(2011) 12 KL CK 0036

In the High Court Of Kerala

Case No : Writ Petition (C) No. 31384 of 2011

P.S. Parameswaran Namboothiri and Another — APPELLANT

Vs

The Travancore Devaswom Board and Another — RESPONDENT

Date of Decision : 08-12-2011

Acts Referred:

Citation : (2012) 1 KLJ 267

Hon'ble Judges : Thottathil B. Radhakrishnan, J;C.T. Ravi Kumar, J

Bench : Division Bench

Advocate : R. Rajasekharan Pillai, R. Sreedharan Nair, Sabina Jayan and Mini V.R, for the Appellant; G. Biju (SC) and Krishnakumar Mangot (AC), for the Respondent

Judgement

Thottathil B. Radhakrishnan, J.—This writ petition is filed challenging Ext. P3, a circular issued by the Travancore Devaswom Board to put up notice boards in temples as follows:

The objection taken is that the said circular gives the impression that Santhikars are insisting on payment of dakshina. It also, allegedly, contains an innuendo to the effect that dakshina which the devotee intends to offer to the priest ought to be put in the Hundies since the circular provides for a statement in the board to be put up that all amounts which a devotee wants to offer shall be deposited in the Hundies

2. Ext.P2 judgment and the order in DBA No. 104 of 2007 relied on therein, categorically hold that Santhikars are eligible to receive dakshina. When it is said that the devotees coming to a temple need not pay anything specially and that the amounts sought to be offered can be put in the hundi, it only means that the offerings in the form of cash to the deity of the temple have to be put in the hundi and not put elsewhere. It cannot also be entrusted to any other person. The statement that no payment of special nature is required for any offering or service only fortifies that no vazhipadu can be conducted without the receipt issued by the TDB. The purpose is clear. There is a system in Devaswom Board

temples whereby the Devaswom Board collects amounts and issues receipts. This includes the muthalkkoottu and other permissible add ons. The circular does not, in any manner, preclude any santhikar from accepting such dakshina that may be offered by any devotee. However, it has to be noticed that receiving or obtaining dakshina, as may be offered by a devotee, is quite different from any action if one were to insist on any particular amount as dakshina or to insist thatdakshina shall be given. The value of dakshina does not depend upon the currency value. It depends upon the faith and honour involved in the process of offering dakshina to the recipient who should be eligible enough in terms of the scriptures to receive dakshina. This is the content of the concept of dakshina. Adv.Krishnakumar Mangot, learned amicus curiae for TDB and CDB, after going through some of the books like ''Kshetra Chaithanya Rahasyam'' by Sri. Madhavaji, ''Thaliyola'' by Sri.Venganoor Balakrishnan, ''Sabdatharavali'' of Sreekanteswaram G. Padmanabha Pillai etc., points out relevant inputs regarding the concept of dakshina to priests in temples. ''Thaliyola'' makes reference to providing dakshina. Dakshina is understood as what is given out of reverence in terms of Bharatheeya tradition. In particular, it is pointed out that even those devotees, who do not make any vazhipadu (offering) as such, could be seen giving dakshina to priests with reverence. ''Sabdatharavali'' refers to dakshina as the offering or gift given to Gurus at the end of poojas and other karmas. Prathigraham is shown as the giving and receipt of offering. This could be in the form of dakshina or gift. Therefore, the concept of ''dakshina'' is that of a reverential offering to the Guru or the Priest. The person, who does the offering, gives it out of reverence. That would not be demanded and taken. No Santhikaran would insist on any particular dakshina or say that he shall not render service without receiving dakshina, because he is not entitled to insist on that. There cannot be any prohibition to the Santhikars receiving dakshina as may be offered by the devotees.

3. Hundies are kept for devotees to put the offerings meant for the deity. That accrues to the purpose of the temple. For different vazhipadus (offerings) for which payment and receipts are prescribed, amounts have to be remitted and receipts obtained. At the same time, dakshina can be offered even in instances where them is no particular vazhipadu (offering). Dakshina can be offered to Santhikars even when no offering is put in the Hundi. Taking all relevant facts and circumstances into consideration and to exclude any confusion in that regard, it is hereby directed that the 2nd sentence in the portion crafted to be the notice shall be amended by the TDB authorities by inserting the words

between the words

and

. This will exclude any controversy or the assumed disrespect by the exhibition of the board. It is further ordered that such board shall not contain any further caption and it is clarified that the words while describing subject of the circular, are not intended to be exhibited, but, it is only an indication to the Devaswom Officers to obtain proper collection of amount under due receipts, wherever offerings are involved, for which payment is prescribed forvazhipadus. The Officers will stand advised by the force of this judgment that there is no restriction whatsoever for the Santhikars receiving dakshina and no officer shall inhibit, on the basis of the impugned circular, the receipt of dakshina by the Santhikars as may be offered by the devotees.

The writ petition is ordered accordingly.

