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A.S. NARAYANA DEEKSHITULU ETC.

v.

STATE OF ANDHRA PRADESH AND ORS.

MAY 9, 1997

B

[K. RAMASWAMY AND D.P. WADHWA, JJ.]

*Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 :*

C

*Hindu Law—Archakas—Abolition of hereditary rights—Constitution of committee for a welfare scheme—Recommendation of Committee—Acceptance by Government—Approval by Supreme Court.*

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While upholding the constitutional validity of various provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, this Court held that abolition of hereditary rights of Archakas and other office holders was not unconstitutional.\* Pursuant to the directions given by this Court a Committee was constituted to formulate a welfare scheme for Archakas and other employees of the temple and their dependants. The said committee made various recommendations regarding constitution of Archakas and other employees remuneration fund, pension, distribution of uniforms, appointment of welfare officer, framing of a separate set of service conditions, giving exemption to the donors under Section 80-G of the Income Tax Act in relation to contribution made to the funds, amendment to the Act in regard to the Andhra Pradesh Endowments Archakas and other secular employees welfare funds; and framing of scheme of Agama Patasalas and conducting of refresher courses suggested in the Deed.

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Disposing the application, this Court

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**HELD :** The recommendations made by the Committee and accepted by the Government are approved. The covenants of the Deed of Trust must be deemed to be treated as part of this order. [368-F]

*\*A.S. Narayana Deekshitulu v. State of Andhra Pradesh & Ors., [1996]*

H 9 SCC 548.

CIVIL ORIGINAL JURISDICTION : I.A. No. 7 &amp; 12

A

IN

Writ Petition (C) No. 638 of 1987.

(Under Article 32 of the Constitution of India.)

B

WITH

I.A. No. 3 in W.P. (C) 696/87, I.A. No. 3 in T.C. (C) No. 170/88, I.A. No. 4 in T.C. (C) No. 175/88, I.A. No. 2 in T.C. (C) No. 38/90 and I.A. No. 4 in W.P. (C) No. 1090/87.

C

D.D. Thakur, P.P. Rao, Hardev Singh, Dr. Gauri Shankar, C. Mukund, T.V. Ratnam, B. Kanta Rao, K. Ram Kumar, C. Balasubramaniam, Mrs. Asha Nair, V. Balaji, N. Ganapathy, A.T.M. Sampath, Ms. Meenakshi Aggarwal, A. Subba Rao, A.D.N. Rao, V. Balachandran, Jain Hansaria & Co., P.N. Ramalingam, B. Parthasarthy, Y.P. Rao, Ms. Sadhana Ramachandran, Ms. B. Sunita Rao and Ms. H. Wahi, for the appearing parties.

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The Judgment of the Court was delivered by

**K. RAMASWAMY, J.** In view of separate judgments pronounced today in the above mentioned matters, the following recommendations have come to be made by the Committee and accepted by the Government :

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1. Constitution of Archakas and other Employees Salary and Remuneration Fund.

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2. Providing Pension Schemes as in the case of Regional Joint Commissioner and Deputy Commissioner cadre temples.

3. Providing Dhooties, Uniform/Dresses to the Archakas and other employees.

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4. Since it is suggested to appoint Additional Commissioner, the appointment of the welfare officer to look after the welfare measures in respect of Archakas and secular staff has become redundant.

5. Acceptance of the Government to frame a separate set of service

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A conditions in respect of the Archakas and other religious staff in view of their peculiar duties attached to them is a good proposal.

6. Merging of the existing welfare scheme with the welfare scheme formulated.

B 7. In regard to condition No. 7 relating to approaching the Income Tax Authorities for obtaining income tax in respect of the income derived from the fund and the donations received from the public, and also for giving 100% exemption to the donors under Section 80-G of the Income Tax Act, in relation to the contribution made to the funds, the Government of India is directed to consider giving such exemption.

C 8. Though the suggestion that the welfare measures should be taken to the door steps of the needy is laudable, it involves practical difficulty of huge outlay of expenditure. Therefore, the welfare measures would be administered by the Additional Commissioner from the Head-Quarters in D Hyderabad.

9. Amendment to the Act in regard to the Andhra Pradesh Endowments Archakas and other secular employees welfare funds, should also be brought within the statutory operation by suitable amendments to the Act so that it would form a statutory base.

E 10. Framing of scheme of Agama Patasalas and conducting of refresher courses suggested in the Deed.

F In view of what is held in the separate judgments, we approve of the above recommendations made by the Committee and accepted by the Government.

The covenants of the Deed of Trust must be deemed to be treated as part of this order.

G The application is accordingly disposed of.

T.N.A.

Petition disposed of.