

**MEMORANDUM OF WRIT PETITION UNDER ARTICLE 226 & 227 OF THE
CONSTITUTION OF INDIA**

The Petitioner above named most respectfully submits as under –

1. The Address of the Parties for service of the summons, notices, etc., from this Hon'ble Court is as stated in the cause title.
2. The Petitioner is filing this writ petition in the nature of Public Interest Litigation invoking the extra-ordinary jurisdiction of this Hon'ble Court seeking a writ of mandamus or such other writ or direction or order, directing the Government of Karnataka and the Karnataka Hindu Religious Institutions and Charitable Endowments Department to –
 - i) Provide the Archakas and temple servants the salary due to them under the provisions of Section 12 and Section 15 of the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997;
 - ii) Provide adequate monetary relief or compensation to the Archakas and Temple Servants serving in nearly 35,000 nos. 'C' Grade Temples that are managed by the Respondent No. 1 through the Respondent No. 2 to alleviate the condition of the said Archakas and Temple Servants that has aggravated due to the COVID-19 pandemic;
 - iii) compensate the Archakas for the expenses met by them towards performance of the bare-essential rituals to keep intact the character of the institution during the period of lockdown;
3. The Petitioner No. 1 is a practicing Advocate and a qualified Chartered Accountant. The Petitioner happens to be a Trustee in a Charitable Trust registered as *Indic Collective Trust*, which has undertaken an initiative to support the constituents of temple ecosystem viz., Archaka, temple servants, temple cooks, musicians, flower suppliers, et al who need emergency subsistence in this situation of COVID-19 pandemic in April

2020. The Trust has been able to support over 1000 Archakas and Temple Servants connected to small-size temples across the states of Tamil Nadu, Kerala, Karnataka, Andhra Pradesh, Telangana, Odisha, West Bengal and Jharkhand. During this initiative, while the Petitioner was trying to identify needy beneficiaries viz., small temple Archakas, temple servants and flower suppliers who were largely dependent on devotee's *dakshina*/offering, it soon became clear that almost all the temples under the Karnataka HRCE that are classified as 'C' category are suffering badly on account of lockdown. The Petitioner has further learnt that the temple servants are finding it extremely difficult to maintain the family, and some of the Archakas are unable to continue even the bare-essential traditional rituals. It is then that the Petitioner No.1 contacted Petitioner No. 2 and Petitioner No. 2 explained the emergency involved in the matter and joined this Petition.

4. Petitioner No. 2 is the Archaka of Udbhava Murti Ganapati Temple, K R Market, Bengaluru, which is a 'C' Category notified temple under the management of Respondent No. 2. Petitioner No. 2 also holds the following positions for the welfare of Archaka community in the State of Karnataka:

- a. Chief General Secretary of the *Akhila Karnataka Hindu Devalayagala Arhakara, Agmikara, Upadhivantara Okkuta* [Karnataka Hindu Temples Archakas and Degree-holders Union] (Regd.);
- b. Member of *Karnataka Rajya Agama Shikshana Pariksha Salaha Samiti* [Karnataka State Agama Education and Examination Advisory Committee], Mysuru;
- c. Honorary Advisory member to Karnataka Hindu Religious Institutions and Charitable Endowment Department, Govt of Karnataka (i.e., Respondent No.2 herein);
- d. General Secretary in *Vishala Karnataka Shaivagama Mandali* [Karnataka Shaiva-Agama Union] (Regd.);

- e. Chief General Secretary in *Karnataka Rajya Agmikara Protsaha Samiti* [Karnataka State Agamika Encouragement Committee] (Regd.).

5. Petitioner No. 1 is intending to represent the rights of the Notified Temples as a cultural, religious and heritage institutions in the state of Karnataka viz., the Right to survive and continue to exist which is protected under Article 21 and Rights as a devotee viz., right to religion, faith and worshipping of the Deities that exist in the form of Temples (managed by the Respondents) protected under Article 25 of the Constitution. The Petitioner No. 2 intends to represent the rights of all the Archakas of the notified Temples under Article 19(1)(g), Right for fair and equal treatment protected under Article 14 of the Constitution.
6. The factual matrix necessary to appreciate the matter comprehensively is given below –
7. It is submitted that the Archakas & Temple Servants in the notified Hindu temples are managed by the Government of Karnataka i.e., Respondent No. 1 through the Karnataka Hindu Religious and Charitable Endowments Department (for short, Karnataka HRCE) i.e., Respondent No. 2 under the provisions of Karnataka Hindu Religious and Charitable Endowments Act, 1997 (for short, the 'KHRCE Act').
8. It is submitted that the Karnataka HRCE has notified¹ 35,500 temples in the state of Karnataka, which are graded/categorized² into 'A', 'B' and 'C' for administrative purposes on the following basis –

Category A: Gross Annual Income exceeds Rs.25 lakhs

Category B: Gross Annual Income exceeds Rs.5 lakhs but does not exceed 25 lakhs

Category C: Gross Annual Income does not exceed Rs. 5 lakhs

¹ vide Section 23 of the KHRCE Act

² Vide Rule 3 of Karnataka Hindu Religious Institutions & Charitable Endowments Rules, 2002

- 9.** It is submitted that there are nearly 35,000 notified Category 'C' Temples across the length and breadth of the state, including the remote parts of Karnataka. These temples range from those of hoary antiquity to recently consecrated ones. It is submitted that it is the Archakas who are responsible for the day-to-day preservation, running and upkeep of the religious institution.
- 10.** It is submitted that the Scheme of the KHRCE Act envisages control over the Archakas and temple servants by way of following provisions under *Chapter III: Archakas and Temple Servants*:
- a. Section 9: Appointment of Archakas and temple servants in accordance with temple traditions
 - b. Section 10: Qualifications for appointment of Archakas
 - c. Section 10A: Disqualification of Archakas
 - d. Section 12: Emoluments & Service Conditions of Archakas
 - e. Section 13: Register of Temple Servants
 - f. Section 15: Salary and Service Conditions of Temple Servants
 - g. Section 16: Misconduct & Penalty
- 11.** The Karnataka Hindu Religious and Charitable Endowments Rules, 2002 (for short, KHRCE Rules) provides for the following under the *Chapter IV: Appointment of Archakas and Temple Servants*:
- a. Rule 5: Classification of Temple Servants
 - b. Rule 6: Age limit for appointment and retirement of Archakas and Indoor Temple Servants
 - c. Rule 7: Disqualification for appointment of Archakas and Temple Servants
 - d. Rule 8: Emoluments of Archakas & Temple Servants
 - e. Rule 9: Salary, etc., of Temple Servants who are in service on the date of commencement of the Act
 - f. Rule 10: Prescribing pattern of temple servants

- g. Rule 11: Salary and service conditions of temple Servants
 - h. Rule 12: Procedure of appointment of temple servants and Archakas
 - i. Rule 13: Period of probation of temple servants & Archakas
 - j. Rule 14: Duties and Responsibilities of Archakas and other temple servants
 - k. Rule 15: Leave rules applicable to Archakas and any other temple Servants
 - l. Rule 16: Terminal Benefits
 - m. Rule 17: Disciplinary action against Archakas and temple servants
- 12.** Thus, from the above reading of Chapter III of the KHRCE Act along with Chapter IV of the KHRCE Rules, 2002 it is clear that there is a clear control and regulation of the employment of the Archakas of all the notified temples in the state of Karnataka. The above referred Chapters of the KHRCE Act and KHRCE Rules are enclosed as **Annexure A**.
- 13.** It is submitted that while the Respondent No. 2 is providing salary to the Archakas and temple servants belonging to Category 'A' and Category 'B' Temples, no salary or emolument is being paid to the Archakas and temple servants in the 99% of the temples that fall under 'C' Category, thereby violating the clear provisions of the Section 12 of the KHRCE Act read with Rule 8(3) of the KHRCE Rules.
- 14.** It is further submitted that the only support given by the Government to the Archakas in 'C' Category Temples is the *tasdik*³ or *Annuity/Varshasana*⁴ of Rs.48,000 *per annum per temple* paid towards compensation pursuant to acquisition of the lands endowed to the temple. The Respondent has fixed the sum of Rs.48,000/- irrespective of the actual number of Archakas or temple servants the temple employs, irrespective of the area/size of lands owned, irrespective of size of the temple, irrespective of rituals and

³ Compensation granted pursuant to abolition of *Inams* under Inam Abolition Acts

⁴ Compensation for temples affected by Karnataka Land Reforms Act, 1961 are eligible for this

traditions involved in each temple and without any regard to host of other attendant facts surrounding each separate temple.

15. To put it in clear terms, the Respondents provide Rs.48,000/- per annum to the 'C' category temples and it is expected under the Law that the Archaka of each respective temple perform the following as his duty out of the Rs.48,000/- per annum or Rs.4,000/- per month or Rs.131/- per day:

- a. Conduct all the rituals of the Deity/Deities in the temple each day without a single holiday from early morning to evening according to temple tradition;
- b. Conduct all the festive occasions, Utsavas, Ratha Yatras, etc., which vary from temple to temple, depending on traditions;
- c. Provide for bare essential offerings to the Deities viz., Tulasi, flowers, sandalwood, food offering (naivedya), Deepa (involving Ghee and oil in large quantity), camphor, and host of other materials;
- d. Provide for Vastra and other alankara (adornments);
- e. Provide for Archaka and his family's upkeep through Salary/emoluments;
- f. Provide for Temple Servant and his family's upkeep through salary;
- g. Provide for repairs and renovations of temples;
- h. Provide for electricity and other charges;
- i. Provide for incidental and other expenses;
- j. Provide for expenses towards musicians where tradition demands;
- k. Provide for expenses like utensils, pooja material, etc.,

It is clear from the above list that the amount being paid of Rs.131 per day to the Archakas may only suffice to meet the transport expenses per day

and may be a handful of flowers or Tulasi leaves. Rest of the expenses have to be managed by the Archakas on their own.

- 16.** As a result, the Archakas and servants of 'C' Category temples are almost entirely dependent on the 'Dakshina' (tatte-kāsu or token offerings in Aarti plate) that is given by the devotees as a matter of their belief and to help the poor Archakas. The Archakas of the 'C' Category temples are thus left on a hand-to-mouth situation without the requisite support from the Government.
- 17.** The consequence of the Government's apathy towards the towards the notified Hindu 'C' Category temples and its Archakas/Temple Servants is that the Temples that carried traditions from generations to generations are now struggling hard to maintain themselves. Subjected to perpetual state of neglect from the temple's management i.e., the Respondents herein, the Temples' structures (which technically fall under category of '*Ancient Monument*⁵') are disintegrating and gradually moving towards dilapidation. Rituals that are mandatory for deity's basic nature and character which were carried uninterruptedly for centuries are now not being performed in accordance with tradition on account of Government's unwarranted interference. Archakas are subjected to red-tape for decisions to be made with regard to the temple. The Archakas of these 'C' Category temples are now dependent on the largesse of few devotees and token amounts received in *Aarti Plate on a daily basis*. Most Archakas now live in penury and are forced to look for other job opportunities, leading to loss of traditional knowledge and absence of skilled personnel for tending to the Hindu faith and its adherents. Occupation of Temple Worship thus takes a hit as Archakatva is a financially challenging occupation and only the hereditary Archakas are carrying on the same to keep the family tradition. The Respondents have remained apathetic to the case of the temples as well as

⁵ As per The Karnataka Ancient and Historical Monuments and Archaeological Sites and Remains Act, 1961

its Archakas and temple servants from the very beginning. Their demand for payment of atleast a fixed salary at par with the daily wage fixed by the Central Government, is yet to see the light of the day. Copy of the news article published in this regard in the Times of India newspaper (online) is enclosed as **Annexure B** to the Petition.

- 18.** The Petitioner is submitting these details to enable this Hon'ble court to appreciate the ghastly circumstances surrounding the Archakas and the onerous and hoary burden cast on them to carry on the traditions despite the adverse circumstances faced by them.
- 19.** It is submitted that in this situation of COVID-19 pandemic, as the public is prohibited from moving around and social distancing norms mandate that religious institutions being closed for public, the footfalls in the temples is absolutely NIL resulting in the Archakas of the 'C' Grade temples being deprived of even the *Dakshina*/offering by devotees. Similarly, the condition of temple servants is even worse, as they have almost nothing assured for their livelihood and due to non-payment by Archakas, the temple servants are leaving their job and the Archaka is thus left with no assistance in view of negligence by the employers viz., Respondents. The Respondents ought to have taken cognizance of the situation and alleviate their plight.
- 20.** It is submitted that in such a scenario, against all odds, the Archakas and temple servants of Grade 'C' temples are required to carry out at least the bare-essential rituals for the presiding deity of the Temples, as the rituals are mandatory under the Hindu Law for survival of the institution at all times. If the Archaka fails to perform the ritual, the deity is considered to be vilified and the rituals involved for restoring the deity/idol to original state will involve conduct of separate rituals that are complicated and expensive and may not be as efficacious as desired. The Archakas are thus carrying a sacred duty of looking after the Deity inside the temple, which under the Hindu Law, is conceived a 'living being' and even though all rituals that are carried on under normal circumstances may not be possible

under extreme circumstances, the bare-essential daily-rituals cannot be missed under any circumstances.

- 21.** The Karnataka HRCE Department, having undertaken the management of Temples, has a statutory duty towards ensuring subsistence of the notified temples and consequently a responsibility towards the Archakas and temple servants.
- 22.** With the Covid-19 pandemic disrupting public life and stopping movement of people, the Archakas and the temple servants of 'C' Category temples are faced with great financial problem and it is the duty of the manager of these temples i.e., the Respondents to immediately do the needful by providing adequate compensation to the Archakas to enable them to take care of their family and the Temple insofar to facilitate performance of only the bare-essential rituals.
- 23.** The Petitioner submits that there is no efficacious alternative remedy for the Petitioner otherwise than approaching this Hon'ble Court through this Petition in the form of Public Interest Litigation.
- 24.** The Petitioner has been unable to approach the Second Respondent personally because of the lockdown being in place and therefore this Petition before this Hon'ble Court.
- 25.** The Petitioner has not filed any other Petition or petitions on the same cause of action and no other Petition/Suits are pending against the same cause of action at the instance of the Petitioner in any other court.
- 26.** The Petitioner is filing this Writ Petition on the following other grounds, which are taken without prejudice to one another and such other ground that may be urged at the time of hearing of the Petition.
- 27.** The Petitioner seeks leave of this Hon'ble Court for payment of Court Fee of Rs.100/- as per the provisions of the Karnataka Court Fees and Suits Valuation Act on reopening of the normal Court.

GROUND OF PETITION

- 28.** The Petitioner submits that the following grounds are without prejudice to each other and further without prejudice to taking up other grounds also at the time of hearing.
- 29.** It is submitted that the non-payment of any salary/emoluments to Archaka/Temple Servant hits at the very nerve center of the temple system and frustrates the objective of the KHRCE Act.
- 30.** The Respondents are failing in their duty to ensure the sustenance of the 'C' Grade Hindu Temples, because having taken over the management of the notified Temples under their absolute control, it is important to ensure that each and every person dependent on the temples for their livelihood is provided necessary and adequate support at all times.
- 31.** The Petitioners submit that the following fundamental rights enjoying protection under Constitution are violated:

Violation of Article 21 of the Constitution:

- 32.** The Respondents, by paying a paltry Rs.48,000/- p.a. have led the institution to state of neglect and ruin and thus the right of the deity/institution protected under Article 21 is violated.
- 33.** It is a settled law that Deity is a juridical person under the Hindu law as the deity is conceived as a *living being* and is to be treated in the same way as the master of the house would be treated by his humble servants. Under the temple form of worship, the daily routine of life of the deity is gone through with minute accuracy; the deity is regaled with the necessities and luxuries of life in due succession, even to the changing of clothes, the offering of cooked food, and the retirement to rest. That this procedure is essential practice, can be gleaned from the decision of various Hon'ble Courts from the Privy Council decision in *Pramatha Nath Mullick v. Pradyumna Kumar Mullick and Anr.* LR 52 IA 245 to the decision of the

Hon'ble Supreme Court in re *Ram Jankijee Deities and Ors. vs. State of Bihar and Ors.* reported in (1999) 5 SCC 50 and the recent Supreme Court decision of 5-Judges Bench in *Ayodhya* matter reported in (2020) 1 SCC 1.

- 34.** The express use of the word *Person* under Article 21 and 25 make clear the intention of the Constitution in assuring this right to the Devotees and deity/institution alike. Reliance is placed on the 9-judges bench decision of the Hon'ble Supreme Court in re *State Trading Corporation of India Ltd. v. Commercial Tax Officer and Ors.* (1964) 4 SCR 99 where Hon'ble Justice Sinha authoring the opinion has held that even artificial person has fundamental rights under Part III of the Constitution. Relevant observations are reproduced as under –

“Part III of the Constitution deals with Fundamental Rights. Some fundamental rights are available to "any person", whereas other fundamental rights can be available only to "all citizens". "Equality before the law" or "equal protection of the laws" within the territory of India is available to any person (Art. 14). The protection against the enforcement of ex-post-facto laws or against double-jeopardy or against compulsion of -self-incrimination is available to all persons (Art. 20); so is the protection of life and personal liberty under Art. 21 and protection against arrest and detention in certain cases, under Art.

22. Similarly, freedom of conscience and free profession, practice and propagation of religion is guaranteed to all persons. Under Art. 27, no person shall be compelled to pay ;any taxes for the promotion and maintenance of any particular religious denomination. All persons have been guaranteed the freedom to attend or not to attend religious instructions or religious worship in certain educational institutions (Art. 28). And, finally, no person shall be deprived of his property save by authority of law and no

property shall be compulsorily acquired or requisitioned except in accordance with law, as contemplated by Art. 31. These, in general terms, without going into the details of the limitations and restrictions provided for by the Constitution, are the fundamental rights which are available to any person irrespective of whether he is a citizen of India or an alien or whether a natural or an artificial person.”

- 35.** Non-payment of salary and emoluments contributes towards collapse of the temple system of worship and the Respondents having taken over the temple management, is duty bound to provide for the Archakas and temple servants. The failure of the Respondents in performing their statutory duty has led to violation of Article 21 of the Constitution.

Violation of Article 19(1)(g) of the Constitution:

- 36.** The non-payment of salary/emoluments to the Archakas of Category ‘C’ temples contributes to violation of fundamental right granted under Article 19(1)(g) of the Constitution.
- 37.** The practice of not paying any remuneration and letting the Archakas to depend entirely on the offerings made by the devotees impacts the occupation of *Archaka* adversely and makes it least lucrative for any person despite the high value attributed to it in the Society.
- 38.** Article 19(1)(g) provides for right to practice any profession or to carry on any *occupation*, et al. It is submitted that right to carry on occupation includes right to have meaningful livelihood and the manner in which the Respondents are managing the notified temples has led to the occupation of *Archaka* being reduced to one without any salary, emolument or compensation and thus the fundamental rights under Article 19(1)(g) is offended.

39. It is submitted that the situation would be remedied if the notified institutions are provided the amount due to them in accordance with law.

Violation of Article 14 of the Constitution:

40. The Respondents are providing for salary and emoluments for Archakas/temple servants in Category 'A' and 'B' temples, whereas the same is not being paid for the Category 'C' temples. It is submitted that this discrimination among the Archakas has resulted in violation of Article 14 of the Constitution.

41. While the KHRCE Act does not provide for any distinction between Archakas of different category of temples, the KHRCE Rules provide different payment structure for the three category of temples, despite the fact that the nature of occupation is the same, even though the degree and quantum of work may differ from temple to temple based on tradition therein. However, the discrimination amongst the temples on the basis of *gross income from the temple* is not a proper basis, as the work involved would be based on the same *shastra-based* procedure notwithstanding whether the temple generates any revenue or not.

42. There is thus no intelligible differentia in the discrimination instituted between the Archakas of different categories' temples. This has led to violation of the fundamental rights of the Archakas under Article 14 to be treated equally with the Archakas of Category A and B temples.

Violation of Article 25 of the Constitution:

43. It is submitted that by depriving the Archakas and temple servants of their payment and by further depriving the Temples of their entitlement from the income from the lands endowed to the temples, the temples are stripped of their resources and resultantly the rituals and traditional festivals are not being carried in the manner contemplated by the tradition of the temple. This results in violation of fundamental right under Article 25 of the Constitution.

44. It is further submitted that the fundamental right to pray for a devotee under Article 25 corresponds to fundamental right to life for the religious institution i.e., Deity under Article 21 and thus there exists a reciprocal right of a religious institution to exist, in order for the Article 25 to be meaningful. The conduct of the Respondent leads to offending Article 21 for the temples and thereby resulting in depriving the Right under Article 25 for the devotee. In other words, Article 25 will be meaningful provided the worshipped deity's survival is ensured under Article 21 and the Respondents herein being the managers of the notified institutions, are duty bound to ensure the existence and survival of the institutions in the manner contemplated under the traditions applicable to them.
45. Further, the Deity's character of *living person* deserves protection under Article 25 of the Constitution as right to worship corresponds also to right to be *continued to be worshipped as per tradition* for established Gods under Hindu pantheon and the Respondents have no right to hamper this fundamental right. This right is, however, subject to public order, morality and health as provided under Article 25.

GROUND FOR INTERIM RELIEF

46. These grounds are specific to the covid-19 situation and are intended on buttressing the need for urgent relief from the Respondents.
47. The Respondents are obligated under the law to provide support to the Archakas to enable performance of the bare-minimum rituals that maintains the character of the deity and in this situation if the Archakas and temple servants are not supported by the management of the temple viz., the Respondent No. 2, it poses an existential threat to the temples.
48. The pandemic has exposed the vulnerability of the temples and the extreme dependency on the devotees. The prohibition on visitation of the devotees to the temples has led to a situation of total absence of resources for running the 'C' category temples. The Archakas and temple servants of 'C' category

temples are compelled to not only maintain their livelihood, but also procure the necessities for carrying out the bare-essential rituals of the Deities in the temples they maintain. Therefore, it is imminent that the provision should be made for both their family welfare as well as that of the Deity.

- 49.** The Respondents have failed in their duty to provide financial support to the Archakas, as the Archakas offer the necessary rituals in accordance with the tradition in which the respective deity is consecrated (*prana pratishthāna*) and thus conserves the character of the deity. It is pertinent to mention that most of the ancient temples, that are located in far remote places, fall under 'C' category temples and are believed to be of the strongest consecration by the Devotees on account of uninterrupted worship over hundreds of years.
- 50.** The Respondents have failed in their duty to provide support to the Temple Servants such as the cleaners and other persons who ensure the bare-essential upkeep of the temple and thus ensure the survival of the temple in general and the deity or deities in particular.
- 51.** The Respondents have failed to appreciate that the Temples are the bedrock of the Hindu Community and in this situation when every believer in divine existence looks upon their respective deities (कुल देवता/ಕುಲ ದೇವರು) in whom their belief and seeking in life rests, the belief is also that the management of the temples i.e., the Government is ensuring their sustenance through performance of the bare-minimum rituals and the role of the Respondent No. 2 herein therefore becomes paramount.
- 52.** The Respondents ought to have provided for maintenance and upkeep of the temple deities as well as compensation for the Archakas. It is apposite at this junction to point out that while on one hand the Governments are appealing the private sector enterprises to provide for their employees during this pandemic and not relieve them or withhold their payments, on the other hand the Respondent No. 1 is turning a blind eye towards 99% of

the institutions it manages under the KHRCE Act through the Respondent No. 2.

- 53.** It is submitted that in these times of Pandemic when the common man prays to the almighty, the temples assume more important role than in normal times by helping people cope with spiritual health, and the Respondents by assuming control of the management of the temples are obliged to discharge this onerous responsibility in the interest of justice.
- 54.** The Petitioner submits that although the Respondent No. 1 had allocated a sum of Rs.327.39 crores for the Respondent No. 2 in the State's Finance Budget for the Year 2019-20, yet no decision is being taken for providing necessary relief to the 'C' Grade temples that constitute 99% of the total temples administered by Respondent No. 2. Therefore, the Respondents have to explain the reason for not providing for Archakas/Temple Servants of 'C' Category Temples despite making provision of funds for other objects of the Respondent No. 2. Copy of the necessary extract from the State's Finance Budget laying down detailed allocation for the Respondent No. 2 identifying specific areas of improvement is enclosed herewith and marked as **Annexure C** (along with English translation).
- 55.** It is submitted in this regard that the General Secretary of the Akhila Karnataka Hindu Temple Archaka-Agamikas' & Degree Holders Union Shri K S N Dikshit vide his letter dated 02/04/2020 apprised the Chief Minister about the plight of the Archakas in the aftermath of Corona pandemic and requested for immediate relief to alleviate their condition, but there has been no response from the Chief Minister. Copy of the said letter by Shri K S N Dikshit is enclosed and marked as **Annexure D** (along with English translation).
- 56.** It is further submitted in this regard that the President of the Akhila Karnataka Hindu Temple Archaka-Agamikas' & Degree Holders Union Shri Dinesh Gundurao too wrote to the Chief Minister appealing for release of

financial relief to help the Archakas of 35,000 temples in Karnataka under Government's HRCE Department. Copy of the said letter by Shri Dinesh Gundurao is enclosed and marked as **Annexure E** (along with English translation).

- 57.** The Petitioner submits that it will not be out of context to mention that the Andhra Pradesh Government has announced as financial assistance to Archakas in small temples to help them overcome financial difficulty faced in this pandemic situation. Copy of the news article published in 'The Hindu Businessline' on April 09, 2020 is enclosed as **Annexure F**.
- 58.** The Petitioner craves leave of this Hon'ble Court to submit additional grounds at the time of hearing and submits that the grounds raised are without prejudice to one another.
- 59.** The Petitioner wishes to reiterate that for the reliefs sought in this Petition, based on peculiar facts involved, there is no alternative remedy available to the Petitioner apart to this petition.

60.

PRAYER

WHEREFORE THE PETITIONER MOST RESPECTFULLY PRAYS BEFORE THIS HON'BLE COURT AS UNDER –

- a. Issue a Writ of Mandamus or any other appropriate Writ or order or direction, directing the Respondents to provide the Archakas and temple servants the salary due to them under the provisions of Section 12 and Section 15 of the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997.
- b. And pass such other orders as this Hon'ble Court deems fit and proper on the facts and circumstances of the case in the interest of justice and equity.

61.

INTERIM PRAYER

WHEREFORE THE PETITIONER MOST RESPECTFULLY PRAYS THAT THIS HON'BLE COURT MAY BE PLEASED TO ISSUE AN AD-INTERIM ORDER AS UNDER –

- a. Issue a Writ of Mandamus or any other appropriate Writ or order or direction, directing the Respondents to provide adequate monetary relief to the Archakas and Temple Servants serving in nearly 35,000 nos. 'C' Grade Temples that are managed by the Respondent No. 1 through the Respondent No. 2 to alleviate the condition of the said Archakas and Temple Servants that has aggravated further due to the COVID-19 pandemic;
- b. Issue a Writ of Mandamus or any other appropriate Writ or order or direction, directing the Respondents to compensate the Archakas for the expenses met by them towards performance of the bare-essential rituals to keep intact the character of the institution;
- c. And pass such other orders as this Hon'ble Court deems fit and proper on the facts and circumstances of the case in the interest of justice and equity.

Place: Bengaluru

Dated: 14/05/2020

PETITIONERS

Address for Service:

Shreehari Kutsa, Advocate

Bengaluru –

