

Yogendra Nath Naskar v. Commissioner of Income-tax, Calcutta

Civil Appeals Nos. 690-694 of 1968

[1969] 3 SCR 742 | 1969-02-18

Historical charge on a Hindu deity: an idol representing the founder's dedicated religious purpose was a juristic entity capable of holding property and fell within 'individual' in section 3 of the 1922 Act, permitting assessment through its shebait.

Indian Income-tax Act, 1922: sections 2(9), 3, 4, 4(3)(i), 41, 66(1) and 66A | Income-tax Act, 1961: section 2(31) (used only as subsequent legislative exposition in the Court's interpretation)

3-judge bench; unanimous judgment delivered by V. Ramaswami, J. | J. C. Shah, J. | V. Ramaswami, J. | A. N. Grover, J.

Assessment years: 1952-53, 1953-54

Reference question was modified

The Court deleted the words 'under the provisions of section 41' as surplusage. Its actual decision was whether assessments on the deities through the shebait were lawful under sections 3 and 4, not whether every condition of section 41 had been satisfied.

Legal personality is purpose-based

The Court distinguished the spiritual object of worship from the legal person: neither God nor a supernatural being was made a person in law; the deity represented the founder's dedicated purpose and held the endowed property in that juridical capacity.

Subsequent enactment used interpretively

The reference to the 1961 definition of person did not convert these AY 1952-53 and 1953-54 assessments into proceedings under that Act or supply current-law clearance.

Complete source boundary

All 10 PDF pages belong to this report, from its heading and headnote on PDF page 1 through the dismissal order on PDF page 10; no adjacent judgment text was included.

01 FACTS OF THE CASE

Ram Kristo Naskar's will of 17 May 1899 dedicated properties to Sri Sri Iswar Kubereswar Mahadeb Thakur and Sri Sri Anandamoyee Kalimata and appointed Hem Chandra Naskar and Yogendra Nath Naskar as shebait, with detailed directions for applying the income. Earlier AY 1950-51 and 1951-52 assessments on the shebait as trustees were set aside because their status had been wrongly determined. For AYs 1952-53 and 1953-54 the officer instead assessed the deities as individuals through the shebait and rejected exemption under the proviso to section 4(3)(i). The Tribunal set the assessments aside on a section 41 analysis. On reference, the Supreme Court removed the section 41 wording and framed the real issue as whether assessment of the deities through their shebait was lawful (SCR pp.743-744; PDF pp.2-3).

Source: [Primary judgment: facts](#)

02 DISCUSSION BY THE HON'BLE COURT

The Court reviewed established Hindu-law authority treating an idol as a juridical person in whom dedicated property vests, with the shebait managing and protecting it. The legal person was not the material image or the supernatural being. It was the deity as representative and material embodiment of the founder's pious purpose. Because that entity could own property, sue, receive rent and defend its property through human management, there was no reason in principle why it could not be taxed through the shebait (SCR pp.744-749; PDF pp.3-8). The word 'individual' in section 3 was not confined to a human being and could include a juristic entity. The Court relied on Sodra Devi's broader treatment of individual and considered the 1961 Act's express reference to artificial juridical persons as permissible exposition of an ambiguity in the earlier law, not as the governing charging provision for these years (SCR pp.749-751; PDF pp.8-10).

Source: [Primary judgment: discussion](#)

03 JUDICIAL DECISION

The Court held that a Hindu deity was a juristic entity capable of holding property and was an 'individual' under section 3 of the 1922 Act, assessable through the shebait entrusted with its property. The modified question was answered in the affirmative for Revenue, and Civil Appeals Nos. 690-694 of 1968 were dismissed with costs and one hearing fee (SCR p.751; PDF p.10).

Source: [Primary judgment: decision](#)

04 OUTCOME / IN WHOSE FAVOUR

In favour of the Commissioner of Income-tax/respondent. The assessments on the deities through the shebait were upheld, and all five appeals were dismissed with costs, with one hearing fee (SCR p.751; PDF p.10).

Source: [Primary judgment: outcome](#)

05 AKHB REVIEW POINT

AKHB analysis: keep status, charging unit and collection machinery distinct. Where endowed property is held for a deity, first identify the juridical person recognised by the governing personal law, then the statutory word that captures that person, and finally the human representative through whom assessment and recovery proceed. Do not turn the Court's purpose-based legal fiction into a theological proposition or read its use of later legislation as a present-law certification (based on SCR pp.744-751; PDF pp.3-10).

Source: [Primary judgment: reviewPoint](#)

SOURCE & VERIFICATION

[Supreme Court Reports scan - public eSCR mirror](#)

Full 10-page SCR report read and checked. The editorial headnote and adjacent-report boundary text were distinguished from the judicial opinion and operative order.

[Open cited source rendition](#)

Exact source bytes, SHA-256 and 10-page count match catalogue asset 1969_3_742_751; every page was reviewed.

The source verifies Civil Appeals Nos. 690-694 of 1968, the stated bench, issues, reasoning and operative result.

No published or archived standalone AKHB note with this source hash, case identity and operative decision was found.

STATUTORY SCOPE

The operative assessment holding construes the Indian Income-tax Act, 1922. The Court referred to section 2(31) of the 1961 Act as legislative exposition of an asserted ambiguity; it did not adjudicate a present assessment or later statutory regime. No comprehensive later-treatment or current-law clearance was undertaken.

LATER TREATMENT

Source checked 2026-10-11. Later judicial treatment and current statutory applicability have not been comprehensively checked; no current-law or citator clearance is represented.

AI DISCLOSURE

This AKHB research note was prepared with AI assistance from the identified primary report and has not been represented as independently human-reviewed.

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