



V.K VARADACHARI'S HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS (2005). By R . Prakash. Eastern Book Company, Lucknow, Pp.LVI+1400, Price Rs. 1150/-.

CONTRIBUTION FOR religious and charitable purposes is a philanthropic act intended to serve humanity at large and as long as the human instinct for charity lasts, the subject of religious and charitable endowment would continue to be of perennial interest to the public. The Constitution of India guarantees to every Indian citizen a fundamental right to practice, profess and propagate his religion. It also permits enactment of laws to secure better administration and management of religious and charitable trusts and classification of such institutions and religion based endowments. Bequeathing property for these purposes or the right to establish a religious or charitable institution is a part of religious belief/faith or obligation and though law made under clause (2) of article 25 may impose restrictions on the exercise of that right, the right to administer and maintain such institution cannot altogether be taken away and vested in another party more so in the offices of a secular government.

The book¹ deals with the law relating to religious and charitable endowments by Hindus in India. It is divided into fifteen chapters and contains 18 appendices, a glossary and a subject index at the end. The appendices contain fifteen legislations passed by different states governing the religious and charitable endowments and trusts and rules with respect to three enactments framed by different states. The author discusses the concept of “who is a Hindu” with the help of an elaborate analysis of the term in light of Hindu religion, its statutory definition and then in context of Hindu endowments. He classifies Hindu religion in India into two heads: orthodox and heterodox² and notes that the latter does not acknowledge the authority of *Vedas* and secret traditions though there is within this frame ample room for an enormous variety of orthodox conceptions, rites and ceremonies. He further classifies Hindu religious institutions, charitable endowments and trusts, into private and public institutions, giving references from the *Dharamshastras*,³ listing the essentials of valid endowments. Religious and charitable endowments is the main focus of chapter 5 and the discussion is classified into private and public endowments explaining how

1. R. Prakash, *V.K. Varadachari's Hindu Religious and Charitable Endowments* (2005).

2. *Id.* at 19.

3. *Id.* at 159.



the concept of religious and charitable gifts for these purposes were impelled by the desire to acquire religious merit and fell into *ishta* meaning sacrifices and *purta* meaning charity, the former leading to heaven and the later to emancipation or *moksha* and was, therefore, placed on a higher footing than religious ceremonies and sacrifice. It explains in detail the distinction between self revealed and consecrated idols, temporary images,⁴ family idols, necessity of an idol and mutilation of images. The description of how an idol should look like is very informative. The author discusses the forms of idols that are installed in temples; movable form called *chala* and the stationary form called *sthira* and that in most consecrated temples idols are found in both forms. He also elaborates on a class of objects which though are worshipped, but are not made by human hands. These are stones found in hills, river beds or streams known as *saaligram* and *lingams*.

The author discusses “charitable endowments” in chapter 6, explaining the difference between English and Indian law relating to charity; the American law, the concept and meaning of public purposes and various kinds of charitable institutions and activities. He also explains the founders of charitable and religious institutions and their managers or shebait. The author discusses who the founder of trust can be and elaborates on the powers of a shebait and explores the possibility of whether a female can be a shebait. He says:⁵

Though there is no prohibition to a female succeeding to the office of shebait. This follows from the fact that shebaitship is property and succession to the same follows ordinary rules governing a secular property. If the shebait has to perform some priestly duties personally since under Hindu law a woman cannot perform such functions she can appoint a deputy to perform the same.

However, this issue that could have been discussed in detail has been briefly summarized without any major input from the side of the author. Chapter 8 is devoted to *maths* and *mahants*; the difference between the two, types of *maths*, *math* and temples, hereditary, *panchayati*, *vaishnavaita*, *hakimi*, *malabar* and *bairagi* *maths*. Though traditionally it is believed that *mahants* are generally ascetics or sanyasis the author explains that there are certain *maths* whose usages permits the head of a *math* to marry. He explains that there is no prohibition under certain communities for a woman or even a *sudra* to be a *mahant*. Tracing the historical development he informs that gradually the practice of establishing a *math* spread to communities other than non Brahmins and in course of time this practice also spread to religious sects like the Jains, Jangamas

4. *Id.* at 258.

5. *Id.* at 414.



and others who do not believe in the authority of the *Vedas*. The non Brahmins ascetics of South India with a desire to disseminate religious knowledge and promote religious charity established *maths* in Tanjore, Trichnopoly, Madurai and Triunelveli. The *sloka* from *Maha Nirvana Thantra* states that in the *kali* age, the *brahmin*, the *kshatriya*, the *vaishya*, the *sudra* and the general body of human beings were entitled to become *sanyasis*.⁶ Dharamkertas and trustees, their duties, powers removal and alienation of the property by them are dealt with in chapter 9. Chapter 10 deals with right of worshippers. It takes cognizance of the fact, that religious foundations are most numerous in India and have the largest endowments, and have been primarily established for the spiritual benefit of the Hindu community, in general or for that of particular sects or sections thereof. Thus these worshippers are described as beneficiary signifying their spiritual benefit.

Perhaps the best part of the book is the appendices. The various enactments included in the latter half of the book are usually difficult to be found in an ordinary text. The book appears to be voluminous, but the commentary and the appendices share equal space. Each chapter contains an exhaustive synopsis on the concerned title. A well written systematic presentation and an adequate coverage of several topics relating to religious and charitable endowments would make it a valuable addition to any library. The book is reasonably priced and would be useful for students of law, researchers, lawyers and judges alike.

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6. *Id.* at 475.

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