CHAPTER – III
ORGANISATION STRUCTURE AND AUTONOMY OF T.T.D. ADMINISTRATION
3.1 INTRODUCTION

The administration of TTD is unique in more than one respect. In the first place, it has no parallel anywhere in the world. Lakhs of devotees voluntarily donate and gift money running into crores of rupees, which is utilised by the Devasthanams in a quasi-autonomous way. The administrative setup of the TTD under the provisions of the Act No. 30 of 1987 is shown in Chart I to Chart X.

Secondly, the entire management is carried out in a religious background, the Lord of the Seven Hills being the main attraction.

Thirdly, the religious organisation most peculiarly carries on with secular activity like education and also the ancillary activities like health, engineering, law, forestry, printing, dairy farm etc.

Lastly, there are parallel hierarchies of administrators to look after the public interest and services and amenities to be provided and welfare and safety measures to be undertaken to the pilgrims visiting TTD on the one hand and Jeeyangal and Archakas to carry on the rituals according to Agama Sastha on the other hand. Under this management, though both these wings have to work in coordination with each other, the former takes all the care to see that the latter discharge their duties and functions properly as laid down in Agama Sastha.

Article 26 of the Constitution of India deals with freedom to manage religious affairs, which states as follows:-
T.T.D. ADMINISTRATIVE SET-UP
(AS ON 1-1-2000)

Government

Board

Executive Officer

JE0 (Tirupathi)

JE0 (Tirumala)

CS & VO

Chief Engineer

DLO

CF

FA & CAO

GM (Transport)
CHIEF ENGINEER

Superintending Engineer - I

Superintending Engineer - II

Superintending Engineer
Subject to public order, morality and health every religious denomination as any section there of shall have the right

1) to establish and maintain institutions for religious and charitable purposes
2) to manage its own affairs in matters of religion
3) to own and acquire movable and immovable property and
4) administer such property in accordance with law.

The provision in article 26 (b) of the constitution of India has been complied with in the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act as there is no interference in this aspect. On the other hand it is positively upheld vide section 97 (2) of the Act.

Regarding clause (d) of Article 26, of the constitution the observation of the High Court in a case "Commissioner, Hindu Religious Endowment Madias Vs Sri Lakshminadhi Thirtha Swami of Sri Sreevi Mutt (1954 SCR 1005 (AIR 1954 SC 282) dealing with various aspects of Article 26 of the constitution, clearly explains the scope of Article 26 (d). An extract of the same is given below.

"The other thing that remains to be considered in regard to Article 26 is, what is the scope of clause (b) of the article which speaks of management of its own affairs in matters of religion?" The language undoubtedly suggests that there could be other affairs of a religious denomination in a section thereof which are not matters of religion and to which the guarantee given by this clause would not apply.

"It will be seen that besides the right to manage, its own affairs in matters of religion, which is given by clause (b), the next two clauses of Article 26 guarantee to a religious denomination the right to acquire and own property and to
administer such property in accordance with law. The administration of its property by a religious denomination has thus been placed on a different footing from the right to manage its own affairs in matters of religion. The latter is a fundamental right which no legislature can take away, whereas the former can be regulated by laws which the legislature can validly impose. It is clear, therefore, that questions merely relating to administration of properties belonging to a religious group or institution are not matters of religion to which clause (b) of the article applies.

Freedom of religion in our constitution is not confined to religious beliefs only, it extends to religious practices as well, subject to the restrictions which the Constitution itself has laid down. Under Article 26 (b), therefore, a religious denomination or organisation enjoys complete autonomy in the matter of deciding as to what rites and ceremonies are essential according to the tenets of the religion they hold and no outside authority has any jurisdiction to interfere with their decision in such matters. Of course, the scale of expenses be a matter of administration of property belonging to the religious denomination and can be controlled by secular authorities in accordance with any law laid down by a competent legislature. So, it could not be the injunction of any religion to destroy the institution and its endowments by inducing wasteful expenditure on rites and ceremonies. It should be noticed, however, that under Article 26 (b), it is the fundamental right of religious denomination or its representative to administer its properties in accordance with law, and the law, therefore, must leave the right of administration to the religious denomination itself, subject to such restrictions and regulations as it might choose to impose. A law which takes away the right of
administration from the hands of a religious denomination altogether and vests it in any other authority would amount to a violation of the right guaranteed under Clause (d) of Article 26"

It is seen from the above observation of the High Court that "a law which takes away the right of administration from the hands of a religious denomination altogether and vests it in any other authority would amount to a violation of the right guaranteed under Clause (d) of Article 26"

3.2 IMPORTANT FEATURES OF THE ITD ACT NO 30 OF 1987

An examination of the several sections of the A P Charitable and Hindu Religious Institutions and Endowments Act 1987 in Chapter XIV relating to the Tirumala Tirupati Devasthanams shows that almost altogether the Government have taken away the right of administration from the hands of the Tirumala Tirupati Devasthanams administration. Thus there is practically no autonomy to the Institution. This is what appears to a layman but perhaps the legal authorities who have drafted the Act have thought it otherwise.

Let us now examine the several provisions in the Act relating to the administrative aspect of the Institution.

The administrative aspect of the Institution is governed strictly by the several provisions in the sections of the Act and the rules made thereunder and the organisation has no power to deviate from them, they being statutory provisions-vide section 97 (1) of the Act. If the Board of Trustees at any time fail
to perform its function or has exceeded or abused any of the powers notified by it under the Act, the Government has powers to dissolve the Board of Trustees and constitute another Board of Trustees. Thus the administrative control over the activities of the Board of Trustees is absolute.

The top most officials who administer the institution, namely,

1. The Executive Officer
2. The Joint Executive Officer
3. Special Grade Deputy Executive Officer
4. Financial Advisor
5. Chief Accounts Officer
6. Chief Engineer
7. Chief Security Officer
8. Any other Officer

are all appointed by the Government and the conditions of service of these officers are also prescribed by the Government. The Board of Trustees has no say in the matters - Vide Section 105 of the Act. "The powers to be exercised and the functions to be performed by these officers are also prescribed by the Government only" - Vide section 109 of the Act.

Even the other members of the staff of the Tirumala Tirupati Devasthanams up to the lowest cadre of attenders are governed by the "T T D Employees Service Rules" which are framed by the Government. The pay scales and emoluments to be paid to them are all decided by the Government and Board of Trustees has to merely implement them. Any deviation from these rules requires the approval of the State Government.
In respect of the financial administration also it cannot be said that the Board of Trustees has full autonomy as it has been clearly and in detail laid down in the Act, the items on which it can spend and the rules and regulations governing such expenditure. If the Board of Trustees has to undertake any works on service other than those specified in the provisions of the Act, the approval and sanction of the State Government is necessary.

The Trust Board has no powers to lend and borrow funds for its administrative purpose vide section 134 of the Act.

The Annual Budget of the Institution has to be approved by the State Government and they have powers to modify it as they deem fit vide section 116(2) of the Act.

The power to appoint an Auditor to audit the accounts of the Institution is also vested in the Government only - (vide section 117(2) (b) of the Act.

From extracts of sections 121 and 122 of Act 30 of 1987 which given below, it can be seen how the activities of the Board of Trustees are fully controlled by the Government, leaving no autonomy to the Institution.

Section 121 of the Act deals with Revision.

(1) The Government may, either suo motu or on an application call for and examine the records from the Board of Trustees or the Commissioner, in respect of any administrative or quasi-judicial decision taken or order passed under this chapter to satisfy themselves as to the correctness, legality or propriety of such decision or
order taken or passed and if in any case it appears to the Government that such decision or order should be modified, unmulled, reversed or remitted for consideration they may pass orders accordingly.

Provided that every application to the Government for the exercise of the powers under this section shall be presented within ninety days from the date on which the decision or order to which an application relates was communicated to the applicant.

Provided further that the Government shall not pass any order adversely affecting any person unless such person has been given an opportunity of making his representation.

(2) The Government may stay the execution of any such decision and order pending the exercise of their powers under sub-section (1) in respect thereof.

Section 122 of the Act deals with Review

(1) The Government may either suo motu or on an application from any person interested made within ninety days of the passing of the order under Section 120 or Section 121, review any such order if it was passed by them under any mistake, whether of fact or of law or in ignorance of any material fact.

Provided that the Government shall not pass any order adversely affecting any person unless such person has been given an opportunity of making his representation.
(2) The Government may stay the execution of any such decision or order, pending the exercise of their power under sub-section(1) in respect thereof.

The Commissioner Endowments Department of the Government is given the powers to inspect the Institution and submit a report to the Government under section 93 of the Act, the Government have vested themselves with the sweeping power to suo motu call for and examine the record of any authority of the organisation of the Institution and modify, annul, reverse or remit back for reconsideration. This provision in the Act cuts at the root of any residual autonomy vested, if any, in the management of the Institution.

From the details furnished above, it can be concluded that the Tirumala Tirupati Devasthanams has little autonomy and is functioning almost as a part of one of its several departments, with full control over all the activities except those relating to religious rites which are governed by Agama Sastins, Customs and usage.

3.2.1 Abolition of Hereditary Trustees and Muasidars

A revolutionary provision was introduced in the AP Charitable of Hindu Religious Institutions and Endowments Act 1987, by sections 16, 34 and 144 of Act which abolished the age old system by custom and usage to certain person as a heredity of right system of hereditary trustees called Muasidars. (payment of shares in revenue collections) The basis for the introduction of this provision was based on the recommendation of Justice Chelliah Commission. Extracts of section 16 and 34 and of the recommendation of the Commission are given below.
"For all the reasons stated above the Commission is of the firm view that the hereditary trusteeship is not property within the meaning of Article 19 (1) (f) and 31 (2) of the Constitution. That apart the property right has been removed from Chapter III of the Constitution by deleting Article 19 (1) (f) as well as Article 31 (2) and transposing Article 31 (1) to 300 (A). Under Article 300-A in respect of property of any person shall be deprived of his property except by authority of law. Constitutional protection provided under Article 300-A in respect of property of any person is that a person should not be deprived of the property without any authority of law. The State can make a valid law and authorize the deprivation of the property belonging to any person. The State Legislature is competent enough to enact any law depriving any citizen of his property in public interest. Except a few hereditary trustees receiving some hoonamum as pointed out earlier almost all the hereditary trustees are only having a right to manage the temples along with their properties. Hence they cannot have any grievance when a valid law is enacted by the competent authority to abolish the system of hereditary trusteeship in public interest and for better and efficient management and administration of these religious institutions in the State of Andhra Pradesh. We therefore recommend the abolition of this system of hereditary trusteeship and provide for the appointment of one of the members of the family of founders who have constructed the temples, endowed huge properties for the maintenance of the institution provided there are qualified persons in the family to be one of the trustees and consequently to amend the relevant provisions in the Act."
The financial implication of implementation of this provision is two fold

3.2.2 Huge Financial Savings to the Institution

The Tirumala Tirupati Devasthanams was paying to the hereditary Mirasidars a huge sum every amounting to lakhs of rupees per annum by way of shares in the revenue collections of the Institution. This huge amount of expenditure has now been saved to the Institution.

2. Security of service and other benefits to the archakas and other staff attending to the day to day and other religious functions of the Institution

When the system of Mirasidars was in vogue, the hereditary Mirasidars were responsible to carry out all the religious rites and functions in the main temple at Tirumala and several other temples belonging to it. For this purpose, the Mirasidars had appointed several members like Archakas and their assistants called Pancharikas to whom they used to pay meagre remuneration and they being private persons had no security of service and financial benefits. But after the abolition of the hereditary Mirasidars system, the Tirumala Tirupati Devasthanams absorbed all those persons into their service with regular scales of pay and all other benefits including pension, family pension etc. on a par with the regular members of the Tirumala Tirupati Devasthanams.

3.3 Autonomy of TTD Administration

The autonomy enjoyed by the TTD cannot be the same as that of Public Corporations administering activities or Municipal Corporation. In a way TTD is
like a private corporation as the money spent is contributed by the public unlike in
other corporations. Further it is true that in respect of purely religious affairs and
rituals Government has no say at all. Again unlike in public corporations the
activities of the TTD are not basically commercial in nature, but religious in

Whenever there is an introduction of new Act is is presumed that a change
has been brought in to suit what is required for to-day and to-morrow on the basis
of what happened yesterday. It is with this understanding that the latest Act of 1987,
governing the TTD administration has to be judged as to whether it is in tune with
the times and whether it had kept in view the future as well. This latest measure,
is compared with previous Acts to assess its validity and efficiency.

Powers of the State Government

The State Legislature derived its powers to legislate the TTD Act No 23 of
1979 from the Constitution of India.1

The Act gives the following powers to the Government:

1. To constitute the Board,2

2. "To constitute the TTD Management Committee,"3

3. To confer powers and duties: functions to the Committee which are not
specifically provided in the Act;4

   (i) Acceptance of the resignation, and

   (ii) Removal of the Chairman or any Member,5

5. To fill casual vacancy of Chairman or Member,6
To dissolve the Board or Committee and to constitute another Board or Committee afresh,  

To cause all or any of the powers and functions of the Board or Committee to be exercised or performed by the Commissioner and the Executive Officer until the Board or Committee is reconstituted  

To appoint an Executive Officer, a Joint Executive Officer, a Special Grade Deputy Executive Officer, a Financial Advisor and Chief Accounts Officer and to determine conditions of their service and to fix their salaries;  

To lay down such instructions and control as they may deem fit on the delegations that may be made by the Executive Officer of the powers conferred on or functions entrusted to or duties imposed on him;  

To issue guidelines to the committee for the purpose of making regulations regarding the classification, methods of recruitment, conditions of service, pay and allowance, discipline and conduct of officers and servants constituting the establishment of the TID;  

To issue guidelines for depositing or investing the TTD funds in Banks or Treasury or in securities;  

To alter, add to, or omit any of the items in the schedules to the Act;  

To authorise acquisition of any land or other immovable property for the purpose of the TTD;  

To authorise any work or undertaking for the purpose of the TTD;
To approve utilisation of surplus funds for charitable or religious purposes not connected with the TTD.  

To prescribe rules subject to which the management committee can make regulations to carry out purposes of the Hindu Raksha Samshika.

To prescribe the manner of assessment and levy of contribution to the Endowment Administration Fund and of contribution to Common-Goal-Fund.

To notify the limits of the Tirumala Hills area of the purpose of civic administration.

To enforce by notification any of the provisions of the A.P. Gram Panchayat Act or of the A.P. (Andhra Area) Public Health Act and the rules made thereunder in the Tirumala Hills area.

To prescribe rules subject to which the E.O. may be order prohibit certain acts in TTD.

To specially empower a Magistrate of the First Class to try the offences punishable under sub-section.

To authorise E.O. to levy tolls and to notify the rates of tolls.

To sanction the budget of the TTD.

To approve the re-appropriation if it exceeds 15% of sanctioned appropriation and to ratify all other cases of re-appropriation made by the Committee.

To sanction supplementary budget of the TTD.
15 to appoint auditors for conducting annual audit and to direct audit at short intervals."

16 (i) to function as an appellate authority against an order of the Committee;

(ii) to exercise revisional powers in respect of any order of the Board or Committee or Commissioner either to enquire any application, and also to grant stay of the execution of any such order;

(iii) to stay execution and to revise their orders passed;

17 To prescribe the form of TID administration report;

18 To make rules to carry out all or any of the purposes of the Act.

Prior to coming into force of the TID Act No 20 of 1979 on 18-5-1979, the Government was having an indirect control rather than direct control over administration of the Trustee Trustee Devasment. Under the new arrangement, the Government is having direct, (more or less) control over administration of the TID. The direct control is reflected in the following manner, as can be seen from the provisions of the TID Act 20 of 1979. It is the Government that appoints the Chairman of the Board and also the Management Committee. It is the Government that constitutes and also appoints the members of the Board and also the Management Committee. The Government lays down the manner by which the Board and the Management Committee should function. The Government retained the power to dissolve Board and Management Committee in certain circumstances. Hitherto funds of the TID could be utilised by the TID Board of Trustees with the approval of the Commissioner of the Endowments in the manner specified under the
old Act of 1966. Such funds were being utilised for construction and renovation of temples other than TTD temples. They were also being utilised for the purpose of giving donations to institutions which do not necessarily belong to the TTD.

Now the Government has laid a restriction that TTD Board, rather Management Committee could utilise its funds of TTD only for purposes connected with TTD and the maintenance of institutions and temples of TTD. Then power to utilise funds for other purposes rather than those that of the TTD has been vested in the Government. It has also reserved the power to finally approve the budget and supplementary budget. It has prescribed certain norms and yardsticks for preparation of the budget. The Government has also reserved the powers to appoint the high officials like, the Executive Officer, Joint Executive Officer, Financial Advisor and Chief Accounts Officer, Special Grade Deputy Executive Officer and such other Officers. Apart from these, the Government has been made all powerful by the legislation, in the sense that it is the Government that lays the rules under the Act for the purpose of carrying out all or any purpose. The fact that the final approval of the budget is in the hands of the Government strengthens its power. So, also is the supplementary budget. The Government reviews the audit Report of the TTD and it is the Government that frames rules and also issues guidelines for the purposes of framing procedural rules and regulations either with the Management Committee or by the Senathis like HDAS and Sivas.

The non-interference of the State Government in an autonomous religious institution like TTD remains only a myth when few of the incidents in the past
would indicate how grossly those at the helm of the affairs in the State Government misused their power breaching the confidence of those in the TTD. Anna Rao - Chenna Reddy confrontation was a case of limited power versus unlimited authority. Sri C Anna Rao, who had enormous experience as the Executive Officer and Chairman of the TTD was implicated in some charges when he was a Chairman in 1978 which was a consequence of the displeasure on the part of the then Chief Minister - Dr. M. Chenna Reddy. When Sri Anna Rao challenged in the Court denying all the charges the Government in an absolute and unwarranted haste had come out with an ordinance in 1978 dissolving the Board of Trustees which in effect meant that Sri Anna Rao was removed from the Chairmanship of the Board. The latest Act 20 of 1979 was a conclusion to the ordinance which was promulgated in extraordinary circumstances.

Wielding absolute powers the State Government seems to enjoy the privilege of changing the whole complex of the governing body of the TTD and the individual too. As long as the ruling party at power enjoys majority in the legislature it can mould that even that august forum to suit its whims and fancies.

Another incident related to where the then Executive Officer in 1975 had taken a decision to clean the Pushkarani at Tirumala which was totally contaminated and threatened the hygiene for the pilgrims. A huge amount spent for the much thought of treatment that involved covering the Pushkarani with sand upto a level but no sooner the cleaning efforts were completed the then Endowments Minister had ordered to get back the Pushkarani to the original state. This involved more
expenditure to remove the sand that was already thrown into it for the proposed remedy. The argument of the Minister was that sanctity of the Pushkarini would be lost if those none holy springs (Theerthams) at the bottom of the Pushkarini were covered up. In this case the experience and close association of the E O in and with TTD were not considered when the Minister had used his political weight to see through his decision. The objects of the autonomous institutions like TTD can be achieved only when Government does not meddle with the institution.

Autonomy is understood to mean self-governance or functional freedom without any fetters which implies management by internals without any outside interference and checks. Though autonomy prevailing in TTD administration is not a matter of fundamental right as it were but is a condition for its smooth functioning and for enabling it to achieve the true ideals and objective in a true letter and spirit. The TTD needs autonomy if it is to discharge properly its functions and obligations for safeguarding the sanctity of the institution.

Therefore it is necessary to evolve a fool-proof mechanism resistance to external interference on the functioning of the T D. To achieve certain pre designed aims and objects of the institution it is suggested that the lobbying of political and interested groups should be given a go-by on one hand and government participation on all the administrative methods of T D on the other hand should always be flexible.
References

1. The Constitution of India part XI, 7th schedule List III - Concurrent List, Entry No 28, Article 246
2. The TTD Act 1979 Sec 4
3. Ibid, Sec 6
4. Ibid, Sec 7
5. Ibid, Sec 11 and 13
6. Ibid, Sec 14
7. Ibid, Sec 15
8. Ibid, Sec 15(4)
9. Ibid, Sec 17
10. Ibid, Sec 20(2)
11. Ibid, Sec 22 (2)
12. Ibid, Sec 23 (3)
13. Ibid, Sec 23 (4)
14. Ibid, Sec 23 (4) (X)
15. Ibid, Sec 23 (Xu)
16. Ibid, Sec 23 (6)
17. Ibid, Sec 24 (3)
18. Ibid, Sec 26 (4) and (6)
19. Ibid, Sec 27 (1)
20. The Andhra Pradesh Gram Panchayat Act, 1964
21. The A P Public Health Act, 1939
22. The TTD Act 20 of 1979, Sec 27 (3)
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Ibid, Sec 29 (2)
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Ibid, Sec 30
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Ibid, Sec 32, 33 and 34
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