(2007) 12 KL CK 0048

In the High Court Of Kerala

Case No : DBA No. 104 of 2007

A.S. Thrivikraman Namboothiri and Another — APPELLANT

Vs

Secretary, Cochin Devaswom Board and Another — RESPONDENT

Date of Decision : 10-12-2007

Acts Referred:

Travancore-Cochin Hindu Religious Institutions Act, 1950 — Section 102

Citation : AIR 2008 Ker 105

Hon'ble Judges : T.R. Ramachandran Nair, J;K.S. Radhakrishnan, J

Bench : Division Bench

Advocate : S. Krishnamoorthy, for the Appellant; K. Gopalakrishna Kurup, SC, for the Respondent

Judgement

K.S. Radhakrishnan, J.—The question that has come up for consideration in this case is whether the Poojari of a temple managed and administered by the Board can directly deal with the devotees and receive money for performing vazhipadu.

2. Santhies of the temples have to perform generally various poojas and vazhipadus at the request of the devotees like Reksha Pooja, Thakidu Poo] a, Guruthi Pooja etc. and to discharge various duties. One of the most important vazhipadu at Chottanikara Temple is providing Takidu, Elas etc. Petitioners submit that this vazhipadu can only be performed by the Melsanthi because the sand has to be collected from the side of the deity. Sand which accumulates inside the temple has to be cleared periodically, which is treated as a precious prasadam of the deity. Petitioners submit, ever since the Board was allowing the Melsanthles of the temple to perform such duties since the same could be performed only by Melsanthi. Further it is also stated that the sand is used for the preparation of ''Elas'' etc. and with the brass and gold covering materials (koodu). Melsanthles are preparing the ''Elas'' etc. and the vazhipadu is very important among the devotees and the devotees are offering prasada dakshina for the same to the Melsanthi. Last year each of the four Melsanthies at Chottanikara working on a rotation basis contributed Rs. 1 lakh each to the

Devaswom Board and the said system is only workable as far as the vazhipadu of ''Thakidu'', ''Elas'' etc. at Chottanikara Temple. Petitioners submit, Melsanthies of Chottanikara Temple have a heavy work schedule and without the assistance of two or three Poojaries they would not be able to carry on their duties effectively. Petitioners are aggrieved by the action of the Devaswom Board in directly dealing with the devotees and collecting money for the pious work to be performed by Melsanthies. System introduced by the Board according to the petitioners would not be in the best interest of the devotees and would unsettle the time old practice followed in the temple over the years. Petitioners therefore prayed for a direction to the respondents to permit the petitioners to nominate their own assistants, so that there would be proper co-ordination and the Melsanthies could perform their duties more effectively to the satisfaction of the devotees.

3. Detailed statement has been filed by the Secretary, Cochin Devaswom Board. It is stated that the Melsanthies are making unauthorised sale of Elas, Chakra etc. after receiving money directly from the devotees. Melsanthies used to engage their own assistants who are not temple employees to perform such Vazhipadu. Further the Board has received several complaints from devotees against the Melsanthies collecting Rs. 1000/- to Rs. 3000/- for ''chakram'' as against the department rate of Rs. 250/-. It is to avoid such unhealthy practice the Board took a decision that Vazhipadus, such as sale of Thakidu, Elas, Charadu etc. be effected only after getting proper receipt from the counter set up by the Board. Such a system has been introduced to see that the devotees are not exploited and a uniform rate could be fixed for the benefit of the devotees. It was noticed that Melsanthies used to collect large amounts from devotees unauthorisedly even without issuing any receipts thereby cornering all the income from vazhipadus including muthalkoottu. Board is also willing to provide the service of its employees to help the Melsanthies so as to lesser their burden.

4. The management and administration of Chottanikara Temple is statutorily vested in the Cochin Devaswom Board under the Travancore Cochin Hindu Religious Institutions Act 1950. Section 102 of the Act says that Board and the trustees of every institution shall keep regular accounts of all receipts and disbursements and the account of the Board shall be audited annually. Board is obliged to follow a proper system of accounting so that no vazhipadu be conducted in any temple without a proper receipt. Practice of Melsanthies for that matter anybody in the temple receiving money directly from the devotees performing vazhipadu has to be done away with. Complaint is that while performing various vazhipadus like supply of Sreechakram, Sudarsanachakram, Elas etc. petitioners are receiving large amounts from the devotees directly following no system of accounting. Complaints are being received stating that Melsanthies are collecting Rs. 1000/- to Rs. 3000/- for chakram as against department rate of Rs. 250/-. Main sources of income of the temples are from Bhandaram collection, Vazhipadadayam and Nadavaravu. Vazhipadadayam constitutes major part of the income of various temples. Rates for vazhipadu are fixed based on cost of articles or ingredients required for conducting the

vazhipadu or preparing the prasadam, share (vihitham) to temple servants like santhies for the extra work involved and service charge or overhead termed as muthalkoottu. Generally, muthalkoottu alone constitutes the income to the department. If any of these vazhipadus are performed without taking tickets or receipts from counter then the poojaries would be keeping the vazhipadadayam which normally should go to the temple administration.

5. Vazhipadu is normally done for the blessing from the deity which signifies a personal sacrifice on the part of the devotees. Sincerity is the essential prerequisite of a vazhipadu. Every vazhipadu is being performed for a specific purpose. Pushpanjali is performed for health and longevity. Raktha Pushpanjali for health, protection from enemies and fulfilment of desires. Trimadhuram for knowledge, Annadanam for prosperity and fulfilment of desires. Devotees wear Thakidu, Elas, etc. for self protection. Melsanthi performs pujas, by chanting sacred mantras.

6. Sreechakram, Sudarsanachakram, Elas etc. are certain types of talisman vazhipadus. Such vazhipadu can be done only by Melsanthies since they are to be purified by chanting manthras or subjected to poojas, as the case may be. When they perform the duties necessarily they should also be paid for the duties they perform for the devotees. ''Elas'' is an important talisman vazhipadu of Chottanikara Temple. ''Elas'' is filled up with sand collected from surrounding the deity. Pure sand is brought from Triveni Sangamam'' at Kanyakumari and placed near the deity. Sand is not collected daily from the Sreekovil, but only annually once on a day before the Vrischikam Sudhi and the same is collected by the Theerthamani or assistant of the Melsanthi in the presence of the Melsanthi. The sand so collected is kept in safe custody under sacred surroundings in the Sreekovil itself. The ''Elas'' to be distributed to devotees during the-next one year is filled with this sand.

7. We may indicate, for the work under-taken by the Melsanthies they have to be paid and no Santhi shall perform poojas half-heartedly nor shall the Poojari perform the poojas with a sense of discontentment. Deity be pleased so also the Melsanthi who performs the poojas. Melsanthies cannot however, be permitted to deal with the devotees directly for performing the vazhipadu. Devotees can always give Dakshina to the Melsanthies directly for which there is no restriction. Melsanthi is also entitled to get a "Vihitham" for the pooja he performs over and above the Dakshina he gets from the devotees. Melsanthi is not expected to directly deal with the devotees for providing vazhipadus like Thakidu, Elas, Charadu etc. Melsanthies have also no right to employ outsiders without the permission of the Board. Board can collect a fee, for performing this vazhipadu, but there must be some nexus between the amount collected and the vazhipadu performed. Needless to say, the devotees have to bear the cost of pooja articles, and pay fees for the pooja performed. Devotees are also obliged to get receipts from the counter maintained by the Board and on production of the receipts only the vazhipadu could be performed by the Melsanthies and after performing the

vazhipadu, prasadam could be handed over to the devotees and the Melsanthies can accept dakshina from the devotees, but no money be directly collected from the devotees for performing those vazhipadus. Board is also duty bound to pay a portion of the amount received from the devotees for carrying out Vazhipadus to Melsanthies. Board may fix the vihitham due to Melsanthies, Keeshsanthies etc. after discussion with them. Complaints have been raised that some of the staff of the temple are selling Elas, Thakidu etc. to the devotees, without performing any pooja before the deity.

8. Unauthorised sale of those vazhipadu items is serious issue which calls for the attention of the Board and appropriate steps be taken to punish such employees.

9. We therefore find no reason to grant the relief prayed for by the petitioner for permitting them to receive money directly from the devotees for performing vazhipadus like, Thakidu, Elas, Charadu etc. DBA would stand dismissed.

