

News

The Supreme Court has reserved its decision regarding Karnataka's appeal against the 2006 HC ruling that struck down the law governing Hindu religious institutions.

In an appeal filed by the State of Karnataka against a 2006 Karnataka High Court ruling that invalidated a 1997 statute governing Hindu religious organizations and charity endowments throughout the State, the Supreme Court on Wednesday postponed decision.

Justice Alok Aradhe and Justice PS Narasimha's bench postponed making a decision.

Five previous laws governing Hindu religious and charitable institutions in various Karnataka regions were consolidated and replaced by the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997.

Because the 1997 Act violated Articles 14 and 26 of the Indian Constitution, the High Court declared it to be unconstitutional in its entirety. However, the court ordered that its decision would be effective going forward and safeguarded activities already made under the Act.

The Act covered Hindu religious institutions and philanthropic endowments, but it specifically excluded maths, temples adjacent to them, and any Hindu religious institution or charitable endowment that was established, organized, operated, or overseen by a Hindu religious group. Buddhists, Jains, and Sikhs were excluded from the definition of "Hindu" in Section 2(16).

The High Court heard a number of writ petitions contesting the Act's and some of its notifications' constitutionality. The Act was affirmed by a single judge on September 9, 2005.

The appellants argued in their appeal before the Division Bench that the exclusion of Buddhists, Jains, and Sikhs under Section 2(16) and mathematical and religious temples under Section 1(4) amounted to hostile discrimination under Article 14. They contended that the State had failed to provide a rationale for their exclusion while claiming to have passed a uniform law, and that previous regional enactments had applied to math and to Jains' and Sikhs' institutions.

Additionally, it was claimed that a number of clauses went against Articles 25 and 26 of the Constitution. On the grounds that the act ignored hereditary rights, the appellants contested Sections 9 through 16 pertaining to archaks and temple servants. They argued that Sections 17 and 19, which established a Common Pool Fund and required notified institutions to contribute 5% of their gross annual income, amounted to taxation without legal authorization. Provisions pertaining to the Minister in charge of Endowments' Advisory Committee were also

criticized for allowing undue State control.

The Act was regulatory in nature, the State argued. It argued that custom, usage, ceremony, and practice were all unaffected by the Act. Since the Mathadhipathi stood on a distinct platform, the State argued that math was not included. It argued that the exclusion of Buddhists, Sikhs, and Jains was justified by their appropriate classification. It maintained that the scope of judicial scrutiny of such laws was constrained and that it was acceptable to regulate the secular administration of religious institutions.

The High Court's Division Bench ruled that the exclusion of math and denomination temples was unjustified and went against the declared goal of consistent legislation.

The court further ruled that it was discriminatory to exclude Buddhists, Jains, and Sikhs from the term of "Hindu," especially because their institutions had been overseen by previous laws. It concluded that there was no evidence provided by the State to support the classification.

Regarding Articles 25 and 26, the High Court noted that although it was acceptable to regulate secular administration, measures like mandatory contributions to the Common Pool Fund based on gross income and the general implementation of takeover clauses without negative conclusions of poor management violated the right to run religious institutions.

The Division Bench found that the Act violated Articles 14 and 26 and was discriminatory. The High Court invalidated the entire Act and the notification made under it, ruling that the problematic elements could not be removed.

In the State's appeal against that decision, the Supreme Court has now reserved judgment.



Title of Case: Sahasra Lingesshvara Temple v. State of Karnataka

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