

TAMIL NADU TEMPLE SURPLUS FUND: NATIONAL

News: Temples of social justice

WHAT'S IN THE NEWS?

A Tamil Nadu political controversy over using temple surplus funds for colleges highlights the legal validity and social justice aspects of state involvement in religious endowments, rooted in historical precedents and constitutional provisions.

Tamil Nadu Temple Surplus Funds Controversy

A recent political controversy has emerged in Tamil Nadu concerning the use of **temple surplus funds for building colleges**. This has reignited debates on the legal and constitutional permissibility of state involvement in religious endowments and its connection to social justice.

Temple Endowments and State Regulation – A Historical and Legal Overview:

- **Historical Context of Religious Endowment Regulation:**
 - **East India Company's 1817 Regulation:** The **Religious Endowment and Escheats Regulation, 1817**, marked the earliest formal state oversight of temple resources in India, aiming to prevent mismanagement.
 - **Queen Victoria's 1858 Proclamation:** While this proclamation famously promised "non-interference" in religious affairs, it **still allowed for the governance of secular aspects** of religious institutions, such as land and administration.
 - **Madras Presidency's Legislative Leadership:** The **Justice Party in 1920** institutionalized greater state involvement by enacting the **Hindu Religious Endowments Act**. This act reflected an early attempt to balance religious freedom with the need for public accountability of temple resources.
 - **Post-Independence Acts:** The **Madras Hindu Religious and Charitable Endowments (HRCE) Act, 1951**, granted the state **direct control** over temple administration, replacing hereditary trustees with government-appointed officers.
- **Legal and Constitutional Framework for Temple Fund Utilisation:**
 - **Tamil Nadu Hindu Religious and Charitable Endowments (HR&CE) Act, 1959:** This key legislation provides the legal basis for the state's actions.
 - **Section 36:** Permits the appropriation of surplus funds **after temple maintenance and training expenses are fulfilled**, with the explicit approval of the Commissioner.
 - **Section 66:** Specifically authorizes the use of these surplus funds for building **universities or colleges**, with the important condition that these institutions **must offer courses in Hindu religion or temple architecture**.
 - **Judicial Endorsement:** The validity and constitutionality of the 1959 Act have been **upheld by constitutional courts**, including in cases like the *Shirur Mutt case*, which distinguished between religious practices and secular administration.

- **Constitutional Basis for State Intervention:**

- **Article 25(2)(a):** Permits the state to regulate or restrict any economic, financial, political, or secular activity associated with religious practice for **social welfare and reform**.
- **Article 26:** While granting religious denominations the right to manage their own affairs, it allows the state to impose **reasonable restrictions** in the interest of public order, morality, and health.

Socio-Cultural and Reformatory Role of Temples:

- **Ancient Practice of Educational Use:** Historical records, particularly from the **Chola and Vijayanagara empires**, demonstrate that temples were not merely places of worship but also **vibrant centers of learning and charity**.
- **Mandapams and Temple Inscriptions:** Evidence found in temple *mandapams* (pillared halls) and numerous inscriptions on temple walls confirms their historical role in cultural and educational activities.
- **Alignment with Historical Intent:** The current use of temple funds for educational institutions is seen as a **continuation of this long-standing tradition**, rather than a deviation from the original intent of endowments.

Political and Social Justice Dimensions:

- **Legacy of the Self-Respect Movement:** The regulation of temple affairs, especially in the Madras Presidency, was a **central pillar of anti-caste mobilizations** led by figures like Periyar E.V. Ramasamy. This movement challenged Brahminical control and advocated for secular administration.
- **Temple Entry Legislation:** State oversight, enabled by the regulatory framework, was instrumental in facilitating **temple entry for marginalized communities in 1936 and 1947**, challenging discriminatory practices.
- **Backward Class Representation in Priesthood:** Tamil Nadu and Kerala are pioneers in appointing **non-Brahmin priests**, a historic social reform directly rooted in the same state regulatory framework. This is a significant step towards ensuring social equity and challenging hereditary priesthood.

Way Forward:

- **Balanced Legal Framework Exists:** The Tamil Nadu HR&CE Act provides a **legitimate and regulated mechanism** for utilizing surplus temple funds for broader socially beneficial purposes, particularly education, without compromising core religious functions.
- **Alignment with Original Temple Function:** Historical evidence supports the view that temples were historically central to knowledge dissemination, reinforcing that using funds for education does not violate their religious sanctity.
- **Strengthening Oversight and Transparency:** The HR&CE Department must enhance **transparency in fund allocation** and actively **consult temple stakeholders**. This ensures that educational investments align with the Act's original intent and avoid misuse.

- **Public Awareness and Legal Literacy:** The government needs to proactively promote public understanding of the existing legal provisions. This can help prevent misinformation, reduce political polarization, and curb electoral misuse of the issue.
- **Preserve the Social Justice Legacy:** Any efforts to dilute state involvement would risk **eroding a century-long foundation of progressive reforms** in South India, especially those aimed at anti-caste legislation and empowering backward classes. A co-governance model balancing spiritual autonomy with regulatory oversight is suggested.

Source: <https://www.thehindu.com/opinion/op-ed/temples-of-social-justice/article69834730.ece>