

KARNATAKA LOKAYUKTA

No.Compt/Uplok/MYS-413/2014/DRE-1 Multi Storied Buildings,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date : 01/06/2020

Report under section 12(1) of Karnataka Lokayukta Act

Sub: Complaint filed by Sri.Chandrashekar
K.S, Thyagaraja Road, Koppa,
Chikmagalur.

1. On the basis of complaint filed by Sri.Chandrashekar K.S, Thyagaraja Road, Koppa, Chikmagalur, against the Tahsildar, Koppa Taluk, Chikmagalur District, an investigation under Section 9 of the Karnataka Lokayukta Act, 1984 was taken up.
2. The allegations in brief against the respondent are that, one Sri.N.Nagaraja who is the Archak of Sri.Veerabhadraswamy Temple which belongs to Muzarai Department, (situated in the centre of Koppa Town), misrepresenting himself as the Manager of the Temple, is collecting money from the devotees and the general public. It is alleged that though the complaint was given to the Tahsildar on 15/9/2012, the respondent has failed to take any action so far. It is further alleged that the said Archak Sri.N.Nagaraj is in custody of golden ornaments worth more than Rs.10 lakhs which belongs to the Temple and therefore on the above grounds sought for an investigation into the matter. He has produced copies of some documents along with his complaint.

3. Immediately after registering the case, the matter was referred to S.P, KLA, Chikmagalur to investigate and to submit report. Accordingly on 15/5/2014 report has been submitted along with some documents by SP, KLA, Chikmagalur observing that as per the gazette notification dt.1/5/2003, the Temple in question comes within the jurisdiction of Muzarai Department, but no accounts have been maintained and administration is not being carried out as per the relevant statute. Therefore, the I.O, has recommended for taking further action in this regard. He has also produced some documents collected during the course of investigation.
4. Tahsildar, Koppa Taluk was directed to submit the reports regarding the maintenance of accounts of the Temple and also regarding the administration of the Temple. Tahsildar has submitted various reports with documents.
5. The Commissioner of Endowments, Bangalore, along with his report dt.21/8/17 has submitted the detailed report dt.23/6/17 submitted to him by the Deputy Commissioner, Chikmaglaur along with copies of documents. Copy of notification dt.28/8/17 of Deputy Commissioner appointing Tahsildar, Koppa as the Administrator of the said Temple under Sec.29 of Karnataka Hindu Religious Institutions and Charitable Endowment Act 1997, has been produced. The Deputy Commissioner has also submitted another report dt.23/9/2017. Subsequently in the letters dt.2/11/2017, 29/12/17, 10/1/18, 25/9/18, 9/11/18, 5/2/19, 15/10/19 and 31/12/19 it has been reported by the

Deputy Commissioner, Chikmagalur and the Commission of Endowment, Bangalore that Sri.N.Nagaraja has been continued as Archak temporarily under Sec.9(1) of Karnataka Hindu Religious Institutions and Charitable Endowment Act 1997 and therefore the complaint may be closed.

6. From the perusal of the reports and documents produced by the Tahsildar and Deputy Commissioner, it can be observed that Sri Veerabhadraswamy Temple of Koppa Village is notified under Sec.23 of Karnataka Hindu Religious Institutions and Charitable Endowment Act 1997, as a Hindu Religious Institution. Therefore the management and the administration of the said temple should be carried out in accordance with the provisions of Karnataka Hindu Religious Institutions and Charitable Endowment Act, 1997. In the report of SP, KLA, Chikmagalur and report of the Deputy Commissioner dt.23/6/2017, it has been specifically reported that it is a 'C' category Temple belonging to Muzarai Department as per the Gazette Notification dt.30/4/2003.
7. In the report of S.P, KLA, Chikmagalur, it has been observed that the accounts of the Temple have not been maintained. It has been further reported that the Temple is being run from the Kanike/Donations received by the Temple and the descendents of the Hanji family are in custody of the ornaments. It is further reported that one Sri.Nagaraja is the Archak of the Temple. In the report dt.23/6/17, Deputy Commissioner at para No.2 has noted that Sri.N.Nagaraja S/o.Nanjundappa is working as Archak of the Temple, but nobody has appointed him

as Archak. It has further been reported that his grandfather Basappa and later his father Nanjundappa were the Archaks of the Temple and now since 15 years Sri.N.Nagaraj is doing the Archakship at the said Temple.

8. The Deputy Commissioner has further reported that the said temple is situated at assessment No.309 and 310 measuring 80x150 ft., wherein in one portion there is a house of Archak and another portion is used by Devotees for performing functions and Jatra. Further it is reported by the Deputy Commissioner that no accounts have been maintained regarding receipt of money from public and collection of amount in Hundi and management committee has not been formed. It is further reported that devotees themselves have formed a committee unauthorizedly. The Deputy Commissioner has also reported that the family members of Hanji residing at Tarikere are in custody of the ornaments of the Deity.
9. S.P. KLA, Chikmagalur has produced a report submitted by Tahsildar and Tahsildar has also submitted a report dt.11/1/17 to this institution reiterating the points observed by the Deputy Commissioner and S.P, KLA in their respective reports regarding non-maintaining of accounts and custody of ornaments with the family members of Hanji. Copies of Notices issued to Sri.N.Nagaraja, the Archak of the Temple to produce the details of the accounts have been produced. Tahsildar in his report dt.28/4/15 has reported that despite notice to the said Archak he has not produced the accounts of the temple so far. Even in the report dt.11/1/17 Tahsildar has specifically reported that till then accounts of the

Temples were not maintained. The copy of the notification dt.28/8/17 has been produced, wherein as per Sec.29 of the Karnataka Hindu Religious Institutions and Charitable Endowment Act 1997, Tahsildar Koppa has been appointed as the Administrator. No further reports regarding the steps taken for auditing and verification of accounts of the temple have been produced by the Tahsildar or Deputy Commissioner, except a report dt.7/10/17 wherein Tahsildar has stated that an amount of Rs.21,705/- which was found in Kanike Hundi was credited to the S.B.Account of the Temple bearing account No.580182623321. Even in this regard no pass book has been produced. On the other hand Tahsildar along with his report dt.14/9/17 has produced a Xerox copy of the document wherein an amount of Rs.8535/- has been shown as the Thastik amount paid to the Archak, Sri.Nagaraj for the period from 1970 to 2006.

10. Sec.9 of the Act provides for appointment of Archaks. It is the committee of the management of a notified institution which can appoint one or more Archaks to each temple with the approval of the Commissioner. Further Sec.10 of the Act, prescribes qualification for the post of Archak. As per Sec.10(1) of the Act, no person shall be appointed as an Archak, unless he has passed atleast a certificate course (ಪ್ರವರ್) in the Agama in the tradition of the temple from any recognized Samskritha Pathashala or any other institution as the State Government may notify. It is submitted in the reports of Deputy Commissioner and Tahsildar that since Sri.N.Nagaraj was the Archak and his grandfather and father were Archaks of the Temple, it

is a hereditary post and therefore proposal has been forwarded by Deputy Commissioner to continue him as Archak of the said temple under Sec.9(1) of the Act. But the proviso to Sec.9(1) of the Act, makes it clear that only when there is no dispute among the members of the family, such appointment shall be made. The appointment must also satisfy other statutory requirements keeping in mind Sec.10 of the Act and other relevant provisions.

11. Sec.37 of the Act, provides that the Chairman, Manager or the Executive Officer, as the case may be shall be responsible for keeping regular accounts of the institutions. It also provides that the accounts of the institutions shall be got audited annually. Admittedly in the present case though the temple came within the jurisdiction of Muzarai Department governed by the above Act during 2003 itself, till today no accounts have been maintained. Therefore admittedly no audit has been conducted with respect to the accounts of the said temple.
12. Sec.24 of the Act, clearly states that subject to the powers and jurisdiction of Rajya Dharmika Parishat the commissioner shall be the controlling authority in respect of all matters connected with notified institutions and he shall perform such duties and exercise such powers of superintendent and control.
13. Sec.24(2) and (3) of the Act, further provide that the Deputy Commissioner shall be the immediate controlling authority and the Assistant Commissioner, subject to the authority of Deputy Commissioner, shall perform such

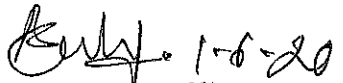
duties and exercise such powers as may be prescribed. But in the present case even after institution of the present complaint, the Deputy Commissioner or the Commissioner of Endowment have not taken any stringent/positive steps to carry on the administration of the temple, to maintain the accounts and to conduct audit, and for appointment of a qualified Archak as per the provisions of the above Act.

14. Therefore I am of the opinion that a recommendation is to be made under Sec.12(1) of Karnataka Lokayukta Act for passing orders regarding regular appointment of Archak to Sri Veerabhadraswamy Temple, Koppa, and for ensuring proper maintenance of accounts and affairs of the temple as per the provisions of Karnataka Hindu Religious Institutions and Charitable Endowment Act 1997.
15. In the above stated facts and circumstances exercising the powers conferred under Section 12(1) of Karnataka Lokayukta Act this recommendation is made to the competent authority
 - i) To examine the legality and correctness of appointment/continuation of Sri.N.Nagaraj as Archak under Sec.9 and 10 of the Act after providing opportunity of hearing to Sri.N.Nagaraj and if found not qualified, as per Sec.9 and 10 of the Act, to take expeditious steps for appointment of a regular qualified Archak to Veerabhadraswamy Temple, Koppa in accordance with Sec.9 and 10 of the Act and also other relevant provisions..
 - ii) To take immediate steps for proper maintenance of accounts and affairs of the temple in future in

accordance with the provisions of Karnataka Hindu Religious Institutions and Charitable Endowment Act 1997.

16. The Competent Authority shall intimate or cause to be intimated to this Authority about the action taken on the report within one month thereafter as stipulated under Section 12(2) of Karnataka Lokayukta Act, 1984.

Connected records are enclosed herewith.


(Justice B.S. Patil)
Upalokayukta,
State of Karnataka,
Bengaluru