Sections 71-76, 92 and 97 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 Act, Section 8, 12, 13, 15, 17-19 & 22, 25, 29, 41, 49, 51-55, 66, 70 read with 65-A, 87 of the AP Act and Sections 3A, 4, 8, 9, 11, 12, 13 and 14 of the Pondicherry Act, 1972. ***

தானுக்குத் தோரணம்

1. மாடே இல்லாமல் பால் உற்பத்தி! 19.1.2013 தினமணி நாளிதழில் வெளிவந்த கட்டுரை. ஆசிரியர். திரு. கே.என். இராமச்சந்திரன்.

தன்னால் முடியாத ஒரு காரியத்தைச் செய்துதரச் சொல்லி நச்சரிக்கிறவனைப் பார்த்து, “காளை மாடு, காளை மாடு என்கிறேன், உழக்குப்பால், உழக்குப்பால் என்று கழுத்தறுக்கிறாயே” என்று சீறுவார்கள். ஆனால், மாடே இல்லாமல் பாலை உற்பத்தி செய்கிற வித்தை சீனர்களுக்கும், இந்தியர்களுக்கும் கைவந்த கலையாகி விட்டது. 2008ஆம் ஆண்டில் சீனா மேலைநாடுகளுக்கு ஏற்றுமதி செய்த பால் மற்றும் குழந்தை உணவான பால் பொருள்களில் வேதிப்பொருள்கள் அதிக அளவில் கலந்திருப்பதாகக் கண்டு பிடிக்கப்பட்டு அது, “மாபெரும் பால் ஊழல்” என்று பிரபலமானது. ஏராளமான குழந்தைகள் உள்பட பலர் நோய்வாய்ப்பட்டதால் மேலை நாடுகள் சீனத்திலிருந்து பால் பொருள்களை இறக்குமதி செய்வதற்குத் தடை விதித்தன. சீனா ஏற்றுமதி செய்த பால் மற்றும் பால் உணவுகளில் ‘மேலமைன்’ (Melamine - Cynuramide, $C_3H_6N_6$. Melting Point $354^{\circ}C$ An important material used in plastic industry. Condensed with formaldehyde and other substances it produces thermosetting resins which are stable to heat and light.) என்ற தொழிலியல் வேதியல் (Industrial Chemical) பொருள் கலக்கப்பட்டிருந்தது. தீப்பிடிக்காத கூரை மற்றும் தடுப்புகளைத் தயாரிக்க உதவும் ‘மேலமைன் பார்மால்டிஹைடு’ (Melamin-Formaldehyde resin Melamine and Formaldehyde - HCHO - copolymerise to form this polymer. It is quite hard and is used in making plastic crockery.) என்ற பிளாஸ்டிக் ரோசனத்தை (காய்ச்சின

பிசினை) உற்பத்தி செய்யத் தேவையான கச்சாப்பொருள் 'மேலமைன்'. அதைப் பாலுடன் கலந்து விட்டால் கூடுதலான புரதச்சத்து இருப்பதைப்போல முதல் கட்டச் சோதனைகளில் காட்டும். ஆனால், 'மேலமைன்', சிறுநீரகத்திலும், சிறுநீர் உறுப்புகளிலும் சேதமேற்படுத்தும் என்று கண்டுபிடிக்கப்பட்டதும் அதை உணவுப் பொருள்களில் சேர்ப்பது உலக ளாவிய அளவில் தடை செய்யப்பட்டு விட்டது.

சீனாவின் பால் ஊழல், 2008 ஜூலையில் வெளிச்சத்துக்கு வந்தது. அடுத்த நவம்பருக்குள் மூன்று லட்சம் பேர் 'மேலமைன்' ஏற்படுத்திய கோளாறுகளால் பாதிக்கப்பட்டதாகக் கண்டறியப்பட்டது. சிறுநீரகத்தில் கல் உருவாவது முதலான பல்வேறு சிறுநீரகக் கோளாறுகள் காரணமாகக் குறைந்தது ஆறு குழந்தைகள் மரணமடைந்ததாகவும் தெரியவந்தது. எப்படியாவது ஏற்றுமதியைப் பெருக்க வேண்டும் என்ற வெறியுடனிருக்கிற சீனத் தொழில்துறை தாம் பயன்படுத்துகிற வேதிப்பொருள்கள் உடலுக்கு ஊறு விளைவிக்கக்கூடும் என்பன போன்ற 'அல்ப விஷயங்களுக்காக அலட்டிக் கொள்வதில்லை! நம் நாட்டுப் பால் உற்பத்தியாளர்களில் சிலர் உரத்தைப் போட்டு, தீவனம் வளர்த்து, அதைப் பசு மாட்டுக்கு ஊட்டி அதன் பிறகு பாலைக் கறந்து விற்பது தலையைச் சுற்றி மூக்கைத் தொடுவது போன்ற விஷயம் என்று எண்ணியோ என்னவோ - நேரடியாக - யூரியா, உரம், காஸ்டிக் சோடா, சமையல் எண்ணெய், சலவை சோப்புத் தூள், தண்ணீர் ஆகியவற்றுடன் கொஞ்சம் பாலையும் கலந்து செயற்கைப் பாலை நேரடியாகவே தயாரித்து விட்டார்கள். அது பார்ப்பதற்கு இயற்கையான பாலைப்போலவே நிறமும், செறிவும், கொழுப்பு உள்ளடக்கமும் கொண்டிருக்கும்.

'பால்செறிவு மானி'யும் (Lactometer) எளிதில் ஏமாந்து விடும். உணவு ஆய்வகங்களில் முதல் நிலைச் சோதனைகளிலும்கூட அந்தச் 'செயற்கைப் பால்' தேறி விடும். ஆனால், அதைத் தொடர்ந்து பயன்படுத்துகிறவர்களுக்குப் பார்வைப்புலனும், செவிப்புலனும் பாதிக்கப்படுவதுடன் புற்றுநோய் வருவதற்கும் வாய்ப்புண்டு.

சிறிதுகூட மனிதாபிமானமோ, பசுவிடம் அபிமானமோ இல்லாமல் காசு மட்டுமே குறி என்றிருக்கிற சில பால் உற்பத்தியாளர்களுக்கு 'ஆக்சிடோசின்' (A cyclic peptide hormone secreted by the posterior lobe of the pituitary gland. It stimulates contraction of the smooth muscle of the uterus. Also, during lactation, it promotes the ejection of milk. It is used in obstetrical and veterinary practice to stimulate milk ejection and induce labour. Formula $C_{43}H_{66}N_{12}O_{12}S$.) என்ற வேதியல் பொருள் கை கொடுக்கிறது. இயற்கையான ஆக்சிடோசின், விலங்குகளின் பிட்யூட்டரிச் சுரப்பியின் பின்பகுதியில் உற்பத்தியாகிச் சேமித்து வைக்கப்படுகிற ஒரு ஹார்மோன். அது பெண்களின் பிரசவத்திற்குப் பிறகு கருப்பையைச் சுருங்க வைப்பதற்கும், மார்பகத்திலிருந்து பாலை வெளிப்படச் செய்வதற்கும் உதவுகிறது. அந்த ஹார்மோன் செயற்கையாகவும் தயாரிக்கப்பட்டு விற்பனையாகிறது.

பிரசவத்துக்குப் பின் கருப்பையில் சிக்கல் ஏற்பட்டால் அவசர கால சிகிச்சைக்கு மருத்துவர்கள் அதைப் பயன்படுத்துவார்கள். அதைக் கவனக் குறைவாகப் பயன்படுத்தினால் கருப்பை சேதப்பட்டுக் கிழிந்து கூடப் போகலாம். கால்நடைகளுக்குப் பயன்படுத்தப்படும் செயற்கை ஆக்சிடோசின் மிகவும் மலிவாக, ஒரு குழிப் ஐம்பது பைசா விலையில் கிடைக்கிறது. பால் கறப்பதற்குச் சற்றுமுன் அதைப்பால் மடியில் ஊசி மூலம் செலுத்தி விட்டால் கூடுதலாகப் பால் கிடைக்கும் என்ற தவறான எண்ணம் பால்காரர்களுக்கு ஏற்பட்டு விட்டது. ஆனால் உண்மையில் அது பால் காம்பிலுள்ள சுருக்குத் தசைகளைத் தளர்த்தி விட்டுப் பால் வேகமாக வெளிப்பட மட்டுமே செய்கிறது. அத்துடன் அது பசுவின் இனம்பெருக்க உறுப்புகளைச் சேதப்படுத்தவும் கூடும்.

பொன் முட்டையிடும் வாத்தை அறுத்தவன் கதை மாதிரி, நிறையப் பால் கிடைப்பதைப் போலத் தோன்றினாலும் இரண்டு மூன்று ஆண்டுகளில் பசு பால் தருவது

குறைந்து மலடாகவும் ஆகிவிடும். அதன் பிறகு அதைக் 'கோ-சாலை'க்கோ (பசுப் பாதுகாப்பு இல்லம்), கசாப்புக் கடைக்கோ அனுப்ப வேண்டியது தான்.

'ஆக்சிடோசின்' செலுத்திக் கிடைத்த பாலைப்பருகும் மனிதர்களுக்கும் குறிப்பாகச் சிறு குழந்தைகளுக்கும் பலவிதமான உடலியல் கோளாறுகள் வரும். கருத்தரித்திருக்கும் தாய்மார்கள் அந்தப் பாலைப் பருகினால் பிரசவத்தின்போது கடுமையான உதிரப்போக்கு ஏற்படும் வாய்ப்பு அதிகமாகும். அதில் தப்பிப் பிழைத்தாலும் குழந்தைக்குப் பாலூட்டுவதில் சிக்கல் ஏற்படலாம். பார்வைத் திறனும், கேட்கும் திறனும் பாதிக்கப்படுவதாயும் கண்டறிப்பட்டிருக்கிறது.

மாடுகளுக்கு மட்டுமின்றிக் காய், கனி உற்பத்தியிலும் ஆக்சிடோசின் பயன்படுத்தப்படுகிறது. பறங்கி, பூசணி, சரையோன்ற காய்களில் ஆக்சிடோசினை ஊசி மூலம் செலுத்தினால் அவற்றின் பருமன் ஓரிரு நாள்களிலேயே இருமடங்காக அதிகரித்து விடுகிறது. இவ்வாறு ஹார்மோன்கள் உணவுப் பொருள்களின் மூலம் உடலில் புகும்போது ஆண்மை மற்றும் பெண்மை பாதிக்கப்படும். சிறுமிகள் உரிய காலத்துக்கு முன்பே பருவமெய்தி விடும் வாய்ப்பு அதிகரிக்கிறது. பால் காரர்களை மட்டும் பழிப்பதில் அர்த்தமில்லை. எல்லாருமே பணம் சம்பாதிப்பதற்குப் பேயாக அலைகிறார்கள். ஆயிரம் கோடி ரூபாய் சொத்து சேர்ந்த பின்னரும் அடுத்த ஆயிரம் கோடி ரூபாயைச் சேர்க்க ஆலாய்ப் பறந்து எந்தவிதமான ஊழலிலும் ஈடுபடத் தயங்காதவர்களிருக்கிற நம்நாட்டில் சாதாரண வியாபரிக்கு அந்த நாட்டம் இல்லாமலா போகும்? சில ஆண்டுகளுக்கு முன் தஞ்சாவூரிலிருக்கும் ஒரு பிரபலமான நகைக் கடையில் ஒரு சுவரன் தங்க நாணயத்தை வாங்கினேன். சில மாதங்கள் கழித்து நகை செய்வதற்காக அதை உருக்கியபோது அதிலிருந்து ஒரு வட்டமான செப்புத்தகடு பிரிந்து வந்தது. நகைக் கடை முதலாளியிடம் கேட்டபோது, "நான் என்ன செய்ய முடியும்? நானே சுவரன் காசை இன்னொருவரிடம் வாங்கித்தானே விற்கிறேன்" என்று சொல்லிவிட்டு முகத்தைத் திருப்பிக் கொண்டார்.

இவ்வாறாக எல்லாப் பொருள்களின் விஷயத்திலுமே உற்பத்தியாளரிடமிருந்து புறப்பட்டுப் பல கைகள் மாறி நுகர்வோரைச் சென்றடையும் வரை ஒவ்வொரு கட்டத்திலும் கலப்படம் கூடிக் கொண்டே போகிறது. அரிசியில் கல், மிளகாய்ப் பொடியில் செங்கல் தூள், மிளகில் பப்பாளி விதை, தேயிலையில் உளுந்துத் தோலி, மஞ்சள் பொடியில் நிறமேற்றப்பட்ட சுண்ணாம்புத் தூள், சர்க்கரையில் ரவை என்று ஜோடி சேர்ப்பதில் 'முதுநிலை முனைவர்' பட்டம் பெறும் அளவுக்குத் தேர்ச்சி பெற்றிருக்கிறார்கள். அரிசியைப் போலவே, பருப்பைப் போலவே, உளுந்து பயிரைப் போலவே தோற்றமளிக்கும் கல் குருணைகளை உருவாக்கும் யந்திரங்களை வடிவமைத்து, அவற்றுக்கு அரசின் அனுமதியையும் பெற்று 'தொழில்' செய்கிறார்கள்!

இவ்வாறான கலப்படச் பொருள்களைச் சற்று பொறுக்கினால் பிரித்தெடுத்துவிட முடியும். ஆனால் பூச்சிக் கொல்லிகள் மற்றும் ரசாயன உரங்கள் மூலமாகத் தானியங்களுக்குள் பரவிவிடும் வேதியல் பொருள்களை எப்படி நீக்க முடியும்? காய்-கனிகளுக்குக் கவர்ச்சி தரும் நிறங்களை ஏற்றவும், காய்கள் பழுக்காமலும், கனிகள் அழுகாமலும் தடுக்கவும் பயன்படும் வேதியல் பொருள்கள், மரபியல் மாற்றம் செய்ய உதவும் வேதியல் பொருள்கள் என்று பல வேதியல் பொருள்களை நாம் உட்கொள்கிறோம். அதுமட்டு மன்றி உணவுப் பாக்கெட்டுகளில் அச்சிடப் பயன்படுத்தப்படும் சாய வேதியல் பொருள்களும் உணவில் கலந்து விடுகின்றன.

ஊறுகாய்களின் நிறத்தை மேம்படுத்தவும், டப்பியில் அடைக்கப்பட்டு வரும் காய்கறிகளின் பசுமை மாறாமல் தடுக்கவும் செப்பு வேதியல் பொருள்கள் கலக்கப்படுகின்றன. தர்பூசணி, பட்டாணி, குட மிளகாய், கத்தரிக்காய் போன்றவை ஊசி மூலம் ஏற்றப்படும் வேதியல் பொருள்களால் மெருகேற்றப்படுகின்றன. ஆப்பிள் பழங்களுக்கு மெருகேற்றக் 'காரீய ஆர்சனேட்' (Lead Arsenate {Pb₃[AsO₄]₂}) A white crystalline substance, m.p.1042°C., used as an insecticide.) தெளிக்கப்படுகிறது. மஞ்சள்

பொடி மற்றும் மசாலாத் தூள்களில் 'காரீய குரோமேட்' (Lead Chromate [PbCrO₄] An yellow precipitate obtained after mixing solution of lead salts and potassium chromate. It is used as a yellow pigment.) கலக்கப்படுகிறது. இவ்வேதியல் பொருள்கள் ரத்தசோகை, குறைப் பிரசவம், முடக்குவாதம், போன்ற கோளாறுகளை உண்டாக்க வல்லவை.

இந்தியாவின் விவசாயிகள், ஐரோப்பிய விவசாயிகளைவிட 750 மடங்கு அதிகமான வேதியல் உரங்களையும், பூச்சிக் கொல்லிகளையும் பயன்படுத்துகிறார்கள். இதனாலேயே மேலைநாடுகள் இந்தியாவிலிருந்து உணவுப் பொருள் களை இறக்குமதி செய்வதற்குக் கடுமையான கட்டுப்பாடுகளை விதிக்கின்றன. இந்தியத் தாய்மார்கள் தரும் தாய்ப்பாலில் குளோரின் (Chlorine) மற்றும் பாஸ்பேட் (Phosphate) பூச்சிக் கொல்லிகளின் எச்சங்கள் தென்படுவதை ஓர் ஆய்வு கண்டு பிடித்துள்ளது. முலைப்புற்று நோயால் பாதிக்கப்பட்ட பெண்களின் முலைப் பாலில் மற்ற பெண்களின் முலைப்பாலில் உள்ளதைவிட அதிக அளவில் பூச்சிக் கொல்லிகளின் எச்சங்கள் காணப்படுவதும் கண்டறியப்பட்டது.

பல ஆண்டுகளுக்கு முன் ஒரு ஜெர்மானிய மருந்தாய்வு நிறுவனம் கத்தரிச் செடியின் வேர்களின் மருத்துவ குணங்களைச் சோதிக்க விரும்பி இந்தியாவிலிருந்து அவற்றை இறக்குமதி செய்தது. வழக்கப்படியே இந்திய ஏற்றுமதியாளர் கத்தரிச்செடி வேர்களுடன் கையிலகப்பட்ட காட்டுச்செடி வேர்களையும் கலப்படம் செய்து அனுப்பினார். ஜெர்மானிய நிறுவனம் அவர் அனுப்பிய கலப்பட வேர்களின் புற்றுநோயைத்தடுக்கும் வேதியல் பொருள்கள் இருப்பதைக் கண்டு, கத்தரிச்செடி வேர் வேண்டாம், கலப்பட வேர்களை மட்டும் நிறையத் திரட்டி அனுப்பும்படி கோரியது.

இவ்வாறுதான் ரயில் பாதைகளில் கேட்பாரற்று மண்டிக்கிடந்த நித்திய கல்யாணிச் செடியின் மகத்துவம் கண்டு பிடிக்கப்பட்டது. எனக்குத் தெரிந்தவரை கலப்படத்தால் ஏற்பட்ட ஒரே ஒரு நன்மை இதுதான்! ***

2. அருள்மிகு சுப்பிரமண்யஸ்வாமி திருக்கோயிலில் திருச் செந்தூர் தணிக்கை அறிக்கை (பசலி 1416 - 1418). இதழ் 164இன் தொடர்ச்சி.

வரிசை எண் 31. தணிக்கை அறிக்கை பத்தி எண் 32. கோசாலைகள் கால்நடைகள் பராமரிக்கப்பட்ட காலத்தில் பால் வரவு வைக்கப்படவில்லை. இழப்பு ரூ.1,92,720/-

வரிசை எண் 32. தணிக்கை அறிக்கை பத்தி எண் 33. கால்நடைகள் காப்பீடு செய்ய நடவடிக்கை எடுக்கப்படவில்லை. பிற திருக்கோயிலிருந்து - காப்பீடு செய்து பெறப்பட்ட கால் நடைகள் இறந்துள்ளது - காப்பீடு தொகை பெறப்படவில்லை - இழப்பு.

வரிசை எண் 33. தணிக்கை அறிக்கை பத்தி எண் 34. விடுதி அறைகளில் மாதக்கணக்கில் ஒப்பந்தக்காரர்கள் தங்கியிருப்பது வாடகை வசூல் செய்யப்படவில்லை. கடுமையான முறைகேடு இழப்பு பொறுப்பானவர்களிடமிருந்து ஈடுசெய்யப்படுவதோடு அனுமதியின்றி தங்க அனுமதித்தவர்கள் மீது நிர்வாக நடவடிக்கை எடுத்தல் வேண்டும். ரூ. 1,40,000/-

வரிசை எண் 34. தணிக்கை அறிக்கை பத்தி எண் 35. முக்கிய பிரமுகர்கள் - அறைகளில் இலவசமாகத் தங்கியது பதிவேடுகள் தணிக்கைக்கு தாக்கல் செய்யப்படவில்லை. தக்க நடவடிக்கை எடுக்கப்பட வேண்டும். இழப்பு ரூ.1,26,100/-

வரிசை எண் 35. தணிக்கை அறிக்கை பத்தி எண் 36. விடுதி அறைகள் கூடுதல் நேரம் தங்கியது. உரிய வாடகை வசூலிக்கப்படாமை - இழப்பு ரூ. 27,080/- பொறுப்பானவர்களிடமிருந்து வசூல் செய்யப்பட நடவடிக்கை எடுத்தல் வேண்டும்.

வரிசை எண் 36. தணிக்கை அறிக்கை பத்தி எண் 37. திருக்கோயில் புத்தகம் - நிலுவையின்றி விற்பனை செய்யப்

பட வேண்டிய புத்தகங்கள் விற்பனை செய்யப்படாமலே ஆலய நிதியிலிருந்து தொகை செலவிட்டது. ஆலயத்திற்குப் பெரும் நிதி இழப்பு - ரூ. 2,27,130/- ஈடு செய்யப்பட வேண்டும்.

வரிசை எண் 37. தணிக்கை அறிக்கை பத்தி எண் 38. ஒப்பந்தப் புள்ளியைத் திருத்தி அதிக விலை கொடுத்து ஆலயத்திற்கு இழப்பு ஏற்படுத்தியது. குறைந்த விலைப் புள்ளியை விடுத்து அதிக விலைப்புள்ளியை அனுமதித்து இழப்பு ஏற்படுத்தியது. இழப்பு பொறுப்பானவர்களிடமிருந்து ஈடு செய்யப்பட வேண்டும். ரூ.30,830/-

வரிசை எண் 38. தணிக்கை அறிக்கை பத்தி எண் 39. ஆணையர் அலுவலக உபயோகத்திற்கு பொருட்கள் கொள்முதல் செய்தது - எவ்வித உத்தரவும் இல்லை - இழப்பு ரூ.49,986/- ஈடு செய்யப்பட வேண்டும்.

வரிசை எண் 39. தணிக்கை அறிக்கை பத்தி எண் 40. சண்முகவிலாச உண்டியல் - ரசீது புத்தகங்கள் தணிக்கை யாண்டில் இருப்புக் கணக்கில் (படிவம் - 22) இருந்து வழங்கப்படாத புத்தகங்கள் உண்டியலில் பயன்படுத்தப்பட்டது. நிர்வாக ஆய்வு மேற்கொள்ளப்பட வேண்டும்.

வரிசை எண் 40. தணிக்கை அறிக்கை பத்தி எண் 41. சண்முகவிலாச உண்டியல் உபயம் மற்றும் துலாபாரம் மூலமாக வரவு வந்தது - வரவு வைக்கப்படவில்லை. இழப்பு ரூ. 40,103/- பொறுப்பானவர்களிடமிருந்து ஈடு செய்யப்பட வேண்டும்.

வரிசை எண் 41. தணிக்கை அறிக்கை பத்தி எண் 42. உபயதாரர் வழங்கிய குறுந்தகடு - ஆணையரால் இதர கோயில்களுக்கு அனுப்பப்பட்டது - குறுந்தகட்டின் மதிப்பை அருள்மிகு சுப்பிரமணிய சுவாமி திருக்கோயில் திருச்செந்தூருக்கு வழங்க உத்தரவிடப்பட்டது. சில கோயில்களிடமிருந்து மதிப்பு தொகை ரூ.44,000/- பெறப்படவில்லை.

இரு ஆண்டுகள் நடவடிக்கை எடுக்காமல் கோப்பினை கிடப்பில் போட்ட பிரிவு எழுத்தரிடமிருந்து வட்டியிழப்பு ரூ.19,800/- ஈடுசெய்யப்படுவதுடன் தொகையும் விரைவில் வசூல் செய்ய நடவடிக்கை எடுத்தல் வேண்டும்.

வரிசை எண் 42. தணிக்கை அறிக்கை பத்தி எண் 43. டீசல் கணக்கு - டீசல் அதிகச் செலவெழுதியது - இருப்பு குறைவாக காண்பித்தது - வரவு வைக்காதது - இரட்டைச் செலவு தாக்கல் செய்தது. இவ்வாறான முறை கேடுகள் மூலம் ஆலயத்திற்கு ஏற்படுத்திய இழப்பு. ரூ. 32,899/- ஈடு செய்யப்படுவதோடு பொறுப்பானவர்கள் மீது தக்க நிர்வாக நடவடிக்கையும் எடுத்தல் வேண்டும்.

வரிசை எண் 43. தணிக்கை அறிக்கை பத்தி எண் 44. டீசல் கணக்கு இலட்சக்கணக்கில் கொள்முதல் மிக அதிகம் ஏற்கத்தக்கதாக இன்மை - இல்லாத இருப்புக்குச் செலவெழுதியது - கொள்முதலின்றி வரவு வைத்தது. மின்தடங்கலுக்குச் சான்றுகளின்மை. கண்காணிப்பின்மை, ஆலயத்திற்கு பேரிழப்பு கடுமையான முறைகேடு தக்கநடவடிக்கை எடுத்தல் வேண்டும்.

வரிசை எண் 44. தணிக்கை அறிக்கை பத்தி எண் 45. சுகாதாரம் வேலவன் விடுதி அறை எண் 66 வாடகைக்கு கொடுக்கப்பட்டது. விண்ணப்பதாரர் வழங்க முன்வந்த வாடகையை மறைத்து குறைவாக வாடகை நிர்ணயம் செய்யக் காரணமாயிருந்து - ஆலயத்திற்கு இழப்பு ஏற்படுத்தப்பட்டது. ஈடுசெய்யப்படுவதுடன் பொறுப்பான எழுத்தர் மீது கடும் நடவடிக்கை எடுத்தல் வேண்டும். ரூ.9,677/-

வரிசை எண் 45. தணிக்கை அறிக்கை பத்தி எண் 46. அர்ச்சகர் பயிற்சி பள்ளி - உதவி தொகை வழங்கியது - மாணவர்கள் பள்ளி வேலை நாட்களில் விடுப்பு செய்தது - உதவி தொகை குறைவு செய்து வழங்கப்படவில்லை - நிதி இழப்பு ரூ. 7,352/- ஈடு செய்யப்பட வேண்டும்.

வரிசை எண் 46. தணிக்கை அறிக்கை பத்தி எண் 47. அரசுப் பணியிலிருந்து ஓய்வு பெற்ற பணியாளர்கள் நியமனம் ஓய்வுபெற்ற பதவியின் நிலைக்கேற்ப சம்பளம் நிர்ணயம் செய்யப்படாமை சமநிலைப் பதவிகளில் ஓய்வு பெற்றவர்களை பணியமர்த்தியபோது ஒரேசம்பளம் நிர்ணயம் செய்யப்படாமை.

வரிசை எண் 47. தணிக்கை அறிக்கை பத்தி எண் 48. பணியாளர் குடியிருப்பு 4% வாடகை பிடித்தம் செய்யாமல் குறைவாக பிடித்தம் செய்தது இழப்பு. ரூ. 1,06,843/- ஈடு செய்யப்பட வேண்டும்.

வரிசை எண் 48. தணிக்கை அறிக்கை பத்தி எண் 49. அலுவலகப் பணியாளர்கள் முகாம் சென்றது. சான்று இல்லாமல் பயணப்படி பட்டியல் அனுமதிக்கப்பட்டது - முறைகேடு - தொகை ஈடு செய்யப்பட வேண்டும். ரூ. 29,657/-

வரிசை எண் 49. தணிக்கை அறிக்கை பத்தி எண் 50. பணியாளர்களின் சம்பளத்தின் விகிதப்படி விகிதத்திற்கேற்ப குடியிருப்பு வாடகை வசூல் செய்யப்படவில்லை. குறைந்த வாடகைக்கு வீடு ஒதுக்கீடு செய்யப்பட்டது. இழப்பு ரூ. 21,603/-

வரிசை எண் 50. தணிக்கை அறிக்கை பத்தி எண் 51. தொகுப்பூதிய அடிப்படையில் பணிபுரியும் ஓய்வு பெற்ற பணியாளர்களுக்கு அயல் பணியாளர் குடியிருப்புகள் ஆணையர் அனுமதியின்றி குறைந்த வாடகைக்கு தனிப்பட்ட முறையில் வழங்கப்பட்டது. ஆணையர் பின்னேற்பு அனுமதி பெறப்படுவதுடன் குடியிருப்பு வாடகை நிர்ணயம் செய்யப்பட வேண்டும்.

கொள்ளையோ! கொள்ளை!! (இந்தப் பகற்கொள்ளைக்காரர்களை திருச்செந்தூர் முருகன் தண்டிப்பது என்னாளோ?

வரிசை எண் 51. தணிக்கை அறிக்கை பத்தி எண் 52. நெய் கொள்முதல் - ஆணையர் சுற்றறிக்கைப்படி சேலம் ஆவின் லிட் நிறுவனத்தில் கொள்முதல் செய்யப்பட்டது. தொடர்ந்து கொள்முதல் செய்யப்பட்டது. கடுங்குறைபாடு இழப்பு ரூ. 6,27,517/-

வரிசை எண் 52. தணிக்கை அறிக்கை பத்தி எண் 53. அதிகரித்து வரும் குத்தகை நிலுவைகள் தஸ்தித் தொகைக் கூட வசூலிக்கபடாமை, நிலவருவாய் மீதுக் கவனம் செலுத்தாமை ரூபாய் 7¼ கோடிக்கு மேல் பாக்கிகள் வசூல் செய்யப்படாத நிலையில் வருவாய் முடக்கம் மூன்றாண்டு களில் ரூபாய் 3¾ கோடிக்கு மேல் வட்டியிழப்பு சம்பந்தப்பட்டவர்களைப் பொறுப்பாக்கி இழப்பு ஈடுசெய்யப்படுவதோடு 1959ஆம் வருட இந்து சமய அறநிலையச்சட்டம் திருத்தப்பட்ட சட்டம் 52/1999 பிரிவு 79சி படி ஜப்தி நடவடிக்கை மூலம் நிலுவைகள் வசூலிக்கப்பட வேண்டும். (இந்தக் கோயிலுக்கு நாற்பதாயிரம் ரூபாய் சம்பளத்தில் ஓர் இணை ஆணையர் தேவையா? கோயில்களைப் பராமரிக்கிறோம் என்று உட்புகுந்த அரசாங்கம் என்ன செய்து கொண்டிருக்கிறது. உட்துறை விவகாரங்களில் தம் மூக்கை நுழைத்துக் கொண்டு தான் செய்ய வேண்டிய கடமைகளை மறந்து செயல்படுகிறது. இந்த அவல நிலையை தமிழ்நாட்டில்தான் காணலாம். உண்மையான ஆன்மீக சுதந்திரம் என்று கிடைக்குமோ! இந்தப் பணத்தை வசூல் செய்தால் 1000 கிராமத்துக் கோயில்களை சரியான முறையில் பராமரிக்கலாம்.)

வரிசை எண் 53. தணிக்கை அறிக்கை பத்தி எண் 54. ஜப்தி நடவடிக்கை மூலம் நிலுவைகளை வசூல் செய்ய நடவடிக்கை எடுக்காது நீதிமன்றத்தில் வழக்கு தொடர்ந்து வீண் செலவு இழப்பு ஈடு செய்யப்பட வேண்டும். ரூ. 1,59,755/-

வரிசை எண் 54. தணிக்கை அறிக்கை பத்தி எண் 55. பற்பகுளம் கிராம நன்செய் நிலம் - ஏலம் தொகை வசூலிக் காதது மீண்டும் ஏலம் விடப்படாமல் இழப்பு ஏற்படுத்தியது இழப்பு ரூ. 95,059-ஐ ஈடு செய்யப்பட வேண்டும்.

வரிசை எண் 55. தணிக்கை அறிக்கை பத்தி எண் 56. பந்தல் மண்டபம், காலிமனை வாடகை ஈடு செய்யப்பட்டு மறுஏலமிட்டது - பாக்கி வசூல் செய்ய இயலாதது - நன்கொடை ஏலமிடப்படாதது - இழப்பு ஈடு செய்யப்பட வேண்டும்.

வரிசை எண் 56. தணிக்கை அறிக்கை பத்தி எண் 57. வருவாய் நீதிமன்றம் வழக்கு திருக்கோயில் நிர்வாகம் சார்பில் நீதிமன்றத்தில் ஆஜராகாததால் வழக்கு தள்ளுபடி செய்யப் பட்டது - இழப்பு ஈடு செய்யப்பட வேண்டும். கடுங்குறை பாடு ரூ.31,132/-

வரிசை எண் 57. தணிக்கை அறிக்கை பத்தி எண் 58. பழைய இரும்பு கட்டில் பொது ஏலம் மூலம் விற்பனை: இழப்பு ரூ.48,600/-

வரிசை எண் 58. தணிக்கை அறிக்கை பத்தி எண் 59. நெல் அரைவை செய்தது - கண்டுமுதல் குறைவு இழப்பு பொறுப்பானவர்களால் ஈடு செய்யப்பட வேண்டும். ரூ.6,02,592/-

வரிசை எண் 59. தணிக்கை அறிக்கை பத்தி எண் 60. நெல் விற்பனை செய்தது - நெல் கெட்டுப் போனதால் - விலை குறைந்து இழப்பு ஏற்பட்டது - ஈடு செய்யப்பட வேண்டும் ரூ. 80,023/-

வரிசை எண் 60. தணிக்கை அறிக்கை பத்தி எண் 61. நெல் விற்பனை தொகை - அரசு நிர்ணய விலையை விட மிகவும் குறைவாக உள்ளது. ஆய்வு செய்யப்பட்டு நடவடிக்கை எடுத்தல் வேண்டும்.

வரிசை எண் 61. தணிக்கை அறிக்கை பத்தி எண் 62. நெல்லுக்குப் பதில் ரொக்கம் பெற்றது - ஆணையரால் நிர்ணயம் செய்யப்பட்ட விலையை விட குறைவாக வசூலித் தது குறைகள்.

வரிசை எண் 62. தணிக்கை அறிக்கை பத்தி எண் 63. கார் பராமரிப்பு - சீருந்து எண் TN 69-3238 - அளவீட்டு பதிவேடு (Log book) தணிக்கைக்கு தாக்கல் செய்யப்பட வில்லை.

வரிசை எண் 63. தணிக்கை அறிக்கை பத்தி எண் 64. வேலைகள் - அளவும் புத்தகங்கள் கோப்புகள் தணிக்கைக்கு தாக்கல் செய்யப்படவில்லை. பொறுப்பானவர்கள் மீது நிர்வாக நடவடிக்கை எடுத்தல் வேண்டும். கடுங்குறைபாடு ரூ.1,69,67,095. (இமாலய ஊழல். ஊழலின் ஊற்றுக் கண்ணே திருச்செந்தூர் போலும். இந்துசமய அறநிலையத் துறைக்கு இதுபோன்ற இணை ஆணையர்களும், ஐ.அ.கு. பட்டம் ஆணையரும் தேவையா?)

வரிசை எண் 64. தணிக்கை அறிக்கை பத்தி எண் 65. தொழிலாளர் நலநிதி பிடித்தம் தொகை - ஒப்பந்தப்புள்ளி விற்பனைவரி பிடித்தம் தொகை உரிய துறைகளுக்குச் செலுத்தப்படாமை மிக முக்கிய பதிவேடான அளவு புத்தகம் முறையாகப் பேணப்படாமை - முடிவறிக்கை ஒப்புதல் பெறப்படாமல் தொகை பட்டுவாடா செய்து வருவது மற்றும் குறைபாடுகள் நடவடிக்கை எடுத்தல் வேண்டும்.

வரிசை எண் 65. தணிக்கை அறிக்கை பத்தி எண் 66. சேமநலநிதிக் கணக்குகள் மூன்று வருடங்களாக எழுதப் படாமை கடமையிலிருந்து தவறிய எழுத்தர்களுக்குச் சம்பளத்தின் ஆணையர் உத்தரவுப்படி நடவடிக்கை எடுப்பதும் ஒருபகுதிதண்டமாக நிர்ணயம் செய்து வசூல் செய்யப்பட வேண்டும். ★★

**One Day National Seminar on
'An Interdisciplinary Study of
Tulasi on 20.12.2012. At the Acad-
emy of Sanskrit Research Melkote.**

இதழ் 164இன் தொடர்ச்சி.

தோளிசேர்பின்னைபொருட்டு எருதேழ்தழீஇக்
கோளியார் * கோவலனார் குடக்கூத்தனார் *
தாளிணைமேலணி தண்ணந்துழாயென்றே
நாளுநாள் * நைகின்றதால் எந்தன்மாதரே.

toli cer pinnaiporuttu, erutu el taliik
koliyar, kovalanar, kutak kuttanar
tal-inaimel ani tan am tulay enre
nalum nal naikinratal-en-tan matare. (IV-2-5)

Alas! day by day, my daughter keeps withering down,
Pining for the tulaci, cool and lovely, on His feet worn
By Kovalan, the Pot-dancer, who pounced upon the bulls seven,
To win the hand of Pinnai, the pretty bride, with shoulders fine.

Parankusa Nayaki is said to be withering away, in
contemplation of the Tulasi worn by Kovalan (Gopala
Krsna) when He tamed the seven unruly bulls to se-
cure the hand of Nappinnai, the charming niece of
Queen Yasodha. If the gnostic mother could not get
for the Nayaki, the Tulasi garland worn by the Lord
in the heavenly abode, she would want to know why
she cannot have the Tulasi from the feet of Sri Krsna
who encountered the seven unruly bulls for the sake
of one like her.

மாதர்மாமண்மடந்தைபொருட்டு ஏனமாய் *
ஆதியங்காலத்து அகலிடம்கீண்டவர் *
பாதங்கள்மேலணி பைம்பொந்துழாயென்றே
ஒதும்மால் * எய்தினள் எந்தன்மடந்தையே.

matar ma manmatantaiporuttu, enam ay,
ati am kalattu akal-itam kintavar
patankalmel ani paim pon tulay enre
otum mal eytinal-en-tan matantaiye. (IV-2-6)

My young daughter stands entranced by the tulaci, superfine,
which did the lovely feet of the Great Boar adorn,
Who the Earth pulled out in a distant past,
From deep waters to placate Mother Earth of charm exquisite.

The Mother says that her daughter goes into raptures
over the Tulasi worn at the feet of the lord who as-
sumed even the form of a beast and reclaimed the
earth from beneath the deep waters for the sake of
just another lady, namely, Dame Earth.

மடந்தையை வண்கமலத்திருமதினை *
தடங்கொள்தார்தார்பினில்வைத்தவர் தாளின்மேல் *
வடம்கொள்பூந்தண்ணந்துழாய்மலர்க்கே இவள்
மடங்குமால் * வாணுதலீர்! என்மடக்கொம்பே.

Matantaiyai, van kamalat tirumatinaï,
tatam kol tar marpinil vaïttavar talinmel
vatam kol pum tan am tulay malarkke ival
matankumal, val-nutalir!-en matakkompe. (IV-2-7)

Ye, damsels with foreheads bright! here's my daughter,
Like unto the creeper young, madly after
The Tulasi garland, cool and lovely, closely knit,
at the feet of the Lord who lodged on His broad chest,

With garland, bedecked (Laksmi), the lotus-born,
The lady, young and lovely (when He did the ocean churn).

Parankusa Nayaki's mind leaps back to the churning of the Milk-ocean, when Laksmi emerged and got Herself lodged on the Lord's chest. Following the usual pattern, the Nayaki is after the Tulasi worn by the Lord on His feet at that time.

கொம்புபோல்சீதைபொருட்டு இலங்கைநகர் *
அம்பெரியுய்த்தவர் தாளிணைமேலணி *
வம்பவிழ்தண்ணந்துழாய்மலர்க்கே இவள்
நம்புமால் * நான்இதற்குஎன்செய்கேன்? நங்கைமீர்!

Kompu Pol citaiporuttu, ilankai nakar
ampu eri uytavar tal-inaimel ani
vampu avil tan am tulay malarkke ival
nampumal-nan itarku en ceyken, nankaimir? (IV-2-8)

Ye, young ladies, what can I do for my daughter
Who does for the fragrant Tulasi, cool and lovely, aspire,
Worn at the feet of Rama whose arrows spat fire
On Lanka to reclaim Citai, like unto the comely creeper?

The creeper is but a part of the tree and Sita, the lovely
creeper is thus part of the tree, namely, Rama (like
unto the gem and its lustre, the Sun and its sheen).

நங்கைமீர்! நீரும் ஓர்பெண்பெற்றுநல்கினீர் *
எங்ஙனேசொல்லுகேன்? யான்பெற்றஏழையை *
சங்கென்னும்சக்கரமென்னும் துழாயென்னும் *
இங்ஙனேசொல்லும் இராப்பகல்என் செய்கேன்?

nankaimir! nirum or pen perru nalkinir;
ennane colluken-yan perra elaiyai?

canku ennum; cakkaram ennum; tulay ennum;
innane collum irap pakal-en ceyken? (IV-2-9)

Ye, ladies, you too have reared up daughters,
But what to say of mine, this odd thing of a daughter?
Day and night, she keeps mentioning the Lord's conch,
The discus and Tulasi; what can I do for her, as such?

Addressing her mates, the Mother points out the difference between their daughters and hers. Deeply engrossed with God-love, Parankusa Nayaki's speech is halting; not being sufficiently articulate, she spells out, at long intervals, the words 'conch', 'discus' and 'Tulasi'.

என்செய்கேன்? என்னுடைப்பேதை என்கோமளம் *
என்சொல்லும் என்வசமுமல்லநங்கைமீர்! *
மின்செய்பூண்மார்பினன் கண்ணன்கழல்துழாய் *
பொன்செய்பூண்மென் முலைக்கென்று மெலியுமே.

en ceyken?-ennutaip petai, en komalam,
en collum en vacamum allal; nankaimir!
min cey pun marpinan kannan kalal-tulay
pon cey pun men mulaikku enru meliyume. (IV-2-10)

Ye, ladies, what shall I do with my daughter?
She listens not to me, being immature and tender,
Well beyond control, poor thing, she is getting thinner,
Wanting to decorate her fond but languishing breast
With Tulasi worn on the feet of Kannan on whose chest,
Broad and bedecked, the jewels gleam bright.

The ladies, to whom the mother complains, turn round and ask her whether she could not counsel her daughter suitably and keep her under re-

straint. The mother regrets that her daughter has gone out of hand, being enthralled by the charming personality of Sri Krsna, bedecked with lustrous jewels. Unable to secure the Tulasi, worn on His feet, with which Parankusa Nayaki wants to decorate her emaciated but all the more attractive breast, she is thinning down and the Mother just does not know how to deal with a daughter like this, infatuated with God-love, too deep for words. The Mother cannot punish the daughter because she is not merely immature but much-too-tender to stand the punishment. Bringing the God-intoxicated daughter round to the commonplace standards through routine advice, is also out of the question.

மெலியும்நோய்தீர்க்கும் நம்கண்ணன் கழல்கள்மேல் ✱
மலிபுகழ் வண்குருகூர்ச்சடகோபன்சொல் ✱
ஒலிபுகழாயிரத்து இப்பத்தும்வல்லவர் ✱
மலிபுகழ்வானவர்க்காவர் நற்கோவையே.

meliyum noy tirkkum nam kannan kalalkalmel
mali pukal van kurukure catakopan col
oil pukal ayirattu ip pattum vallavar
mali pukal vanavarkku avar nal-kovaiye. (IV-2-11)

Those that can recite these songs ten
Out of the thousand glorious songs of Kurukur Satakopan,
Of established fame, adoring the feet of Kannan,
The cure certain for the wasting malady of separation from Him,
Will on a par be with the celestials in heaven, of great fame.

This end-stanza spells out the benefit accruing to those who are conversant with the ten preceding stanzas. The scholars will enjoy parity with the 'Nitya Suris', the Ever-free angels in heaven. As the Azhwar who pined

for the tulaci at the feet of the Lord all along now describes these very feet as the cure for the malady of separation from Him, it is clear that the Lord has again obliged the Azhwar with His beaming presence and regaled him, even as Lord Krsna regaled the Gopis, after a spell of separation from them.

Thirumangai Azhwar as Parakala Nayaki:

Similarly, Thirumangai Azhwar in his Peria Thirumozhi 8-4 desires to get the fragrance of the Tulasi garland worn by the Lord at Thiruk kannapuram.

In the songs in which he takes on the persona of a maiden in love with the Lord where his greatest emotional fervour is expressed. In Periya Thirumozhi 8.4. Parakala Nayaki asks a dragon-fly to go to her Lord and then return to her bearing the fragrance of His Tulasi garland:

விண்ணகர்தங்கள்பெருமான் திருமார்வன் ✱
மண்ணவரெல்லாம்வணங்கும் மலிபுகழ்சேர் ✱
கண்ணபுரத்தெம்பெருமான் கதிர்முடிமேல் ✱
வண்ணநறுந்துழாய் வந்துதாய்கோல்தும்பீ! 1

O Dragon-fly! Go now to my Lord of Tirukkannapuram, - He is the Lord of the celestials, He bears Sri on His chest, He is worshipped by the whole world, - come back and blow over me the fragrance of His Tulasi wreath.

வேதமுதல்வன் விளங்குபுரிநூலன் ✱
பாதம்பரவிப் பலரும்பணிந்தேத்தி ✱
காதன்மைசெய்யும் கண்ணபுரத்தெம்பெருமான் ✱
தாதுநறுந்துழாய் தாழ்ந்துதாய்கோல்தும்பீ! 2

O Dragon-fly! Go now to my Lord of Tirukannapuram, - He is the first-cause Lord of the Vedas, He wears the Vedic thread, the world praises His feet, offering worship, filled with love, - come back and blow over me the pollen from His Tulasi wreath.

விண்டமலரெல்லாம் ஊதிநீள்பெறுதி? ✱
அண்டமுதல்வன் அமரர்களெல்லாரும் ✱
கண்டுவணங்கும் கண்ணபுரத்தெம்பெருமான் ✱
வண்டுநறுந்துழாய் வந்துதாய்கோல்தும்பீ! 3

O Dragon-fly! What do you get from hovering over blossoming flowers! Go to my Lord of Tirukkannapuram - He is the Lord of the Universe, worshipped by all the celestials - come back and blow over me the fragrance of His Tulasi wreath. (PT 8.4.3)

நீர்மலிகின்றது ஓர்மீனாய்ஓராமையுமாய் ✱
சீர்மலிகின்றது ஓர்சிங்கவுருவாகி ✱
கார்மலிவண்ணன் கண்ணபுரத்தெம்பெருமான் ✱
தார்மலிதந்துழாய் தாழ்ந்துதாய்கோல்தும்பீ! 4

O Dragon-fly! Go now to Lord of Tirukkannapuram, - He is the beautiful who came as a fish in the deluge, as a turtle in the sea, and a man-lion in the yore, - come back and blow over me the fragrance of His Tulasi wreath.

ஏரார்மலரெல்லாம் ஊதிநீள்பெறுதி? ✱
பாராருலகம் பரவ, பெருங்கடலுள் ✱
காராமையான கண்ணபுரத்தெம்பெருமான் ✱
தாரார்நறுந்துழாய் தாழ்ந்துதாய்கோல்தும்பீ! 5

O Dragon-fly! What use hovering over all beautiful flowers? Go now to my Lord of Tirukkannapuram, He came as a huge turtle in the deep ocean that girdles the

Earth, - then come back and blow over me the fragrance of His Tulasi wreath.

மார்வில்திருவன் வலனேந்துசக்கரத்தன் ✱
பாரைப்பிளந்த பரமன்பரஞ்சோதி ✱
காரில்திகழ் காயாவண்ணன்கதிர்முடிமேல் ✱
தாரில்தறுந்துழாய் தாழ்ந்துதாய்கோல்தும்பீ! 6

O Dragon-fly! He bears Sri on his chest, and a radiant discus on His right hand. He is the great one who lifted the Earth. He has a radiant form and the dark hue of the kaya flower, - come back and blow over me the fragrance of His Tulasi wreath.

வாமனன்கற்கி மதுகுதன்மாதவன் ✱
தார்மன்னுதாசரதியாய் தடமார்வன் ✱
காமன்தன்தாதை கண்ணபுரத்தெம்பெருமான் ✱
தாமநறுந்துழாய் தாழ்ந்துதாய்கோல்தும்பீ! 7

O Dragon-fly! Go now to my Lord of Thirukkannapuram, - He is the manikin (Vamanan), He is Kalki, Madhusudana, Madhava, and the anointed King Rama, son of Dasaratha. He has a broad chest, He is verily the love - god kama's father, - come back and below over me the fragrance of His Tulasi wreath.

நீலமலர்கள் நெடுநீர்வயல்மருங்கில் ✱
சாலமலரெல்லாம் ஊதாதே ✱ வாளரக்கர்
காலன் கண்ணபுரத்தெம்பெருமான் கதிர்முடிமேல் ✱
கோலநறுந்துழாய் கொண்டுதாய்கோல்தும்பீ! 8

O Dragon-fly! Do not; hover over the blue water lilies and the profuse flowers growing by it in the lakes. Go now to Tirukkannapuram, - He is the destroyer of mighty Rakshasas, - come back and blow over me the fragrance of His Tulasi wreath.

நந்தன்மதலை நிலமங்கைநல்துணைவன் ✱
 அந்தமுதல்வன் அமரர்கள்தம்பெருமான் ✱
 கந்தம்மமழ் காயாவண்ணன் கதிர்முடிமேல் ✱
 கொந்துநறுந்துழாய் கொண்டுதாய்கோல்தும்பீ! 9

O Dragon-fly! He is the son of Nandagopala and sweet companion to Nappinnai, He is the Lord of Gods, He is the beginning of the end, He has the hue of the fragrant kaya flower, - come back and blow over me the fragrance of His Tulasi Wreath.

வண்டமரும்சோலை வயலாலிநல்நாடன் ✱
 கண்டசீர்வென்றிக் கலியனொலிமாலை ✱
 கொண்டல்நிறவண்ணன் கண்ணபுரத்தானை ✱
 தொண்டரோம்பாட நினைந்தூதாய்கோல்தும்பீ! 10

O Dragon-fly! The victorious Kaliyan, King of the bee-humming fertile groves-and-fields Vayalali has sung this garland of sweet Tamil songs for the cloud-hued Lord of Tirukkannapuram. That we devotees may sing it, grace us with the fragrance Tulasi wreath. ✱✱✱

Reference Books:

1. Visistadvaita and its Development - Sri. K.C. Varadachari.
2. Thiruvoimozhi (Incorporating Bhagavad Vishayam) - Sri. K.R. Krishnaswami.
3. The Divine Wisdom of the DRAVIDA SAINTS by Alkondavilli Govindacharya - Edited by Vanama malai, Dr.T.D. Murali dharan.
4. The Sacred Book of Four Thousand - by Sri. Srirama Bharathi.
5. God Far, God Near - An Interpretation of the thought of Nammalvar - Sri. R.D. Kaylor, Sri. K.K.A. Venkatachari.
6. Tiruvaymoli English Glossary - by Sri. S. Satyamurthi Ayyangar. ✱✱✱

சமாதிகள், பிருந்தாவனங்கள்,
 திருவரசுகள் ஆகியவற்றை இந்து
 சமய அறநிலையத் துறையின் கீழ்
 கொண்டு வரும் சட்டத் திருத்த எண்
 32உம், அதன் விளைவுகளும்!

ஸ்ரீவைஷ்ணவ ஜீயர்ஸ்வாமிகள், ஆசார்ய புருஷர்கள், புகழ்பெற்ற வித்வான்கள் மற்றும் வழக்கறிஞர்கள் ஆகியோர் திருவடித்தாமரைகளில் பாஞ்சஜன்யம் ஆசிரியர் அ. கிருஷ்ணமாசார்யன் அடிபணிந்து செய்யும் விண்ணப்பம்.

ஆளும் அரசின் கொள்கைகளால் நமது இந்து சமயத் திற்குச் சொல்லொணாத துன்பங்கள் விளைவிக்கப்படுகின்றன. அவைகளில் ஒன்று நிர்வாகத்தை மட்டும் மேற்கொள்ள நியமிக்கப்பட்ட இந்துசமய அறநிலையத்துறை அதிகாரிகள் நமது மதத்திற்கே உரிய உட்கட்சங்கு முறைகளில் தலையிட்டு அவற்றிற்குரிய மரியாதைகளைக் குறைத்து வருவது. முகம்மதியர்கள் மற்றும் கிறிஸ்தவர்கள் வழிபாட்டுத் தலங்களில் இவர்கள் குறுக்கீடு செய்வதில்லை. இந்து சமயம் சார்ந்த திருக்கோயில்களில் இவர்கள் அதிகாரம் செலுத்துவது சட்டவிரோதம் என அறிவிக்க வேண்டும் என்று உச்சநீதி மன்றத்தில் பூஜ்யபூர் தயானந்த சரஸ்வதிகள் மற்றும் இருவர் வழக்குத் தொடுத்துள்ளனர். அதன் விபரம் இந்த இதழில் வெளியிடப்பட்டுள்ளது.

15.5.2012 அன்று Press Trust of India வெளியிட்ட செய்தியினை இந்தக்கட்டுரையின் முடிவில் தந்துள்ளேன். இதில் கண்டுள்ளபடி தமிழக அரசு அனைத்துச் சமாதிகள், பிருந்தாவனங்கள், திருவரசுகள் ஆகியவற்றை இந்துசமய

அறநிலையத் துறையின் பொறுப்பில் எடுத்துக்கொள்வதற்கான சட்டத் திருத்தம் எண்.32 குறித்துத் தெரிவிக்கப்பட்டுள்ளது. இந்தத் திருத்தம் எந்த நேரத்திலும் சட்டமாக்கப்படலாம். அப்படிச் சட்டமாக்கப்பட்டால், உயர்நீதிமன்றம் இதில் குறுக்கிடாது. மாண்புமிகு. முதலமைச்சரும் சட்டமான பிறகு இந்தத் திருத்தத்தை திரும்பப்பெற மாட்டார். இந்தத் திருத்தம் நிறைவேற்றப்பட்டால், அதன் விளைவுகள் பயங்கரமாக இருக்கும்.

1. சமாதிகளில் அமைந்துள்ள பரந்த நிலப்பரப்பு இந்துசமய அறநிலையத்துறை வசம் சென்றுவிடும். 2. அந்தந்த சமாதிகளுக்கோ, பிருந்தாவனங்களுக்கோ அல்லது திருவரசுகளுக்கோ உள்ள சொத்து, வங்கியில் போடப்பட்டுள்ள பணம் எல்லாவற்றையும் தனது வசமாக்கிக் கொள்ளும் இந்துசமய அறநிலையத்துறை. 3. சிறிது காலத்தில் அங்கு நடைபெற்று வரும் ஆராதனங்களும் முடங்கிவிடும். 4. சமாதிக்கு அண்மையில் உள்ள நிலப்பரப்பில் மாறி மாறி திராவிடக் கட்சிகள் தமிழ்நாட்டில் ஆட்சிக்கு வரும் நிலையில் பின்வரும் காலங்களில் தி.மு.க. அரசு அங்கே பெரியார் சமத்துவப்புரத்தைக் கட்டிவிடும். அல்லது வணிக வளாகமாக ஆக்கிவிடும்.

இந்தத் திருத்தத்தை எதிர்த்து அடியேன் பாஞ்சஜன்யத்தில் கட்டுரை எழுதுவதால் எந்த மாற்றமும் நடைபெறப்போவதில்லை. சைவர்கள், சங்கராசாரியர், ஆதீனங்கள், மாத்வ மடங்கள், மாத்வ ஆசார்ய புருஷர்கள், ஸ்ரீவைஷ்ணவஜீயர்கள், (தென்கலை, வடகலை பேதமின்றி) ஸ்ரீவைஷ்ணவ ஆசார்ய புருஷர்கள், அனைத்து இந்துசமய உட்பிரிவுகளில் செல்வாக்குடன் திகழும் வழக்கறிஞர்கள். சொற்பொழிவாளர்கள் அனைவரும் ஒன்றுசேர்ந்து மாண்புமிகு. முதலமைச்சரை நேரில் சந்தித்து, இந்தத் திருத்தத்தை கைவிட வேண்டுகோள் விடுக்க வேண்டும். “நன்றே செய்க! அதை இன்றே செய்க!” என்ற முதுமொழிக்கிணங்க உடனடியாக அனைவரும் செயல்பட வேண்டும்.

தயானந்த சரஸ்வதி ஸ்வாமியால் உச்சநீதிமன்றத்தில் தொடரப்பட்டுள்ள வழக்கில் இந்தத் திருத்தம்பற்றி குறிப்பிடப்பட்டுள்ளது. ஆயினும் அதற்கான முதற்செயல் அரசாங்கத்திற்கு வேண்டுகோள் விடுப்பது. அனைவரும் இந்தத் திருத்தத்தின் பயங்கரத்தை உள்ளபடி உள்ளத்தில் கொண்டு, ஸ்ரீவானமாமலை ஜீயர், ஸ்ரீ அஹோபிலமடம் ஜீயர், ஸ்ரீமத் ஆண்டவன், தருமபுரம் ஆதீனம், திருவாடுதுறை ஆதீனம், பெஜாவர் மடத்து ஸ்வாமி போன்றோர்களை ஒன்றுதிரட்டி உடனடியாக முதலமைச்சரின் கவனத்திற்கு இதை எடுத்துச் செல்ல வேண்டும்.

ஸ்ரீமணவாளமாமுனிகளின் திருவரசு தற்போது சிவில் வழக்காக தனக்குக் கொடுக்கப்பட்ட ரெவினயூ பட்டாவை முன்வைத்து வழக்காடி வருகிறார் முத்தழகன் என்பவர். இதன் பரப்பளவு 1.82 ஏக்கர். திருவரசு அமைந்திருப்பதோ நாற்பது சென்ட் நிலத்தில், இந்த வழக்கில் தேவஸ்தானம் வெற்றி பெற்றால் ஏதோ ஒரு காரணத்தை முன்வைத்து, அந்த இடத்தில் கலையரங்கம் கட்டுகிறோம், யாத்திரி நிவாஸ் கட்டுகிறோம், வணிக வளாகம் கட்டுகிறோம் என்று அந்த நிலத்தை அபகரித்து விடுவார்கள். இதே கதிதான் பிருந்தாவனங்களுக்கும், சைவர்களுடைய சமாதிகளுக்கும் ஏற்படும். எப்போதும்போல் பாஞ்சஜன்யம் ஆசிரியர் எழுதுவது பிதற்றல், அரசாங்கத்துடன் மோதல்போக்கை கைக்கொள்ளுகிறார் என்று முத்திரை குத்தாமல், பெரியோர்கள் ஒன்றுகூடி ஏதாவது ஒரு நடவடிக்கையை உடனடியாக எடுக்க வேண்டும்.

இப்போது நாம் ஒன்று செய்யாமல் இருந்தால், நம் முன்னோர்களின் சாபத்திற்கு ஆளாவோம் என்பது மட்டும் உறுதி.

PTI செய்திக்குறிப்பு:

<http://www.ndtv.com/article/south/tamil-nadu-to->

Tamil Nadu to amend Hindu Religious and Charitable Endowments Act

Press Trust of India | Updated: May 15, 2012 21:28 IST

Chennai: Tamil Nadu Government today proposed amendments to a 1959 act governing temples seeking to bring 'samadhis' and 'brindavans' under its ambit for effective control.

The Tamil Nadu Hindu Religious and Charitable Endowments (Amendment) Act 2012, moved by HR and CE Minister MSM Anandan in the state Assembly said samadhis and brindavan were not covered under the Act of 1959.

"The samadhis and brindavan established in memory of famous guru, sadhu or saint are being worshipped as a place of public religious institution. These institutions have acquired the status of religious institution and own vast property besides attracting large number of worshippers," it said.

Though some of them were registered under the Tamil Nadu Societies Registration Act, 1975, they were not being controlled effectively under the same.

The government had for effective supervision decided to include samadhis and brindavan, where there is public worship, under the definition "religious institution," under relevant sections of the Act and bring suitable amendment to define "persons having interest" in such religious institution, it added. ***



“காசே தான் கடவுளடா! இது அந்தக் கடவுளுக்கும் தெரியுமப்பா!” என்ற பாடல் பல கருத்துக்களை வெளிப்படுத்தும் பாடலாகும். கையில் காசு இருந்தால் கடவுளை தூக்கி மடியில் வைத்து விடுவார்கள். திருக்கோயில் அர்ச்சகர் இறைவனின் திருநெற்றியில் இருக்கும் கஸ்தூரிதிலகத்தை வழித்து ஆயிரம் ரூபாய் ஸமர்ப்பித்திடும் பக்தர் நெற்றியில் இட்டு விடுவார். பெருமாள் திருப்பாதங்களில் பொருத்தப்பட்டிருக்கும் பாதக்குறட்டை கழற்றி பூசடாரிபோல் ஸாதித்திடுவார். இது போன்ற அவலங்களுக்கெல்லாம் அடிப்படை காசு தான்.

37,000த்துக்கு மேற்பட்ட கோயில்களை 'ஆட்சி' செய்து வருகிறது இந்துசமய அறநிலையத்துறை. இவற்றில் பசையுள்ள கோயில்களான பழனி தண்டாயுதபாணி கோயில், சமயபுரம் மாரியம்மன் கோயில், பூநீரங்கம் ரங்கநாதர் கோயில், திருத்தணி முருகன் கோயில், சிதம்பரம் நடராஜர் கோயில், மயிலை கபாலீசுவரர் கோயில், திருச்செந்தூர் முருகன் கோயில் போன்ற கடவுளர்க்கே மரியாதை. கிராமங்களில் ஒருகால பூஜைக்கு இன்றைய விலைவாசியில் மிகக் குறைந்த தொகையை கொடுத்துவிட்டு அர்ச்சகரிடம் இந்தத் தொகையைக் கொண்டு 'இறைவன் உள்ளங்குளிர ஆராதனைகளைச் செய்துவா' என்று கைகழுவி விட்டது இந்த இந்துசமய அறநிலையத்துறை. ஒவ்வொரு கோயிலுக்கும் நஞ்சை, புஞ்சை நிலங்கள், மனைக்கட்டுகள், ஆபரணங்கள் இருந்தபோதிலும் அவற்றையெல்லாம் யார் யாரோ அனுபவித்துக்கொண்டிருக்க, ஆண்டுக்கு 5,000 கோடிக்கு வருமான இழப்பு ஏற்பட்டுக் கொண்டிருக்கிறது. அவற்றில் 1,000 கோடியை முதலீடு செய்தால் அதிலிருந்து பெறப்படும் வட்டியைக் கொண்டு, அனைத்துக் கிராமங்களிலும் மூன்று வேளை பூஜைகளை முழுமையாக மேற்கொள்ளலாம். இந்து மக்களிடையே உணர்ச்சி இல்லை. நமக்கேன் வம்பு என்ற

எண்ணம். கோயில் இருந்தால் என்ன? போனால் என்ன? நாம் பெண்டு பிள்ளைகளோடு சுகமாக இருப்போம். வீண் வம்பு எதற்கு? என்று சொல்லிக் கொண்டே வாழ்ந்து வரப்பழகி விட்டோம். அதேசமயம் பூர்வர்கள் தியாகத்தை மீண்டும் மீண்டும் கண்ணீர்மல்க மேடைகளில் பேசி வருவோம்.

இருண்ட வானில் தோன்றும் ஓர் மின்னொளி போல், ஆந்திர மாநில அரசு ஓர் கொள்கை முடிவை எடுத்திருக்கிறது. இரண்டு லட்சத்திற்கு குறைவான வருமானம் வரும் கோயில்களை அர்ச்சகர்களிடமே ஒப்படைத்து அவரை தர்மாதிகாரியாக நியமிப்பது என்ற முடிவாகும். இதன்படி 34,682 கோயில்கள் அர்ச்சகர்கள் வசம் ஒப்படைக்கப்பட உள்ளன. இந்துசமய அறநிலையத்துறையின் பிடியில் அகப்படாது இந்தக் கோயில்கள் நிர்வாகம் செய்யப்படும். இது போன்ற முடிவினை தமிழ்நாடு அரசு எடுக்குமா? இது கேள்வி. ஆனால் தமிழ்நாட்டில் உள்ள ஜீயர் ஸ்வாமிகள், சைவ மடாதிபதிகள், ஹிந்து சமயத்தைச்சார்ந்த வழக்கறிஞர்கள், ஆசார்யபுருஷர்கள், செல்வாக்குப்பெற்ற சொற்பொழிவாளர்கள் ஒன்றுசேர்ந்து போராடினால் இந்த இலக்கை எட்டலாம். ஸர்வ வ்யாபியான எம்பெருமான் இவர்கள் உள்ளத்திலே புகுந்து அவர்கள் எண்ணங்களை மாற்றி நாமும் சமுதாயத்தில் ஓர் அங்கம், சமுதாய அவலங்களை தட்டிக்கேட்க வேண்டியது நம்முடைய பொறுப்பு என்று உணரவைக்க வேண்டும். அந்த நாளும் வந்திடாதோ!

5.1.2013 தேதியிட்ட இந்து நாளிதழில் (ஹைதராபாத் பதிப்பு) வெளிவந்த செய்தி.

**34,682 Temples to be handed over to archakas
Special Correspondent**

The government has taken an in-principle decision to hand over as many as single-trustee 34,682 temples whose annual income is less than Rs. 2 lakh, to archakas. It will finalise the decision after thorough consultation with Law Department on the possible legal implications.

This measure is opted for this category of temples, although the Government, by law, can appoint Executive Officers for any temple having an annual income above

Rs. 50,000. This is because hundi collections in a temple may fall short of the requirements at times.

A decision is also taken to create a corpus fund with Rs. 500 crore to pay salaries to the staff of 3,000 odd other temples which, in contrast, are getting annual income as mandated under the Endowments Act. Legal opinion is sought for this also. Security issue

At a Prajahitham media conference here on Thursday, Endowments Minister C. Ramachandraiah and Commissioner B. Balaramaiah said the government would be asked to give one-time grant of Rs. 350 crore to create this fund.

The Minister said a new security system using electronic gadgets was being formulated in coordination with ECIL to prevent burglaries at seven major temples including Srisailam, Vijayawada etc.

Master plans have been finalised for Srisailam and Basar temples involving an outlay of Rs. 642 crore and Rs. 30 crore respectively to give facelift for pilgrim facilities. Similar step would be taken up at Annaravam, Simhachalam etc.

Answering questions, he said the bullocks and cows offered by devotees at Vemulawada temple were being offered to small farmers and were not sent for slaughter houses as alleged. The plea by many NGOs to hand these animals to them would be considered. He said the punyanadi harati programme which received overwhelming response, would be taken up regularly at specified places, covering the Krishna, Godavari, and Tungabhadra.

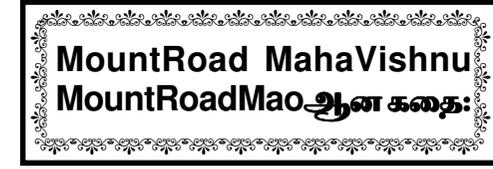
The leasing of endowments lands would be allowed only through auction periodically with a provision to hike the rent as required.

ECIL asked to develop security system to prevent burglaries at seven major temples.

திருமலை திருப்பதி தேவஸ்தானத்தின் முறைகெட்ட செயல்.

திருமலை திருப்பதி தேவஸ்தானம் திருமலை திருக்கோயிலின் புனிதத்தன்மையை நாளும் மாசுபடுத்தி வருகிறது. அதன் சார்பாக வெளியிடப்படும் சப்தகிரி மாதஇதழில் வெளிவரும் கட்டுரைகள் சர்வசமய சமரசத்தை வெளிப்படுத்தும் கட்டுரைகளாக வெளிவருகின்றன. திருமலை தெய்வமே பரதெய்வம். அவனே வேதங்களாலும், ஆழ்வார்களாலும் கொண்டாடப்பட்டு வரும் பரமாத்மாவான ஸ்ரீமந்நாராயணன் அவனையொழிந்த மற்ற தேவதைகள் யாவரும் அவனுக்கு சேஷபூதர்களே. அவனுக்கு நிகரான அல்லது மேம்பட்ட தெய்வம் இல்லை என்பது ஸ்ரீராமானுஜர் நிலைநாட்டிய விசிஷ்டாத்வைதத்தின் உயிர் நாடியாகும். அதற்கு மாறாக காளிக்கும், சிவனுக்கும், பிள்ளையாருக்கும் பரத்துவம் சொல்லும் கட்டுரைகள் சப்தகிரி இதழில் இடம்பெறலாமா?

மேலும் 2013ஆம் ஆண்டு தேவஸ்தானம் வெளியிட்டுள்ள மாதஇதழ் நாட்காட்டியில் மார்ச் மாதத்தில் காளஹஸ்தி சிவன் இடம்பெற்றுள்ளார். நிர்வாக முறையில் கபிலேச்வரரும், காளஹஸ்தி சிவனும் திருமலை திருப்பதி தேவஸ்தானத்திற்கு உட்பட்டவர்களாய் இருக்கலாம். ஆனால் அவர்கள் திருவேங்கடமுடையானுக்கு இணையான தெய்வங்கள் அல்ல. அவர்கள் சேஷபூதர்கள். எம்பெருமானால் உண்டாக்கப்பட்டவர்கள். ஜீவகோடியில் சேர்ந்தவர்கள். எம்பெருமானால் வழங்கப்பட்ட சக்திகளைக் கொண்டு ஸம்ஹாரம் போன்ற தொழில்களைச் செய்து வருபவர்கள். அரசியல்வாதிகளுக்கு இவையெல்லாம் தெரியாது. I.A.S. படிப்பு திறமையாக நிர்வாகம் செய்வதற்கே உதவும். அதைவிட்டுவிட்டு மதநம்பிக்கைகளில் குறுக்கிடுவது கூடாது. நாட்காட்டியில் சிவனின் படம் இடம் பெற்றிருப்பதை பலர் எதிர்த்துக் கடிதம் எழுதியுள்ளபோதிலும், அதை எடுத்துச் சொல்ல வேண்டிய ஜீயர் ஸ்வாமிகளோ, ஆசார்ய புருஷர்களோ இன்றுவரை தங்கள் எதிர்ப்பை தெரிவிக்கவில்லை. இவர்கள் தங்களுக்குரிய கடமைகளை ஆற்றாதிருப்பது ஏன்? திருவேங்கடமுடையானே அறிவான்!



இந்திய நாட்டில் ஆங்கிலேயரின் ஆதிக்கத்தை எதிர்த்து போராடிய, குரல் கொடுத்த நாளிதழ்களில் ஒன்று 'THE HINDU'. ஆனால் இன்று அது இந்துக்களுக்கு எதிரான நாளிதழாக மாறிவிட்டது. 'செக்குலரிஸம்' என்னும் போர்வையில் இந்துக்கள் அல்லாதார் எத்தகைய கொடூரச் செயல்களில் ஈடுபட்டாலும் ஏதும் நடவாததுபோல சித்தரிக்கும் தன்மை கொண்ட இந்த நாளிதழ் இந்துக்களுடைய நியாயமான செயல்களுக்கு மதச்சாயம் பூசி நாட்டிலே குழப்பம் விளைவிப்பவர்கள் இந்துக்கள் என்ற மாயையைத் தோற்றுவிக்க முயற்சி செய்துவருகிறது. அத்தகைய முயற்சிகளில் ஒன்றுதான் அண்மையில் வெளிவந்த ஸ்வாமி விவேகானந்தர் பற்றியதொரு கட்டுரை.

'THE HINDU' 03-01-2013 அன்று உலகப்புக்ம் பெற்ற சுவாமி விவேகானந்தரைப்பற்றி - திரு. ஸஞ்ஜய் ஸ்வத்ஸவா அவர்களால் - Taking the aggression out of masculinity என்ற கட்டுரையில் வட இந்தியாவில் ஹிந்து பெண்மணிகள் கணவன் மார்களினுடையவும் மற்றும் குடும்பத்தின் நலன் கருதியும் கொண்டாடப்படும் 'கர்வசௌத்' என்ற விழாவைப்பற்றிய புகைப்படத்துடன் அதனருகிலேயே ஹிந்துக்களால் போற்றப் படும் துறவியான சுவாமி விவேகானந்தரின் சிகாகோவில் எடுக்கப்பட்ட புகைப்படத்தை இணைத்து ஒரு கீழ்த்தரமான கட்டுரை வெளியிட்டிருந்தது. இதற்கு கடுமையான எதிர்ப்பு கிளம்பியது. அடுத்த நாள் 04.01.2013 அன்று திரு.அரவிந்தன் நீலகண்டன் இந்தக் கட்டுரையை இணையதளத்தில் கடுமையாக விமர்சித்தார். இது ஹிந்து பத்திரிக்கைக்கு இ-மெயில் மூலம் அனுப்பி வைக்கப்பட்டது. இதனை அதன் ஆசிரியர் பதிப்பிக்கவில்லை. இதனால் மனவேதனையைடைந்த ஹிந்துக்கள் சுமார் 250 பேர் அந்த அலுவலகத்தின் முன்பு 06.01.2013 அன்று எதிர்ப்புப் போராட்டம் நிகழ்த்தினர். அதில் சிலர் கைது செய்யப்பட்டு பின்னர் விடுவிக்கப்பட்டனர்.

07.01.2013 அன்று இவர்களில் சிலர் அந்த ஆசிரியரால் பேச்சுவார்த்தைக்கு அழைக்கப்பட்டனர். அவ்வாறு அழைக்கப்பட்டவர்களில் "திராவிட மாயை" என்ற நூலின் ஆசிரியர் திரு. சுப்பு-சுதேசி ஜாகரண் மஞ்ச் என்ற அமைப்பைச் சேர்ந்த தமிழ்நாட்டின் தலைவர் - திரு நம்பி நாராயணன் மற்றும் ஐ.ஸி.ஐ.ஸி.ஐ வங்கியிலிருந்து ஓய்வு பெற்ற அதிகாரி திரு. ரங்கநாதன் ஆகியோர் அடங்குவர். அந்த சந்திப்பில் நடந்த உரையாடலின் விவரங்கள்

எதுவும் இதுவரை வெளியிடப்பட வில்லை. இதற்கிடையில் சென்னை-மதுரை-கோயமுத்துர் ஆகிய இடங்களிலும் எதிர்ப்புப் போராட்டங்கள் நடைபெற்றன. மேலும் சென்னை ஸ்ரீராமகிருஷ்ண மடத்தைச் சேர்ந்த துறவியான சுவாமி ஆசனோஷானந்தா அவர்களின் கடிதம் ஹிந்து நாளிதழில் 07.01.2013 அன்று "Misleading" என்ற தலைப்பில் வெளியிடப் பட்டது. அதில் முக்கியமாக அவர் குறிப்பிட்டிருப்பது - "We strongly feel that the use of Swami Vivekananda's photo and the comment are totally inappropriate in the context of the article. The whole world knows that Swamiji was a pioneer in safeguarding women's rights - dignity, equality and their emancipation. Instead of joining the Nation in spreading the man-making and character building message of Swamiji to the youth, you have thought it fit to publish an inappropriate and wholly misleading reference about Swamiji in your daily."

இதற்கிடையில் 09.01.2013 அன்று வினீத் மோஹன் அவர்களின் மறுப்பு கடிதத்தின் கீழ் ஹிந்து ஆசிரியர் 4 வரிகளில் தங்களுக்கும் அந்த ஸஞ்சை பூர்வதஸவாவின் கட்டுரைக்கும் எந்தவித சம்பந்தமும் இல்லை என்ற உப்புசப்பற்ற வாதத்தை முன்னிறுத்தினார். இதைப் தொடர்ந்து திருமதி. பிரேமா நந்த குமார் 10.01.2013 அன்று "He Gave us Back our Dignity" என்ற தலைப்பில் ஒரு மறுப்புக்கட்டுரையை வெளியிட்டார். திருமதி பிரேமாநந்தகுமார் அவர்களின் மறுப்பு கட்டுரையின் தாக்கத்தால் 10.01.2013 அன்று 9ஆம் பக்கத்தில் ஒரு சதுரக்கட்டத்தில் ஆசிரியரின் மன்னிப்பு வெளியிடப்பட்டது. மேலும் திரு. அரவிந்தன் நீலகண்டன் அவர்களால் கம்யூனிச சித்தாந்தத்தை பின்பற்றும் ஹிந்து நாளிதழுக்கு சவாலாக தன்னுடைய ஆழமானதும் அழுத்தமானதுமான கட்டுரையை Centre Right என்ற இணைய தளத்தில் ஜனவரி 4-2013 அன்று கீழ்க்கண்ட தலைப்பில் வெளியிடப்பட்டது.

Swami Vivekananda, Indian Culture and the charge of male chauvinism. இதைத்தொடர்ந்து அவர் 2ஆவது "Lal Salam Comrade" என்ற தலைப்பிட்ட கட்டுரையில் ஜனவரி-10-2013 அன்று தனது கண்டனத்தை வெளிப்படுத்தி இருந்தார். இதற்கு பதில் சொல்ல இயலாமல் இன்றுவரை -21.01.2013- அந்த நாளிதழ் மௌனம் காத்து வருகிறது. தொடர்ச்சியாக பல கோணங்களிலும் 20 ஆண்டுகளாக ஆராய்ச்சி செய்த அறிஞர்கள் அனைவரும் இந்த நாளிதழை ஏன் நிராகரிக்கக் கூடாது என்ற கேள்வியை எழுப்பியுள்ளனர். இதற்கு ஆதரவும் பெருகி வருகிறது. ஆகவே ஹிந்துக்களின் மனம் புண்படும் படியான இதைப்போன்ற விஷயங்கள் இனி வராமல் தடுக்க ஒவ்வொரு ஹிந்துவும் ஒற்றுமையுடன் போராட வேண்டும். * * *