

**ANDHRA PRADESH LEGISLATIVE ASSEMBLY**

**The Andhra Pradesh Charitable and Hindu Religious Institutions and  
Endowments (Amendment) Act, 2007  
L.A.BILL No.7 OF 2007**

**REPORT OF THE SELECT COMMITTEE  
(Presented to the Assembly on 15-11-2007)**

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**Composition of the Select Committee on the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments (Amendment) Bill, 2007**

**Chairman:** Shri Juvvadi Ratnakar Rao, Minister for Endowments

**Members:**

- I. Shri D.Sridhar Babu, Government Whip
- II. Shri Ch.Ramachandra Reddy
- III. Smt.K.Prabhavathamma
- IV. Smt.V.Sunitha Laxma Reddy
- V. Shri R.Sujay Krishna Ranga Rao
- VI. Shri Konduru Murali Mohan
- VII. Shri Dronamraju Sreenivasa Rao
- VIII. Shri Pithani Satyanarayana
- IX. Shri K.Subbarayudu
- X. Shri Gouthu Syam Sundar Sivaji
- XI. Shri V.Laxmi Kantha Rao
- XII. Shri Nomula Narasimhaiah
- XIII. Shri Chada Venkat Reddy
- XIV. Shri G.Kishan Reddy

**LEGISLATURE SECRETARIAT**

1. Shri K.Tuljanand Singh, Secretary
2. Shri A.D.Bhaskar Reddy, OSD
3. Shri A. Rami Reddy, Assistant Secretary
4. Kumari V.Subhadramma, Section Officer

## REPORT OF THE SELECT COMMITTEE

I, The Chairman of the Select Committee to which the A.P.Charitable and Hindu Religious Institutions and Endowments (Amendment) Bill, 2007(L.A.Bill No.7 of 2007) was referred to, having been authorized to submit this Report on their behalf, present this Report with the Bill as amended by the Committee annexed thereto.

1. The Bill was introduced in the Andhra Pradesh Legislative Assembly on the 28<sup>th</sup> March, 2007. The motion for reference of the Bill to the Select Committee of the House was moved by Shri J.C.Divakar Reddy, the then Minister for Panchayat Raj and Endowments and the Select Committee was constituted on 14<sup>th</sup> June,2007.
2. The Select Committee held 7 sittings and heard the views of various stakeholders and the following organizations:
  - a. Hindu Devalaya Parirakshana Samithi
  - b. Andhra Pradesh Brahmana Sangha Seva Samakhya
  - c. Acharya Sabha
  - d. Archaka Samakhya
  - e. Telangana Temple Religious Employees Union
  - f. Rayalaseema Archaka Sangham
  - g. Andhra Pradesh Rashtra Devadaya, Dharmadaya Sibbandi Sangha Parirakshana Samithi
  - h. Tirumala Tirupathi Vamsa Paramparya Archakulu
  - i. Veerasaiva Agama Parishad
  - j. Saiva Vani
  - k. Krishna Zilla Archaka Sangham, Srivaikhanasa Sangham, Paancharathra Agamam
  - l. Srivaikanasa Peetham
  - m. The Association of Founders of the Hindu Religious Institutions

3. The Select Committee approved the broad policy direction contained in the draft amendment Bill. Except for two dissenting notes from two members, the Committee approved the draft Bill with the following amendments as they sub serve, in the considered view of the Select Committee, the larger, overarching policy framework of the government to revitalize the temple system, facilitate good governance and ensure that archakas and other office holders and their families are comfortably placed. In the Committee's view, it is desirable to move towards greater autonomy in the management of religious institutions and greater accountability and transparence in governance systems. As a part of this effort, the Select Committee's recommendations propose three significant changes in the existing system.
4. First, a semi-autonomous apex body called Andhra Pradesh Dharmika Parishad is sought to be created to oversee the management of the entire temple system in the State. It would most likely discharge most of the functions being currently performed by the government. It would have the authority and responsibility to institute appropriate administrative, financial and legal mechanisms to ensure that endowments are preserved, dilapidated temples are renovated, temples become pilgrim-friendly, the rich traditions and cultural heritage are preserved and all stakeholders participate in a spirit of partnership with devotion and dedication to bring Temples back into social life as centers of moral education, human welfare, fine arts and architecture. It will not be merely an advisory body as envisaged earlier. It will be the policy making body with substantial autonomy to

coordinate and facilitate better management of temples. The Section 152 A (1) proposed in the Amendment Bill is modified accordingly.

5. The second set of recommendations relate to the establishment of a Tribunal exclusively dedicated to settling disputes expeditiously. This will help Temples to recover the lands and other endowed properties from encroachers, enhance the revenues and reduce delays in settlement of disputes. This will free the administrative machinery, which was dealing with these issues till now, to devote more time and energy to effectively manage and administer the temple system.
6. The third set of recommendations relate to the management of Temples and creating a congenial environment for the personnel discharging various responsibilities. While in the draft Amendment Bill, the institutions having income less than Rs.5 lakhs were proposed to be classified under 6 (C) of the Act and it was felt that there is no need for appointment of full time Executive Officer for such small institutions, the Select Committee was of the opinion that the income limit can be reduced to Rs.2 lakhs so that the administration of these institutions also can be streamlined and they can be better supervised. Accordingly, changes in Section 3 and 4 of the Amendment Bill have been incorporated. This will help reduce administrative expenditure in small temples and foster development and better services to pilgrims.
7. Taking the same argument further, the Select Committee felt that the smaller institutions should not be required to contribute to the Endowments Administration Fund or Common Good Fund. While currently, all institutions having income more than Rs.5000 have to contribute to these funds, the Committee recommends that institutions

with income less than Rs.50,000 need not pay any contribution. Accordingly, changes are proposed in Section 65 (1). The Committee felt that it would not be realistic to fix what the contribution to EAF and CGF should be in the Act because the needs of the system and the financial flows into the Fund are constantly changing and therefore, it would be ideal if the proposed Dharmika Parishad can be empowered to take the decision on the quantum of contribution from each category of institutions.

8. Concomitantly, the Committee suggests that a separate fund should be created to meet the salary of archakas and other office holders and servants. There has been a persistent demand from about 20,000 personnel and this provision incorporated as 65 (A) will address this concern about decent wages and timely payment of salaries to all eligible employees who have been appointed by the competent authorities as per the approved cadre strength of various institutions. An efficient salary disbursal mechanism through banks and effective accounting, audit systems have to be put in place to operationalize this resolve of the Committee. We do hope that these changes will happen by the next financial year.
9. The Committee felt that there should be four funds: 'Endowments Administrative Fund (EAF)', 'Archakas, other office holders and servants' salary and other emoluments fund', 'Common Good Fund' (CGF), and 'Archakas, other office holders and servants' Welfare Fund'. The first two cover the salaries and allowances of personnel, the third is used for renovation and preservation of temples and Dhoopa Deepa Naivedyam scheme and the last one has been

established for undertaking welfare measures for all persons in pursuance of the Supreme Court orders of 1997.

10. The Select Committee considered the representations of the Founders and founder family members and recognized their contribution to improvement of temples in the state. In order to invest them with the power to administer their institutions when no Board of Trustees is constituted, the provisions under Section 15 are being modified. Similarly, the definition of 'Founder' in Section 17 is being amplified to include the Hereditary Trustees who have been managing ancient temples and have been duly recognized by competent authorities earlier. This would help overcome the difficulty of identifying founders for old temples and avoid litigation. A modification is accordingly incorporated to Section 17.
11. The Select Committee felt that provisions regarding the management of Maths in Chapter V of the Act need modification. The fixation of dittam (Section 49), Removal of Mathadhipathi (Section 51), Filling of temporary vacancies in the office of the 'Mathadhipathi' (Section 52), Filling of permanent vacancies in the office of Mathadhipathi (Section 53), nomination of Mathadhipathi (Section 54) and Framing of schemes (Section 55) are proposed to be a part of the charter of duties to be performed by the Dharmika Parishad. Accordingly, changes to these Sections have been incorporated.
12. The Select Committee deliberated on the amendment to Section 141 and felt that this may be dropped because the changes to the Andhra Pradesh Court Fees and Suits Valuation Act, 1956 need to be carried out separately rather than incorporate a provision in the Endowments Act. Accordingly, Section 19 in the Amendment Bill is dropped.



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13. The new clause on formation of Bhaktha Samajams proposed at Section 22 of the Amendment Bill was discussed. The Select Committee felt that it would be desirable to incorporate the concept as a part of the charter of duties of Trustees and Executive Officers. This will give greater clarity on the role of these two key functionaries in making temples as hubs of religious and devotional activities and also serve as a reminder that temples must forge partnerships with devotees to turn temples into vibrant centers of cultural renaissance. Accordingly, this provision is dropped and included in Sections 24 and 29 of the Principal Act.

14. The Select Committee deliberated on the Constitution of Trust Boards and felt that the Dharmika Parishad should be given a significant role in deciding the composition of the Trust Boards. The Committee felt that government should appoint the Board only in the case of temples with income of more than Rs.1 crore as against Rs.25 lakhs proposed in the Amendment Bill. For institutions with incomes ranging from Rs.25 lakhs to Rs. 1 crore, the Dharmika Parishad shall appoint the Trustees, the Commissioner shall appoint the Trustees for institutions with incomes ranging from Rs. 2 lakhs to Rs.25 lakhs, and for institution with less than Rs.2 lakhs income, the Deputy Commissioner may constitute the Board. These changes to Section 15 will further streamline the process of appointment of Board of Trustees.

15. The Select Committee considered and agreed to the request of TTD to amend Section 114 of the Principal Act to prohibit unauthorized tonsuring, unlicensed hawking and vending and selling meat and

liquor on Tirumala Hills. Modifications to Section 114 are being made accordingly.

16. The Select Committee deliberated upon the amendment to section 144 which is intended to improve the financial status of low-income temples. The archakas and other office holders working in these temples would have an option to either take a share of the temple income or take the salaries, wherever they find that they are not able to make a living from the lands or the offerings given by devotees. Accordingly, the amendment as proposed was approved as this is in conformity with the observations of the Supreme Court, is in consonance with the objectives of the Government to augment income levels of small temples and gives an option to archakas and other office holders and servants to opt for a scheme that is more beneficial to them. The power to approve schemes where there are special circumstances necessitating such a formulation is being given to the Dharmika Parishad.

17. The Committee considered the Bill clause by clause and the following modifications have been made:

(1) In Section (1) of the bill the following definitions are to be added.

In Section 2 of the principal Act,

(i) after clause (1), the following clause shall be inserted, namely:-

“(1-A) ‘Archakas and other employees Welfare Fund’ means, the Fund created for the welfare of the Archakas and other employees of the Hindu Religious Institutions and Endowments in the State of Andhra Pradesh under section 161.”

(ii) after clause (10), the following clause shall be inserted, namely:-

“(10-A) Dharmika Parishad means the Andhra Pradesh Dharmika Parishad constituted under section 152.”

(iii) after clause (12), the following clause shall be inserted, namely:-

“(12-A) “‘Endowments Tribunal’ means a tribunal constituted under section 162.

(2) Section 2 of the Bill: No change

(3) Section 3 of the Bill, modified as follows:

In section 6 of the principal Act, --

(i) in clause (a), for the words “exceeds rupees five lakhs”, the words “exceeds rupees twenty five lakhs”,. Shall be substituted;

(ii) in clause (b), for the words “exceeds rupees fifty thousand but does not exceed rupees five lakhs”, the words “exceeds rupees two lakhs but does not exceed rupees twenty five lakhs” shall be substituted.

(4) Section 4 of the Bill, modified as follows:

For section 15 of the principal Act, the following section shall be substituted, namely:-

Appointment of Board of Trustees

15. In respect of Charitable or Religious Institution or Endowment,-

(1) Included in the list published under clause (a) of section 6, where the income for the Institution exceeds Rupees one crore per annum, the Government shall constitute a Board of Trustees consisting of nine persons appointed by them; where the income of the institution is between Rs25 lakhs to Rupees one crore per annum, the Dharmika Parishad shall constitute a Board of Trustees consisting of nine persons.

(2) Where the income of the institution is between Rs2.00 lakhs to Rs25.00 lakhs per annum, the Commissioner shall appoint a Board of Trustees consisting of five persons and where the income of the institution is less than Rs2.00 lakhs per annum, the Deputy Commissioner concerned may constitute a Board of

Trustees consisting of three persons in respect of each such temple keeping in view the traditions, sampradayams and wishes of the devotees:

Provided that the Deputy Commissioner may either in the interest of the institution or endowment or any other sufficient cause or for reasons to be recorded in writing appoint a single trustee instead of a Board of Trustees

Provided that in the case of a religious institution, the Archaka or where there is more than one Archaka, the Pradhana Archaka thereof shall be an ex-officio member of the Trust Board notwithstanding clause (g) of sub-section (1) of section 19;

Provided further that where the Board of Trustees is not constituted for any reason, the recognized Founder or Member of the Founder's Family shall discharge the functions of the Board of Trustees till a new Board of Trustees is constituted.

Provided that where there is no Executive Officer or Founder Family member to any institution or where the Government or the authority competent to constitute a Trust Board has not constituted the Trust Board within the period specified under this sub-section, the Commissioner shall make such arrangement as he deems fit to look after the affairs of the institution during the interregnum period between the date of expiry of the term of the Trust Board and constitution of the new Trust Board."

- (5) An amendment to Section (17) may be incorporated as follows:  
In section 17 of the principal Act,-  
(i) in sub-section (1) for Explanation I the following Explanation shall be substituted namely,-  
"Explanation I: 'Founder' means  
(a) in respect of Institution or Endowment existing at the commencement of this Act, the person who was recognized as Hereditary Trustee under the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1966 or a Member of his family recognized by the Competent Authority.  
(b) In respect of an Institution or Endowment established after such commencement, the person who has founded such Institution or Endowment or a member of his family and recognized as such by the competent authority."

- (6) Section (5) of the Bill needs to be modified by omitting the provision for extending the term of office of the Board of the Trustees, if it cannot be constituted in time. However, the provision to make interim arrangements may be retained.
- (7) A new sub-section to specify the role of Trustees in facilitating the formation of bhakta samajams should be incorporated in Section (24) of the principal Act.

In section 24 of the principal Act after sub section (3) the following sub-section shall be inserted, namely:-

“(4). It shall be the duty of the Trustees of every temple to foster faith, devotion and ethical conduct in the society by facilitating formation of a Bhaktha Samajam attached to each temple, on a voluntary basis, consisting of the devotees thereof in order to periodically organize Bhajans, religious discourses, devotional and other religious programmes such as nagara sankeertanas etc., appropriate to the custom, usage, tradition and sampradayams of the temple concerned. It shall be competent for the Commissioner with the approval of the Dharmika Parishad to frame bye-laws for the constitution and functioning of the Bhaktha Samajams.

- (8) Section (6) of the Bill: No change
- (9) Section (7) of the Bill: This may be modified in view of the revised income norms for categorizing institutions and also specifying the role of Executive Officers in constituting Bhakta Samajams. A minor modification can Section 29(3)(a) included under this Section of the Bill may be made to delineate the functional relationship between the Trustee and Executive Officer. Incorporating these changes, for Section 29 of the principal Act, the following section shall be substituted, namely:-

“Appointment and duties of Executive Officer.

29. There shall be an Executive Officer for every Charitable or Religious Institution or Endowment to be appointed by the Government in the case of institutions and Endowments having income of rupees one crore and above and by the Commissioner in the case of other Institutions and Endowments

included in the lists published under clauses (a) and (b) of section 6. In respect of charitable or religious institutions or endowment having income of less than rupees two lakhs per annum, and included in the list published under clause (c) of section 6, it shall not be necessary to appoint an executive officer. The cadre of Executive Officers to be appointed under this section for the respective institutions on the basis of the income of the Institution or Endowment shall be as may be prescribed:

Provided that, where there is no Executive Officer in respect of any Charitable or Religious Institution or Endowment, the trustee or the Chairman of the Board of Trustees or any employee of any Institution or Endowment where the income exceeds Rs.2 lakhs, but is less than Rs.25 lakhs per annum, duly authorized by the Commissioner in this behalf shall exercise the powers and perform the functions and discharge the duties of an Executive Officer.

Provided further that it shall be competent for the Commissioner to appoint an Executive Officer to any institution having income of less than Rs.2 lakhs per annum if there are substantial immovable properties to the institution or if he is satisfied that such appointment is necessary in the interest of better administration of the institution or for any other reason to be recorded in writing.

Provided also that, it shall be competent for the Commissioner to constitute such number of Charitable and Hindu Religious Institutions and Endowments as may be necessary, into a single group for the purpose of appointing an Executive Officer or any other employee to such group.

- (2) The number of executive Officers in each grade shall be as may be prescribed by the Government from time to time and the Commissioner shall be the appointing authority for the Executive Officer of Grades, I, II and III:

Provided that forty percentum of vacancies in third grade Executive Officer post and twenty percentum of the vacancies in other two grades of Executive Officers shall be filled by the employees belonging to the institutions or Endowments of prescribed grade: