

**Madras Temple Entry Authorization Act, 1947**

**05 of 1947**

**[13 May 1947]**

CONTENTS

1. Short title, extent and commencement
2. Definitions
3. Right of all classes of Hindus to enter and offer worship in temples
4. Powers of trustees to make regulations for the maintenance of order and decorum, the due performance of rites and ceremonies in temples
5. Sanction for institution or continuance of suits, prosecutions, etc
6. Power to decide disputes
7. Penalties
- 7A. Offences under section 7 to be cognizable
8. Rules
9. Power to remove difficulties
10. [Omitted]
11. [Omitted]

**Madras Temple Entry Authorization Act, 1947**

**05 of 1947**

**[13 May 1947]**

PREAMBLE

An Act to authorize entry into Hindu temples in the Province of Madras and the offer of worship therein by <sup>2</sup>[all classes of Hindus]. Whereas it is the policy of the Provincial Government to remove the disabilities imposed <sup>3</sup>[ ] on certain classes of Hindus against entry into Hindu temples in the Province <sup>4</sup>[ ]; And whereas the provincial Government are satisfied, from the rapidity with which, under pressure of Hindu public opinion, a number of temples have been thrown open to <sup>5</sup>[certain classes of Hindus] in recent months, under the provisions of the Madras Temple Entry Authorization and Indemnity Act, 1939 (Madras Act XXII of 1939), that the time has now arrived for <sup>6</sup>[throwing open to all classes of Hindus every Hindu temple in the Province];

And whereas the Provincial Government consider that the provisions of the said Act are inadequate for the early and complete implementation of the policy of the Provincial Government aforesaid; It is hereby enacted as follows:--

1. For Statement of Objects and Reasons, see Fort St. George Gazette, dated 28th January 1947, Part IV-A, pages 93-94.

This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Madras Merged States (Laws) Act, 1949 (Madras Act XXXV of 1949).

2. These words were substituted for the words "certain classes of Hindus, who by custom or usage are excluded from such entry and worship" by section 2(1) of the Madras Temple Entry Authorization (Amendment) Act, 1949 (Madras Act XIII of 1949).

3. The words " by custom or usage " were omitted by section 2 (2), *ibid*.

4. The words "which are open to the general Hindu public" were omitted by *ibid*.

5. These words were substituted for the words " those classes of Hindus " by section 2(3), *ibid*.

6. These words were substituted for the words "throwing open to such classes of Hindus all temples in the Province which are open to the general Hindu public" by *ibid*.

### **1. Short title, extent and commencement :-**

(1) This Act may be called the Madras Temple Entry Authorization Act, 1947.

(2) It extends to the whole of the <sup>1</sup>[State] of Madras.

<sup>2</sup>(3) This section shall come into force at once; and the remaining provisions of this Act shall come into force on such<sup>3</sup> date as the <sup>4</sup>[State] Government may, by notification in the Fort St George Gazette, appoint.

1. This word was substituted for the word "Province" by the Adaptation Order of 1950.

2. Section 1 came into force on the 13th May 1947 and sections 2 to 11 on the 2nd June 1947.

3. Came into force on 2nd June 1947.

4. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

## **2. Definitions :-**

In this Act, unless there is anything repugnant in the subject or context--

<sup>1</sup>[ \* \*

<sup>1</sup>(1) temple means a place, by whatever name known, which is dedicated to, or for the benefit of, or used as of right by, <sup>2</sup>(the Hindu community or any section thereof), as a place of public religious worship, and includes subsidiary shrines and mantapams attached to such place;

<sup>1</sup>(2) worship means such religious service as the bulk of the worshippers may offer, or participate in, in accordance with such rules and regulations as may be made under this Act.]

1. Clause (1) was omitted and clauses (2) and (3) were renumbered as clauses (1) and (2) by section 2 (4) (i) of the Madras Temple Entry Authorization (Amendment) Act, 1949 (Madras Act XIII of 1949).

2. These words were substituted for the words "the Hindu community in general" by section 2 (4) (ii), *ibid*.

## **3. Right of all classes of Hindus to enter and offer worship in temples :-**

(1) Notwithstanding any law, custom or usage to the contrary, <sup>1</sup>[every Hindu irrespective of the caste or sect to which he belongs] shall be entitled to enter any Hindu temple and offer worship therein in the same manner and to the same extent as <sup>2</sup>[Hindus in general or any section of Hindus]; and <sup>3</sup>[no Hindu] shall, by reason only of such entry or worship whether before or after the commencement of this Act, be deemed to have committed any actionable wrong or offence or be sued or prosecuted therefor.

(2) Without prejudice to the generality of the foregoing provision, it is hereby declared that the right conferred by sub-section (1) shall include the following rights, if, and to the extent to which, they are <sup>4</sup>[enjoyed by Hindus in general, or any section of Hindus]:--

- (a) the right to bathe in, or use the waters of, any sacred tank, well, spring or water-course appurtenant to the temple, whether situated within or outside the precincts thereof;
- (b) the right of passage over any sacred place, including a hill or

hillock or a road, street or pathway, which is requisite for obtaining access to the temple,

1. These words were substituted for the words "persons belonging to the excluded classes " by section 2 (5) (i), *ibid*.
2. These words were substituted for the words "the Hindus in general" by section 2 (5) (ii), *ibid*.
3. These words were substituted for the words "no member of any excluded class" by section 2(5) (iii), *ibid*.
4. These words were substituted for the words "enjoyed by Hindus in general, not belonging to the excluded classes" by section 2 (6), *ibid*.

#### **4. Powers of trustees to make regulations for the maintenance of order and decorum, the due performance of rites and ceremonies in temples :-**

The trustee or other authority in charge of a temple shall have power, subject to the control of the <sup>1</sup>[State] Government and to any rules which may be made by them, to make regulations for the maintenance of order and decorum in the temple and the due observance of the religious rites and ceremonies performed in the temple, but such regulations <sup>2</sup>[shall not discriminate in any way against any Hindu on the ground that he belongs to a particular caste or sect.]

1. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.
2. These words were substituted for the words "shall not discriminate in any way against the members of the excluded classes" by section 2 (7) of the Madras Temple Entry Authorization (Amendment) Act, 1949 (Madras Act XIII of 1949).

#### **5. Sanction for institution or continuance of suits, prosecutions, etc :-**

(1) No suit for damages, injunction or declaration or for any other relief, no prosecution for any offence, and no application or other proceeding under the Madras Hindu Religious Endowments Act, 1926 (Madras Act II of 1927),<sup>2</sup> or any other law, shall be instituted in respect of any entry into or worship in any temple whether before or after the commencement of this Act, on the sole ground

<sup>3</sup>[that such entry or worship is by a Hindu belonging to a particular caste or sect.]

(2) No suit, prosecution, application or proceeding of the nature aforesaid, instituted before the commencement of this Act, shall be continued thereafter, without the sanction of the <sup>1</sup>[State] Government.

1. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

2. These words were substituted for the words "shall not discriminate in any way against the members of the excluded classes" by section 2 (7) of the Madras Temple Entry Authorization (Amendment) Act, 1949 (Madras Act XIII of 1949).

3. These words were substituted for the words "that such entry or worship is against the custom or usage which excludes certain classes of Hindus from such entry or worship" by section 2 (8) of the Madras Temple Entry Authorization (Amendment) Act, 1949 (Madras Act XIII of 1949).

## **6. Power to decide disputes :-**

If any question arises as to whether a place is or is not a temple as defined in this Act, the question shall be referred to the <sup>2</sup>[State] Government and their decision shall be final subject, however, to any decree passed by a competent Civil Court in a suit filed before it within six months of the date of the decision of the <sup>1</sup>[State] Government.

1. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

2. These words were substituted for the words "shall not discriminate in any way against the members of the excluded classes" by section 2 (7) of the Madras Temple Entry Authorization (Amendment) Act, 1949 (Madras Act XIII of 1949).

## **7. Penalties :-**

Whoever--

(i) prevents <sup>1</sup>[a Hindu] from exercising any right conferred by this Act, or

(ii) molests or obstructs <sup>2</sup>[a Hindu] in the exercise of any such right shall be punishable, in the case of a first offence, with fine which

may extend to one hundred rupees, and in the case of a Second or subsequent offence, with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

1. These words were substituted for the words "a person belonging to any excluded class" by section 2 (9) (i), of the Madras Temple Entry Authorisation (Amendment) Act, 1949 (Madras Act XIII of 1949).

2. These words were substituted for the words " any such person " by section 2 (9) (ii) of the Madras Temple Entry Authorization (Amendment) Act, 1949 (Madras Act XIII of 1949)

### **7A. Offences under section 7 to be cognizable :-**

<sup>1</sup>[ All offences punishable under section 7 shall be cognizable.]

1. This section was inserted by section 2 (10), *ibid*.

### **8. Rules :-**

(1) The <sup>1</sup>[State] Government may make rules for the purpose of carrying into effect the provisions of this Act in respect of temples generally or of any temple or class of temples.

(2) All rules made under this section shall be published in the Fort St. George Gazette, and, on such publication, shall have effect as if enacted in this Act.

1. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

### **9. Power to remove difficulties :-**

If any difficulty arises in giving effect to the provisions of this Act, the <sup>1</sup>[State] Government, as occasion requires, may, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

1. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

### **10. [Omitted] :-**

<sup>1</sup>[ ]

1. Sections 10 and 11 were repealed by section 2 of, and the First Schedule to, the Madras Repealing and Amending Act, 1952 (Madras Act XI of 1952).

**11. [Omitted] :-**

<sup>1</sup>[ ]

1. Sections 10 and 11 were repealed by section 2 of, and the First Schedule to, the Madras Repealing and Amending Act, 1952 (Madras Act XI of 1952).