



The Tamil Nadu Temple Entry Authorization Act, 1947

Act 5 of 1947

Keyword(s):

Temple, Worship, Entry into a Temple, Hindu Temple

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THE TAMIL NADU TEMPLE ENTRY
AUTHORIZATION ACT, 1947.

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¹[TAMIL NADU] ACT No. V OF 1947².

[THE ¹(TAMIL NADU) TEMPLE ENTRY AUTHORIZATION
ACT, 1947.]

(Received the assent of the Governor-General on the 11th
May 1947; first published in the Fort St. George
Gazette of the 13th May 1947).

An Act to authorize entry into Hindu temples in
the ³[State of Tamil Nadu] and the offer of
worship therein by ⁴[all classes of Hindus].

WHEREAS it is the policy of the ⁵[State Government] to
remove the disabilities imposed ⁶[] on certain
classes of Hindus against entry into Hindu temples in
the ⁷[State] ⁸[];

AND WHEREAS the ⁵[State Government] are satisfied,
from the rapidity with which, under pressure of Hindu
public opinion, a number of temples have been thrown

¹ These words were substituted for the word "Madras" by the
Tamil Nadu Adaptation of Laws Order, 1969, as amended by the
Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² For Statement of Objects and Reasons, see *Fort St. George
Gazette*, dated the 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 Tamil Nadu Merged
States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 1949).

³ This expression was substituted for the expression "Provinces
of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970,
which was deemed to have come into force on the 14th January 1969.

⁴ 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).

⁵ This expression was substituted for the expression "Provincial
Government" by the Tamil Nadu Adaptation of Laws Order, 1970.

⁶ The words "by custom or usage" were omitted by section 2 (2) of
the Madras Temple Entry Authorization (Amendment) Act, 1949
(Madras Act XIII of 1949).

⁷ This word was substituted for the word "Province" by paragraph
4 of, and the Schedule to, the Tamil Nadu Adaptation of Laws Order,
1970, which was deemed to have come into force on the 14th January
1969.

⁸ The words "which are open to the general Hindu public" were
omitted by section 2 (2) of the Madras Temple Entry Authorization
(Amendment) Act, 1949 (Madras Act XIII of 1949).

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open to ¹[certain classes of Hindus] in recent months, under the provisions of the Madras Temple Entry Authorization and Indemnity Act, 1939, that the time has now arrived for ²[throwing open to all classes of Hindus every Hindu temple in the ³(State)];

AND WHEREAS the ⁴[State Government] consider that the provisions of the said Act are inadequate for the early and complete implementation of the policy of the ⁴[State Government] aforesaid ;

It is hereby enacted as follows :—

Short title,
extent and
commence-
ment.

1 (1) This Act may be called the ⁵[Tamil Nadu] Temple Entry Authorization Act, 1947.

(2) It extends to the whole of the ⁶[State of Tamil Nadu].

⁷(3) This section shall come into force at once; and the remaining provisions of this Act shall come into force on such ⁸date as the ⁹[State] Government may, by notification in the *Fort St. George Gazette*, appoint.

¹ These words were substituted for the words "those classes of Hindus" by section 2 (3) of the Madras Temple Entry Authorization (Amendment) Act, 1949 (Madras Act XIII of 1949).

² 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.*

³ This word was substituted for the word "Province" by paragraph 4 of, and the Schedule to, the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

⁴ This expression was substituted for the expression "Provincial Government" by the Tamil Nadu Adaptation of Laws Order, 1970.

⁵ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

⁶ This expression was substituted for the expression "State of Madras" by *ibid.*

⁷ Section 1 came into force on the 13th May 1947 and sections 2 to 11 on the 2nd June 1947.

⁸ Came into force on the 2nd June 1947.

⁹ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

2. In this Act, unless there is anything repugnant Definitions.
in the subject or context—

¹[* * *]

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

(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.]

3. (1) Notwithstanding any law, custom or usage to the contrary, ³[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 ⁴[Hindus in general or any section of Hindus]; and ⁵[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 used or prosecuted therefor.

Right of all
classes of
Hindus to
enter and
offer worship
in temples.

(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

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 These words were substituted for the words "persons belonging to the excluded classes" by section 2 (5) (i), *ibid*.

⁴ These words were substituted for the words "the Hindus in general" by section 2(5) (ii), *ibid*.

⁵ These words were substituted for the words "no member of any excluded class" by section 2 (5) (iii), *ibid*;

rights, if, and to the extent to which, they are ¹[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.

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

4. The trustee or other authority in charge of a temple shall have power, subject to the control of the ²[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 ³[shall not discriminate in any way against any Hindu on the ground that he belongs to a particular caste or sect].

Sanction for institution or continuance of suits, prosecutions, etc.

5. (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, 1926⁴, 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 ⁵[that such entry or worship is by a Hindu belonging to a particular caste or sect].

Madras Act II of 1927.

¹ These words were substituted for the words "enjoyed by Hindus in general, not belonging to the excluded classes" by section 2 (6) of the Madras Temple Entry Authorization (Amendment) Act, 1949 (Madras Act XIII of 1949).

² This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

³ 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).

⁴ See now the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959).

⁵ 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).

(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 ¹[State] Government.

6. 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 ¹[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 ¹[State] Government. Power to decide disputes.

7. Whoever—

Penalties.

(i) prevents ²[a Hindu] from exercising any right conferred by this Act, or

(ii) molests or obstructs ³[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.

⁴[7-A. All offences punishable under section 7 shall be cognizable]. Offences under section 7 to be cognizable.

8. (1) The ¹[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. Rules.

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

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

³ These words were substituted for the words "any such person" by section 2 (9) (ii), *ibid.*

⁴ This section was inserted by section 2 (10), *ibid.*

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(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.

Power to remove difficulties.

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

²[10. * * *]

²[11. * * *]

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

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