The Object of the Hindu Religious & Charitable Endowment Act

The religious freedom is guaranteed by the Constitution so the intervention of the Government in the administration of religious institution through the Statutory Boards may seen paradoxical. There was no mention of temples in Vedic Collection of Hymns and Prayers. When fire was lit oblations were said to be made in the place there at. In later Brahmana period temples were Constructed for accommodation of images of gods. Charities began to flourish and valuable endowments such as landed properties for pious purposes were well established in later period the cult of religious worship developed and Gifts for religious and Charitable purposes were impelled by the desire to acquire religious merit. So the Hindu temples are founded, endowed and maintained generally for the benefit of general Hindu public.

In earlier period it was a private affair and as an when the temples became inspiring centres of the Social and Cultural life of the Community, Centres of promotion and patronage of art and architecture, and other fine arts, and began to serve as a centres of learning and fostering and growth of the piety and learning and as an effective instrument of poor-relief, it began to become a public affair. Thereafter out of the rituals for establishment of endowments which became an object of general public utility. Since dedication is the renunciation of ownership, to the deity, and hence began the accumulation assets beyond imagination and slowly mismanagement, discrepancies, and mal administration began to Geep into the temple administration to keep it within the domain of persons with ulterior motive. The avaricious began to rool the roost of temple affairs, which invited the intervention of the Government to the administration of religious institutions. But the objectives of various enactments of the yester years would mention, as an effort to put an end to the greed of the power mongers, whose quarrelsome contest to grab the flourishing assets of even the almighty, and to protect and make due upkeep of the temple and properties attached thereto, from anti social elements for its eternal existence. As such the object of the legislation of the Madras Hindu Religious & Charitable Endowment Act 1951, as indicated in the preamble is “to amend and consolidate the law relating to the administration and governance of Hindu Religious & Charitable Endowment”. So the Hindu Religious & Charitable Endowment Act exists for better administration, protection and preservation of temples and the endowed properties attached thereto, and for fulfillment of the objects, with reasonable restrictions, which do not violate the rights of religious freedom guaranteed by the constitution.

The important matters regarding the Services rendered by the authorities under the Act.

1. The Hindu Religious & Charitable Endowment provides for better administration, protection and preservation and development of the temples within the Supervision and control of the Hindu Religious & Charitable Endowment Act.
2. The Act provides preparation of Register for every institution as a recordical evidence for each and every matters regarding the temple. Under section 25 of the Hindu Religious & Charitable Endowment Act.
3. The accounts property and documents are periodically inspected by the officials as authorized by the authorities under section 28 of the Act.
4. Section 29 of the Act provides for protection of temple property from indiscriminate alienation. It provides to obtain sanction of the Commissioner for sale, mortgage, exchange, and lease of temple properties, after due enquiry as provided in the Rules.
5. Surplus funds of the endowments can be appropriated after obtaining sanction under section 31 of the Act.
6. Enforcement of service or charity in certain cases is done under section 32 of the Act by the Deputy Commissioner.
7. Resumption and Re-grant of inam granted for performance of Charity of Service is enforced under section 35 of the Act.
8. The listed temples are prepared and published by the Commissioner under section 38 of the Act.
9. Trustee appointment to the temples listed under section of the Act is made by the Commissioner under section 39 of the Act.

10. The appointment of trustees to the non-listed temples are made by the concerned Area Committees under section 41 of the Act.

11. The power to Suspend, remove and dismiss trustees of the non-listed temples by the Deputy Commissioner and that of the listed temples by the Commissioner under section 45 of the Act.

12. The disqualification of the trustees is determined by the Deputy Commissioner under section 46 of the Act,

13. The Deputy Commissioner is empowered to make appointment of fitperson under section 47(3) of the Act.

14. The Deputy Commissioner is the empowered authority to hear and decide the appeals against the order punishment of the temple employee by the trustee under section 49 of the Act.

15. Vazhivadu Schedules are to be approved by the Commissioner under section of the Act.

16. The dittam Register have to be approved by the Commissioner in the case of listed temples and the Area Committee in case of other temples under section 51 of the Act.

17. The Commissioner is the authority to file suit for removal of trustee of a Math or specific endowment attached to a Math under section 52 of the Act.

18. Trustee appointment by the Commissioner to a Math is as provided under section 53 of the Act.

19. The approval of dittam of a Math is to be made by the Commissioner under section 54 of the Act.

20. The disputes and matters regarding whether an institutions is a religion institution or not whether a trustee holds office as hereditarily or not, whether a properly or money is a specific endowment or not and the entitlement of any honour, by Custom or Otherwise of a person etc. are to be inquired into and decided by the Deputy Commissioner under section 57 of the Act.

21. The Deputy Commissioner is the empowered authority to frame scheme of administration under section 58 of the Act.

22. The matter of appropriation of an endowment is decided by the Deputy Commissioner under section 59 of the Act.

23. The Deputy Commissioner the empowered authority to enquire and decide as to the application of the properties and finds of definite religious institution under section 60 of the Act.

24. The Commissioner hear and decide the appeals against the order of Deputy Commissioner under section 61 of the Act.

25. The Commissioner is the empowered authority to make an institution notified under section 63 of the Act.

26. The Budget of the listed temples are approved by the Commissioner and in case of other temples by the Area Committee under section 70 of the Act.

27. The Commissioner decides the Annual Contribution to be made to the Board by the temples to a maximum of 5% of its annual income under section 76 of the Act.

28. Recovery of Costs, Charges and expenses are to be made by the Commissioner or Area Committee under section 77 of the Act.

29. The Hindu Religious & Charitable Endowment Fund is administered by the Commissioner under section 81 of the Act.

30. The Commissioner is empowered to put an Executive Officer or Trustee of a temple in possession.

31. The Malabar Devaswom Board extend grant in aid to the temples for payment of salary of the temple employees of the temples of low income group, under the control of the Board.

32. The Malabar Devaswom Board extend grant in aid for renovation of the temples in Malabar area.