

## **CHAPTER V**

### **SATUTORY REGULATION OF TRAVANCORE TEMPLES**

The temple entry proclamation of 1936, 'a miracle of modern times'<sup>1</sup>, was infact the most non-violent and bloodless revolution silently took place in Travancore in recent years. With this act, the temple worship in Travancore became a popular religious movement through the participation of all sections of Hindu population irrespective of caste, colour and creed. Sri Chithira Thirunal Balarama Varma, the Maharaja of Travancore changed the course of history and the destiny of the people with a stroke of his pen effecting a revolutionary change in the society. Yet for maintaining cleanliness inside temples and to upkeep the spiritual atmosphere certain rules were formulated and implemented. On 24th November 1936, such twenty-one rules and conditions were brought to the notice of the public through a proclamation. Many expressions like 'temple', 'chief officer' of devaswoms etc were explained in the proclamation and the powers of the chief officer

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<sup>1</sup> *The Temple Entry Proclamation Memorial Souvenir*, 1942, p.1.

was clearly specified. According to rule four, the permission to enter the temple would be limited upto the **srikoil** (sanctum sanctorum) and **tidapally** (kitchen) of the temples<sup>2</sup>. From time immemorial, certain unwritten rules had been in vogue in Travancore temples regarding cleanliness and holiness with a view to achieve rare spiritual exaltation. For example, men wearing shirts and garments other than traditional **dhoti** and **angavasthram** are not admitted inside the temples<sup>3</sup>. Such restrictions are intended to induce a reverent attitude in the worshippers and to enhance the spiritual efficiency of the Travancore temples. These conditions led to the formulation of such rules that would safeguard the maintenance of spiritual atmosphere in these temples. These rules were to be applied to all persons irrespective of their rank in the society or the community to which they belonged<sup>4</sup>. They specified the classes of persons who should not enter the temples on certain occasions in consonance

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<sup>2</sup> ***The Regulations and Proclamations of Travancore***, 1112 M.E(A.D.1937) Vol.IV, p.3.

<sup>3</sup> ***Ibid.***

<sup>4</sup> ***Ibid.***

with the prevailing custom and usage. Persons who are not Hindus, those who are under pollution due to birth or death in their families, drunkard persons, women at menstruation time, professional beggars, persons suffering from contagious diseases were not allowed to enter the temples. Taking meat into the temple, smoking within the premises, carrying cloth umbrella and kerosene lamp and such practice would be disallowed<sup>5</sup>. The chief devaswom officer has powers to grant or withhold permission depend on customs and traditions. His authority would prevail until set aside by higher authority. The chief officer has powers to pass orders for arrest against those who violate the rules. If any one contravenes the rules or commits any offence which requires purifactory ceremonies, he shall be awarded imprisonment and fine as per rules<sup>6</sup>.

The temple entry proclamation and subsequent development in temple administration put the management of temples in a new track. The existing laws became insufficient to contain the

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<sup>5</sup> The Travancore Directory for 1938, p.579.

<sup>6</sup> Ibid., p.680.

aspirations of the people in the changed circumstances. So far as the administration of incorporated and unincorporated devaswoms in Travancore is concerned they were controlled and regulated by the previous proclamations such as proclamation of 1079 M.E (A.D.1904), 1097M.E(A.D. 1922) etc. The Regulation III of 1079M.E(A.D. 1904) called as 'The Hindu Religious Endowment Regulation of 1079' gave **dewan** full power to administer the devaswoms taken over from trustees and also call upon to submit the list of properties, periodical accounts from the trustees of any temple. It also empowered the **dewan** to frame rules for carrying out this Regulation to provide for the better administration of the Hindu religious endowments in Travance<sup>7</sup>. In the Regulation of 1097M.E(A.D.1922) the government constituted a devaswom fund under section four of the Regulation. It was intended for keeping the temples in a state of good repair in accordance with the usage and custom recognised by the government. The government also allotted in the state budget every year an amount for these devaswoms not being less than forty percent of the **ayacut** and

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<sup>7</sup> ***Hindu Religious Endowment Regulation III, Preamble***, 1097 M.E, (A.D.1904)

**sanchayam** land revenue of the state<sup>8</sup>. This shows the attitude of the government to protect the devaswoms by supporting with financial assistance from the state fund since the devaswom properties had already been merged with the **sircar** property on the assumption of their managements. The government never turned a deaf ear to the financial problems that affected the Travancore temples. Yet a major portion of the expenditure was met from the voluntary contributions and offerings made by the devotees. As the worship in Travancore temples was wide open to all sections of Hindu population of the state, the believers' visit to these temples increased day by day effecting a simultaneous increase in the income of the temples. Hence popularisation of worship brought about financial soundness in the temples of Travancore. This necessitated further statutory regulations for the administration and control of these temples both in terms of general and financial management leading to exaltation of spiritual performance of Travancore temples. Another reason for the birth of new statutory regulation was the political compulsion arising due to the merger of Travancore and Cochin state. The Devaswom (Audit) Proclamation

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<sup>8</sup> *Ibid.*, Section 4, p.3-4.

1123 M.E (A.D. 1948) provided a sum of rupees fifty lakhs every year to **sreepandaravaka** and the same would be paid to the Travancore temples. The Travancore Interim Constitution Act of 1123 M.E (A.D.1948) also incorporated the same provision of continuing the practice of paying the same amount to Travancore temples <sup>9</sup>. The SreePadmanabha swamy temple at Trivandrum was under the direct control of the ruler of Travancore and a separate fund was created for its purpose and an executive officer was appointed to supervise its administration. As a result the administration of the Temple became very effective.

### **The Covenant:**

In July 1949, a covenant was entered into between the rulers of Travancore and Cochin with the concurrence and guarantee of the government of India whereby the united state of the Travancore and Cochin was formed<sup>10</sup>. It legally came into force on 1st July 1949. The Raj Pramuk was appointed for the united state as per Article 4(1) of the covenant which had been entered into by both

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<sup>9</sup> Travancore Interim Constitution Act 1123 M.E(A.D. 1948), S.23, sub-section (I), proviso (A).

<sup>10</sup> Eastern Book Company, (ed.), **Constitution of India**, article 2904, Lucknow, 1986, p.116.

covenanting states and Sri Chithira Thirunal Balaramavarma became the Raj Pramukh in July 1949. He continued to be the Raj Pramukh till the formation of the Kerala State on 1st November 1956. As per Article 4(2) he was entitled to hold the office during his lifetime. According to Article 7(2) of the covenant a council of ministers was also appointed to aid and advise the Raj Pramukh in exercise of his functions. The ministers held the office during the pleasure of Raj Pramukh<sup>11</sup>. The remarkable feature of the covenant was the formation of the devaswom fund. As per Article 8(a), the obligation of the covenanting state of Travancore was to contribute a sum of rupees fifty lakhs every year from general revenue to the devaswom fund and rupees one lakh to **sreepandaravaka** properties<sup>12</sup>. Sree Padmanabha Swamy temple received rupees five lakhs every year as fund in lieu of rupees one lakh already sanctioned as per the devaswom (amendment) proclamation of 1123 M.E (A.D.1948). the Ruler appointed an executive officer to look after the affairs of the Sreepadmanabha Swamy temple at Trivandrum. The temple committee was

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<sup>11</sup> ***The Covenant***, dated 1 July 1949, p.2.

<sup>12</sup> ***Ibid.***

composed of three Hindu members nominated by the Ruler of Travancore to advise him in the discharge of his functions.

The covenant also envisaged a provision for the establishment of a board known by the name Travancore Devaswom Board which was entrusted with the administration of all the incorporated and unincorporated devaswoms, all their properties and devaswom fund<sup>13</sup>. The board was constituted on 1st August 1949 in accordance with the provisions of the covenant. The administration of the incorporated and unincorporated devaswoms and the Hindu religious institutions and funds in Travancore and Cochin came under the control of the respective devaswom boards from 1st August 1949. Yet the temple of Sree Poornathrayeesa at Trippunithura and Pazayannore Bhagavathy temple at Pazayannore continued under the direct control of the Ruler of Cochin<sup>14</sup>.

The covenant provided for constituting a legislature consisting of the Raj Pramukh and a legislative assembly for the united state of Travancore and Cochin. All the persons who had been appointed as members of representative body of Travancore and Cochin

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<sup>13</sup> **The Covenant**, op.cit, p.3.

<sup>14</sup> **Ibid.**



became the members of the legislative assembly of the united state. The legislature of the united state had the power to make laws within the framework of this covenant and the constitution of India. The Raj Pramukh had the power to promulgate ordinances as and when it was found necessary and such ordinances were later replaced through Act passed by the legislature. Altogether the covenant had twenty two Articles along with a schedule. The government of India had given concurrence to the covenant and guaranteed all its provisions<sup>15</sup>.

#### **Ordinance No.IX of 1124 M.E (A.D.1949)**

The Raj Pramukh of united Travancore-Cochin state was pleased to make and promulgate the Ordinance No.IX of 1124 M.E(A.D.1934) in exercise of the powers conferred on him through Article 11 of the covenant with effect from 1st August 1949<sup>16</sup>. The landmark development relating to the temple administration in Travancore was the constitution of the Travancore Devaswom Board as per Section 3 of the Ordinance. The Board was entrusted with the power of administration of incorporated and

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<sup>15</sup> V.P.Meneon, Concurrence of the Government of India, NewDelhi, 1949.

<sup>16</sup> Ordinance No.IX of 1124 M.E(A.D.1949), dated 1 August 1949.

unincorporated devaswoms, devaswom fund, devaswom surplus fund except SreePadmanabha Swamy temple and Sreepandaravaka properties. The Board was constituted with three Hindu members of which the Ruler nominated one, Hindu council of ministers and Hindu members of legislative assembly elected one each. They were elected for four years. The members of the Board elected the President in thier first meeting. A separate committee was constituted for the administration of the SreePadmanabha Swamy temple. The executive officer of the temple acted as the secretary of the committee. One of the noteworthy provision included in the ordinance was the provision for the assumption of management of Hindu religious endowments on certain grounds<sup>17</sup>. There were fifty six sections in the ordinance which had been incorporated in six chapters. The Hindu Religious Endowments Act of 1079 M.E (A.D.1904), Devaswom Proclamation of 1121 M.E(A.D. 1946) etc stand suspended due to the operation of this Ordinance<sup>18</sup>. Subsequently, the ordinance was replaced by another ordinance viz. the Hindu Religious Institutions ordinance 1950 and the same

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<sup>17</sup> Ordinance, op.cit.,S.34, pp.15-18.

<sup>18</sup> Ibid., S.56.

was later replaced by Travancore Cochin Hindu Religious Institutions Act, 1950.

### **Ordinance No.1 of 1950**

The Hindu Religious Institutions Ordinance No.1 of 1950 introduced further changes in the Temple administration. The formation of the united Travancore - Cochin state under Raj Pramukh brought about many changes in the administration of devaswoms in Travancore. Consequently the administration of temples was stream lined with new regulations both for spiritual administration and financial administration of temples in the region. In 1950, when the legislative assembly of the state of Travancore - Cochin was not in session, Rajpramukh promulgated the ordinance under clause (1) of the Article 213 of the constitution of India read with Article 238. He promulgated the above ordinance as he was satisfied that circumstances exist which made it necessary for him to take immediate action for making provision for the administration, supervision and control of various categories of

devaswoms and their appurtenances with immediate effect<sup>19</sup>. This ordinance stressed many points with regard to the constitution of devaswom board, procedure for the election of members to the board, removal of members, honorarium for president and members<sup>20</sup>, vesting of jurisdiction in the board etc which laid foundation for a permanent governing body for the devaswoms of the state. The ordinance was replaced by Act XV of 1950, which came into force on April 1950<sup>21</sup>.

### **Institutions Act**

The Travancore Cochin Hindu Religious institutions Act (Act XV of 1950) was passed replacing the Hindu Religious Institutions Ordinance, 1950. This Act has three parts, part-I extended to Travancore, Part II to Cochin and Part III to the whole of the state of Travancore and Cochin. It replaced all the previous proclamations and also the ordinance No. 1 of 1950. There are 130 sections in the Act of which 60 sections are meant exclusively for

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<sup>19</sup> Ordinance No.1 of 1950, 'Preamble', p.1.

<sup>20</sup> Monthly Honorarium, for President Rs. 450/- and member Rs.400/- each.

<sup>21</sup> Government of Travancore, Extraordinary Gazette, Trivandrum, dated 16th April 1950.

Travancore State<sup>22</sup> and rest to Cochin state. In section 2, sub section (c), the incorporated and unincorporated devaswoms have been defined. The incorporated devaswoms are **sircar** devaswoms mentioned in Schedule-I and unincorporated devaswoms are personal deposit devaswoms, which have separate accounts of income and expenditure. The Act also extensively dealt with the devaswom fund, surplus fund, devaswom properties, **karanma** services and the Boards' control over the devaswom department, the powers, duties and responsibilities of devaswom commissioner, assistant devaswom commissioners and superintendents of the devaswom department. Section four of the Act is meant to constitute the Travancore Devaswom Board. Section six of the Act lays down that a person who is to be nominated or elected as member of the Board must reside in the state of Travancore - Cochin and profess the Hindu religion and must have attained thirty five years of age. Thus any person who has not openly renounced the Hindu religion is eligible to be a member of the Board. He need not be a believer in temple worship or is a person

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<sup>22</sup> **Travancore Devaswom Manual**, Vol.II, 1950, p.39-113.

having interest in the affairs temple. As the power of nomination is left to the council of ministers and members of legislative assembly, the Board was brought under the influence of political party in power. In his report on the devaswom administration reforms, K.P. Sankaran Nair, the legal advisor to the Devaswom Board had stated about politicization of the religious institutions belonging to the Hindus. He observed that owing to the onslaught of politics the day today administration of the temples and Board office deteriorated considerably<sup>23</sup>.

Section 7 of the Act lays down the disqualification for membership to the Board<sup>24</sup>. These include insanity, a person who is deaf mute or suffering from leprosy, an undischarged insolvent, an office holder or a servant of government, a local authority, a person convicted by a criminal court for any offence involving moral turpitude etc. Section 8(1) lays down that a member shall cease to be a member of the Board if he subsequently becomes disqualified under section 7 or if he ceases to profess the Hindu religion. The section Provides that any person interested may apply to the

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<sup>23</sup> K.P.Sanakaran Nair, Devaswom Administration Reforms, 1958, p.3-5.

<sup>24</sup> Vide in the Appendix IV, p.11-12.

district court, Trivandrum against the order of disqualification. The section also provides for an appeal to the high court against an order of the district court and the appeal is to be decided in a division bench. Until the decision of the high court is pronounced the member alleged to have been subject to disqualification is entitled to act as if he were not disqualified. Section 9 of the Act lays that a member of the Board may be removed from his office by the high court on the ground of proved misbehaviour or incapacity. A single judge in the high court on receiving such an application from the Advocate general or a person belonging to the Hindu community has to conduct an enquiry and if a prima facie case is established he has to refer it to the division bench with reasons and the division bench would pass final orders<sup>25</sup>.

Chapter III of the Act, section 18 to 23 dealt with Sree Padmanabhaswamy temple<sup>26</sup>. Section 18(1) sets apart six lakhs of rupees annually out of fifty-one lakhs provided for payment to the devaswom fund in Article 238(ii) of the constitution, towards the

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<sup>25</sup> Vide in the Appendix IV, p.12-13.

<sup>26</sup> Ibid., p.16.

expenditure in SreePadmanabha Swamy temple. The ruler of Travancore is to appoint an executive officer to administer the temple, the **Sree panadaravaka** properties and all other properties and funds of the temple vested in trust in the ruler of Travancore and the sum of six lakhs transferred from the devaswom fund. A committee consisting of three Hindu members nominated by the ruler of Travancore advised him in the discharge of his functions. The ruler is the Chairman of the committee and the committee met once in a quarter at Trivandrum. The ruler fixed the remuneration of the members. The executive officer acted as the secretary of the committee<sup>27</sup>.

One of the remarkable feature in the Act is the provision for the continuance of the Devaswom department as constituted in 1097 M.E (A.D.1922)<sup>28</sup>. The Board appointed the devaswom commissioner and the devaswom commissioner appointed the chief executive officer of the department. The expenditure in connection with the said department shall be met out of the devaswom fund<sup>29</sup>.

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<sup>27</sup> Ibid.

<sup>28</sup> **Act XV of 1950**, S.29 (vide in the Appendix IV, p.19)

<sup>29</sup> **Ibid.**



The appointments in the administrative service in the devaswom department shall be made by the Board in accordance with the rules prescribed for such appointments.

**Devaswom Commissioner:**

At the apex of administration stood the devaswom commissioner who served as a link between the government and devaswom. Generally members of royal family were appointed as devaswom commissioner as seen from the appointment of Rajaraja Varma as the first devaswom commissioner<sup>30</sup>. He shall be the adviser to the government in matters relating to the devaswom administration. He is also directly responsible to the government for the proper management and control of devaswoms, charitable institutions and **Japadakshinas**. As a rule, he should be consulted in all matters affecting Hindu temples and in respect of applications for permission to open places of public worship under the proclamation.

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<sup>30</sup> Letter R.O.C. No.206 of 21, dated 13 April 1922.

### **Duties and responsibilities:**

The devaswom commissioner occupied a respectable and responsible position in the hierarchy of the officers of the devaswom department. He was entrusted with the following duties and responsibilities<sup>31</sup>.

- (1). To supervise and control the working of the subordinate officers of devaswom department.
- (2). To regulate the expenditure within the sanctioned **pathivus** and estimates.
- (3). To watch and collect the receipts from all sources due to the devaswom fund.

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<sup>31</sup> Letter R.O.C. No.206 of 21/G.B., dated 2 September 1922.

- (4). To make arrangement for the proper preservation and custody of **nadavaravus** (offerings from devotees), **thiruvabharanam** (ornaments of gods and goddesses), **pattuparivattams** (silk garments) and all belongings of devaswoms.
- (5). To see the live stock attached to the devaswoms properly cared for.
- (6). To submit for the sanction of government proposals for the revision of **pathivus** of those devaswom whose **pathivus** remain to be revised.
- (7). To submit to the government an annual report on the administration of devaswom and other institutions in his charge with the special reference to the transactions of devaswom fund.
- (8). To act as the administrator of the devaswom fund subject to the rules and instructions that may be laid down by government.
- (9). To generally see the administration of devaswoms conducted in accordance with the provisions of the proclamations and

(10). To submit to the government all the returns regarding devaswom matters which were being sent by the chief secretary (earlier division - peishkars).

Besides these duties, he enjoyed a number of other privileges too.

(1). He got the right to make appointment in all the sanctioned establishments both in the offices and in the devaswoms under him. But their pay does not exceed to Rs.50 per mensem subject to the provisions of public service notification.

(2). To appoint all subordinates to the devaswom and other institutions under his control. But he should not divorce **karanma** holders appointments without the sanction of the government or appointing **santhikars** (priests) in the royal palace.

(3). To transfer any officer whom he is competent to appoint and all members of the non-gazetted staff.

(4). To transfer superintendent to one group to another.

(5). To grant any kind of leave under the rules to any officer whom he is competent to appoint, casual leave to all officers under him and privileged leave to all except the gazetted officers.

(6). To place a superintendents' additional charge of a neighbouring group when the superintendent of the latter is on leave.

(7). To dismiss, degrade, suspend, discharge, retire and accept the resignation of any officer whom he is competent to appoint, based on certain rules and regulations.

(8). To sanction all contracts for supplies and services to devaswoms, if the value of each case does not exceed Rs.2000/-. However, Rajaraja Varma was allowed to sanction to contracts to have the value upto Rs.5000/- which is an additional privilege enjoyed by him.

(9). To sanctioned the purchase of provisions to cash where no contractors are forthcoming, provided the sanctioned **pathivus**, budget estimates and nirak rates are not exceeded.

(10). To sanction the disposal of **nadavaravu** provisions and unserviceable silk cloths and credit the amount to the devaswom fund.

(11). To get the **nadavaravu** gold and silver melted in the mint and make necessary alterations in the **thiruvabharanam** registers,

provided that there is provisions in the budget for the expenditure that may be necessary for the purpose.

(12). To arrange for the disposal with the pervious sanction of government, of unserviceable **thiruvabharanams**, vessels and **vahanams** (vehicle of god) credit the amount to the devaswom fund and make necessary alterations in the registers.

(13). To maintain a full and correct account of **thiruvabharanams** and submit to the government the necessary half-yearly plus and minus accounts together with a view of certificates for verification.

(14). To maintain full accounts of vessels (**bharanipathrom**) and submit to the government half yearly returns and certificates regarding them;

(15). To have the complete control of the valuable clothes (**pattuparivattams**) of the devaswoms.

(16). To sanction the making of new **thiruvabharanams**, vessels and **vahanams** using old materials, provided that, in the case of estimates exceeding Rs.500/-, the sanction of the government is previously obtained;

(17). To sanction estimates for petty constructions and repairs up to a limit of Rs.500, in each case.

(18). To allow transfer of funds from the provision for **purathepaditharam**, for expenditure under **akathepaditharam**, in case the cash allotment for the latter is found inadequate on account of fluctuation in prices, the diversion being however made first from the item, **arangukars** (actors), then from 'procession' and lastly **sadya** (feast).

(19). To enquire into and report on the affairs of Hindu religious endowments, when required to do so in individuals cases, section 6 of the Hindu Endowment Regulation III of 1079 M.E. (A.D.1904).

(20). To sanction all estimates not exceeding the total sanctioned allotment for special purifactory and other ceremonies not included in the **pathivu** provided funds are available in the budget and the expenditure does not exceed Rs.500 in each case.

(21). To make contributions for renewal and repairs of minor devaswoms by private gentlemen or bodies provided that (a) an estimate is previously sanctioned for the purpose (b) the

contribution does not exceeded one-half of the cost of the works or Rs.500/- which ever is less and (c) funds are available for purpose.

In discharging his duties, the commissioner was only helped by a personal assistant recruited from the cadre of Tahsildar. The commissioner 's office was broadly divided into correspondence branch and account branch. The correspondence branch was again subdivided into English section and vernacular section. The devaswoms commissioner maintained a correct list of all endowments under his control and supervised the administration with the help of assistant commissioners and superintendents.

#### **Assistant Commissioner:**

The assistant commissioner were appointed next to the commissioner. They were responsible for the proper control and management of the devaswoms in his district and for the efficient conduct of **ulsavams** and other festivals<sup>32</sup>. They were to bring to the notice of the archaeological superintendent and of the devaswom commissioner anything of archaeological or epigraphical

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<sup>32</sup> G.O.R.O.C. No.206/21/G.B., dated 2 September 1922.



interest met within temples<sup>33</sup>. The assistant commissioner was empowered to make any appointment on the sanctioned establishment either in his own office or in the office 's subordinate to him. He got the right to transfer any officer, whom he is competent to appoint, to grant any kind of leave to any officer subordinate to him and make temporary arrangements for the conduct of work. Assistant commissioner was given the right to fine all subordinates except superintendents subject to maximum of Rupees two at a time. He can dismiss, degrade, suspend, discharge or accept the resignation of any officer whom he is competent to appoint. He must do this only after getting the written explanation from such an officer in accordance with the 'principles of natural justice'. He shall state the charges against such officer, the evidence in support of such charges, the finding in each charge and finally pass such order. In case of such punishment, it is open to the subordinate to appeal to the devaswom commissioner against the order of punishment within thirty days. However, no appeal shall lie on an order imposing a fine. He is endowed with the power to confirm contracts for supplies and services upto Rs.1000/- and

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<sup>33</sup> Order Dis.No 450 of 22, dated 11 August 1922.

sanction estimates for petty construction and repairs upto Rs.100/-.

Assistant commissioners were empowered to issue summons for the attendance of persons or for the production of documents relating to enquires connected with devaswom matters. For the disobedience of such summonses the assistant commissioner got the right to fine them upto rupees fifty<sup>34</sup>.

Assistant commissioner was to keep revenue deposit register, register of security deposits, consolidated statement of receipts, monthly account classified abstract receipts, classified abstract of payments<sup>35</sup>. Assistant commissioners are of the rank of divisional treasury officers. To attend the work of these officers, they were allowed to keep one clerk, an accountant and a peon in addition to the office staff<sup>36</sup>.

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<sup>34</sup> G.O.R.O.C. No.371 of 22/G.B, dated 3 November 1922.

<sup>35</sup> The Trivandrum Devaswom Hand Book, 1923, p.37.

<sup>36</sup> Vide Appendix V, p.32.

### **The Superintendents:**

The superintendents were the keystone of the efficiency and success of the devaswom work. They were ranked as drawing officers responsible for expenditure ranging from Rs.13,000/- to 1,43,400/-. The superintendents were responsible for an average expenditures of Rs.40,000/-. Important ceremonies like car festivals in the south Travancore and **ulsavams** were conducted under the supervision of the superintendents.

The superintendents shall be competent to grant leave to all subordinates under him except the chief officer of each devaswom. He can fine all subordinates subject to a maximum of rupees one at a time. He shall also be competent to place any subordinate under suspension pending enquiry. He can sanction to incur expenditure up to rupees five necessary for temporary **sudhi** (pasudana punniyaham) for the conduct of daily ceremonies in anticipation of sanction, in any temple under his jurisdiction.

The classification of devaswoms proposed by the commissioner is to be approved. This is the prime duty of the superintendents. They were instructed to perform their duties to make the administration more efficient<sup>37</sup>. In the initial stages the superintendents were to be guided by the assistant commissioners. They were required to report any difficulties while discharging their work. In this situation the revenue department was directed to render all necessary assistance by utilising the services of the officers of their department in regard to supplies and service, account rules and special ceremonies<sup>38</sup>. The superintendents of devaswoms were empowered to issue summons for the attendance of persons or for the production of document relating to enquiries connected with the devaswom department. Violation to attend for such enquiries based on the summonses, they were empowered to impose fine upto rupees ten, but no right to excuse such offenders<sup>39</sup>. The orders issued by the superintendents were not final. The aggrieved party can appeal to assistant commissioner and those from the assistant commissioners to the commissioner of

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<sup>37</sup> Order cur. No.292 of 22, dated 3 August 1922.

<sup>38</sup> G.O.Dis.No.335 of 22/G.B., dated 16 August 1922.

<sup>39</sup> G.O.R.O.C.No.731 of 22/G.B.,dated 3 November 1922.

devaswom. However appeals from the decision of devaswom commissioner lie to the **dewan**. Apart from them, separate officers of the grade of superintendents were appointed for the personal deposit devaswoms in certain places namely Thuravur, Pattazhi, Erumeli and Paschima. The other personal deposit devaswoms will be controlled by the superintendents within their jurisdiction. The superintendents were of two ranks with two grades of salary and the lower grade was given the opportunity for promotion on the basis of their work.

The superintendents should maintain the registers like cash book, acquittance roll, undisbursed salary register, permanent advance register, contingent register, revenue deposit register, endowment register, register of **Vazhivadus**, register of **pathivus**, register of undisbursed **pathivu**, register of re-payments on undisbursed **pathivu**, register of **thiruvabharanams**, register of **bharanipatrams**, register of **pattuparivattams**, register of securities, paddy and rice register<sup>40</sup>. Each superintendent was

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<sup>40</sup> The Travancore Devaswom Hand Book, op.cit., p.36.

provided with a clerk, accountant and a peon in addition the establishment employees<sup>41</sup>.

Apart from the commissioner, assistant commissioners and superintendents, a group of staff was appointed for the control and management of devaswoms in the state<sup>42</sup>. The office establishment should therefore be pretty strong both in the correspondence and accounts branch. Correspondence in the devaswom department should as far as possible be conducted in the vernacular (malayalm) language while English being adopted to communicate with other departments and the account office.

Section 31 deals with the power of the Board to manage the affairs of both incorporated and unincorporated temples of Travancore and arrange for the conduct of the daily worship, ceremonies and the festivals in every temple according to its usages. The properties and funds of unincorporated devaswoms are

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<sup>41</sup> Vide appendix V, p.33

<sup>42</sup> Ibid., p.31-35.

kept separately. The Board is to keep regular accounts of the receipts and disbursements in respect of institutions under its control. The accounts are to be audited annually by the high court and take appropriate action. The major receipts and expenditure in the devaswom included 10 items of receipts and 30 items of expenditure<sup>43</sup>.

Section 35 of the Act deals with the rule making power of the Board. Such rules should not become inconsistent with the Act and the rules are framed in the following matters.

- (a). all matters expressly required by this Act to be described.
- (b). regulating the scale of expenditure of incorporated and unincorporated devaswoms and of Hindu religious endowments under the management of the devaswom Board.
- (c). the maintenance and auditing of the accounts of incorporated and incorporated devaswoms and Hindu religious endowments.
- (d). submission of budgets, accounts, returns or other information by the devaswom department to the Board.

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<sup>43</sup> G.O.Dis.No.831/40/Dev., dated 3 September 1940.

(e). the method of recruitment and qualifications, the grant of salaries and allowances, the discipline and conduct of officers and servants of the Board and of the devaswom department and generally the conditions of their services;

(f). the establishment of provident funds and the grant of pension for the officers and servants of the Board and the devaswom department.

(g). the grant of travelling and hauling allowances to the members of the Board and the officers of the devaswom department<sup>44</sup>.

Chapter V empowers the Board to supervise and control endowments as defined in section 2(b) and even to take over its managements in certain cases after holding an enquiry. Where the endowment is not taken over, the Board can appoint new trustee for its better administration. Though the decision of the Board regarding assumption of management of the endowment may be challenged before a court, the decision of appointing a new trustee

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<sup>44</sup> Act XV, op.cit, p.58.



can not be challenged<sup>45</sup>. Chapter VI of the Act is dealing with miscellaneous provisions. According to section 58, the Board has been given the power to amend, alter or add to schedule I of the Act through notification in the gazette.

On careful analysis of the Act, it is evident that the former devaswom department was renamed and constituted as Travancore devaswom Board. Hence a detailed study of the devaswom Board would reveal its improvement from former devaswom department. The enactment of this Act clearly shows the reluctance of the government to continue the old pattern of temple administration in Travancore. The formation of Travancore devaswom Board was mainly intended for better and effective administration of temples in Travancore in a democratic way with peoples' participation in the governance. But one has to arrive at a meaningful conclusion, only after evaluating the working of Travancore Devaswom Board in comparison with the former devaswom department.

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<sup>45</sup> Kerala Law Times, (S.N) No.50(19),1974.