

STATE CONTROL OVER TEMPLES: NATIONAL

NEWS: Temples of social justice

WHAT'S IN THE NEWS?

A recent political controversy in Tamil Nadu regarding the diversion of temple funds for building colleges has brought to light the state's unique, centuries-old legislative framework for regulating temple finances for secular purposes. This issue sparks a broader debate on the role of the state in managing religious institutions in India.

Key Roles of Indian Temples:

- **Religious and Spiritual Role:**

- **Centers of Worship:** Temples are fundamental centers for worship, devotion, and the performance of rituals and festivals dedicated to various deities (e.g., Vishnu, Shiva, Devi). They facilitate pilgrimages and daily spiritual practices.
- **Historical Evolution:** From ancient Vedic rituals and the rise of the Bhakti movement that popularized devotion-based worship, temples have consistently served as spiritual anchors, uniting diverse communities.
- **Festivals:** They are the epicenters for major religious festivals like Kumbh Mela, Rath Yatra, and Deepavali, fostering collective spiritual experiences and cultural unity.

- **Historical Role of Temples:**

- **Ancient India:** Temples were not only places of worship but also symbols of political power and cultural identity, heavily patronized by dynasties like the Cholas, Palavas, and Guptas for grand construction projects (e.g., Brihadeeswara Temple, Khajuraho Temples).
- **Medieval Period:** They evolved into comprehensive educational hubs (running 'gurukuls' and 'pathshalas' teaching Vedas, arts, and sciences) and significant economic centers managing vast lands, donations, and trade. Vijayanagara rulers, for instance, extensively used temples for public welfare.
- **Colonial Era:** Temples became focal points for social reform movements, such as the Vaikom Satyagraha (1924-25) advocating for lower-caste entry. The British introduced regulations, like the Madras Religious Endowments Act, 1817, to oversee their finances due to perceived mismanagement.

- **Social Role:**

- **Community Centers:** Beyond worship, temples function as vital gathering spaces for cultural events, marriages, community discussions, and social welfare activities like 'Annadanam' (free food distribution) at places like Tirupati and Guruvayur.
- **Social Justice Advocates:** Historically and in modern times, temples have been central to movements challenging caste discrimination (e.g., temple entry movements)

and promoting gender equality (e.g., Sabarimala case, 2018, allowing women of all ages entry).

- **Education and Empowerment:** Modern temple trusts, such as the Tirumala Tirupati Devasthanams (TTD), continue the historical tradition of supporting educational initiatives, including schools and vocational training centers.
- **Cultural Role:**
 - **Art and Architecture Preservation:** Temples are living museums, showcasing diverse architectural styles like Dravidian, Nagara, and Vesara, along with intricate sculptures, paintings, and inscriptions that preserve India's rich cultural heritage (e.g., Konark Sun Temple, Meenakshi Temple).
 - **Promotion of Performing Arts:** They have historically served as patrons and venues for classical dance forms (e.g., Bharatanatyam at Chidambaram Temple) and music (e.g., Carnatic music festivals).
 - **Literature and Language:** Temples played a crucial role in preserving ancient texts like the Vedas and Puranas, as well as promoting regional literature (e.g., Tamil Sangam poetry).
- **Economic Role:**
 - **Revenue Generation:** Major temples like Tirupati Balaji, Vaishno Devi, and Shirdi Sai Baba generate billions through donations, offerings, and religious tourism, making them significant economic entities.
 - **Employment Hubs:** Temples provide direct and indirect employment to a large number of people, including priests, artisans, administrative staff, and those involved in associated services, supporting local economies.
 - **Land and Resource Management:** Historically, temples owned vast agricultural lands and other resources, which were used for self-sustenance and community welfare. Modern temple trusts continue to invest in social projects such as hospitals and schools.
- **Political Role:**
 - **Historical Influence:** Temples were often symbols of royal authority, with kings using their patronage to legitimize political power.
 - **Modern Context:** In contemporary India, temples continue to influence electoral politics, with debates over state control and issues like the Ayodhya Ram Temple being leveraged by political parties for mobilization and electoral gains.
- **Social Reform and Inclusion:**
 - **Abolition of Caste Barriers:** Temple entry movements (e.g., Vaikom, Kalaram Temple Entry Satyagraha) were instrumental in challenging caste discrimination, laying the groundwork for constitutional provisions like Article 17 (abolition of untouchability) and Article 25(2) (state power for social reform).

- **Gender Equality:** Landmark judgments like the Sabarimala verdict (2018) aimed to ensure women's entry, promoting gender justice. Some progressive temples now even have women priests (e.g., in Maharashtra).
- **Welfare Activities:** Temples actively fund and operate orphanages, hospitals, and provide disaster relief (e.g., TTD's COVID-19 relief efforts), demonstrating their continued commitment to social welfare.
- **Centers of Cultural Tourism:** Temples are integral to India's cultural tourism, attracting millions of national and international visitors annually, contributing significantly to the tourism economy.

Historical Background of the Regulation of Temples in India:

- **Pre-Colonial Era:** Temples were self-managed, serving as autonomous cultural and social hubs. Donations from rulers and devotees supported religious rituals, education, and welfare activities like schools and hospitals. Management was typically by local communities or royal patronage.
- **Colonial Era: British Regulation:**
 - **Early Regulations (1817):** The British East India Company began introducing laws to regulate temple endowments due to concerns over mismanagement of accumulated wealth.
 - **Religious Endowments Act, 1863:** This act established government oversight of temple properties to ensure the proper utilization of their wealth.
 - **Justice Party's Contribution (1920s):** The Justice Party, elected in the Madras Presidency in 1920, introduced the Hindu Religious Endowments Act, 1922. This act faced opposition due to provisions allowing the diversion of surplus temple funds for secular purposes. However, the law was enacted in 1925, setting a significant precedent for using temple funds for public welfare.
 - **Madras Hindu Religious Endowments Act (1925):** This act formally established the Hindu Religious and Charitable Endowments Board to manage the secular functions and finances of temples.
- **Post-Independence Legal Framework:**
 - **Constitutional Mandate:** The Indian Constitution, particularly Article 25, guarantees religious freedom but simultaneously allows the state to regulate the secular aspects of religion, including temple administration and financial transparency.
 - **Tamil Nadu Hindu Religious and Charitable Endowments (HR&CE) Acts (1959):** These acts are the cornerstone of temple regulation in Tamil Nadu. They explicitly allow the use of surplus temple funds for secular purposes like education and welfare, while ensuring transparency in management.
 - **Section 36:** Permits trustees to use surplus funds for purposes listed in the Act, subject to the Commissioner's approval. 'Surplus' is defined as funds remaining after essential temple maintenance and staff training.

- **Section 66:** Specifically allows the use of surplus funds for establishing or maintaining universities or colleges. A crucial caveat is that these educational institutions *must* include the study of Hindu religion or temple architecture. It also empowers Joint/Deputy Commissioners to redirect funds if the original intended purpose becomes unfeasible.
- **Judicial Validation:** The legality of these acts and the state's intervention has been consistently upheld by constitutional courts, reinforcing their validity.

Constitutional Provisions Relevant to Temples:

- **Article 14: Equality Before the Law:** Ensures equal treatment for all citizens regardless of caste, gender, or religion. The Sabarimala Case (2018), where the Supreme Court allowed women of all ages to enter the temple, is a prime example of this article's application.
- **Article 15: Prohibition of Discrimination:** Prohibits discrimination on grounds of religion, race, caste, sex, or place of birth. Article 15(2) specifically ensures access to public places, including temples, for all citizens.
- **Article 17: Abolition of Untouchability:** Abolishes untouchability in all its forms, building on the groundwork laid by historical temple entry movements like the Vaikom Satyagraha.
- **Article 25: Freedom of Religion:**
 - **Article 25(1):** Guarantees the freedom to practice, profess, and propagate religion, but this freedom is subject to public order, morality, and health.
 - **Article 25(2):** Crucially allows state intervention to regulate religious institutions for social welfare or reform. State HR&CE Acts, like those in Tamil Nadu, derive their power from this provision.
- **Article 26: Freedom to Manage Religious Affairs:** Grants religious denominations the right to establish and manage their own institutions, subject again to public order, morality, and health. The Padmanabhaswamy Temple Case (2020) highlighted this, where the Supreme Court upheld the royal family's rights but allowed state oversight for financial transparency, citing Article 26's limitations.
- **Concurrent List (Entry 28) of 7th Schedule:** This entry, "Religious endowments and religious institutions," places the subject in the Concurrent List, empowering both the Central and State governments to legislate on temple administration, leading to diverse regulatory frameworks across states.

Management of Places of Worship in India:

- **Hindu Temples:** The majority are managed under state regulations. States like Tamil Nadu and Andhra Pradesh have dedicated departments (e.g., HR&CE) overseeing finances, appointments of temple heads, and general administration. For instance, the Tirumala Tirupati Devasthanams (TTD) is under the control of the Andhra Pradesh government. Revenue is often used for the maintenance of smaller temples and welfare activities like hospitals, orphanages, and educational institutions.

- **Mosques:** Primarily managed by Waqf Boards under the Waqf Act, 1995, a central law administered by state governments. Waqf Boards oversee mosque properties, finances, and maintenance for religious and charitable purposes.
- **Churches:** Managed by dioceses, church councils, or trusts under various laws like the Indian Christian Marriage Act, 1872. Bodies like the Church of South India (CSI) and Catholic Bishops' Conference of India (CBCI) oversee their properties and activities.
- **Gurudwaras:** Governed by the Shiromani Gurdwara Parbandhak Committee (SGPC) in Punjab, Haryana, and Himachal Pradesh under the Sikh Gurdwaras Act, 1925. The SGPC manages major gurudwaras (e.g., Golden Temple) and oversees finances, rituals, and welfare. Smaller gurudwaras are managed by local committees.
- **Jain Temples and Other Minority Places of Worship:** Generally managed by trusts or community organizations (e.g., Shri Mahavirji Trust for Jain temples). Buddhist monasteries and Parsi fire temples are managed by monastic orders/trusts, often with minimal state involvement.
- **State Legislation and Intervention:** The inclusion of "Religious endowments and religious institutions" in the Concurrent List allows both the Centre and states to legislate. This has led to states like Tamil Nadu, Kerala, Karnataka, and Andhra Pradesh enacting their own religious endowments laws, granting them authority over temple administration, income, and expenditure.

Key Judicial Rulings:

- **Shirur Mutt Case (1954):** This landmark Supreme Court ruling held that while the State cannot interfere in the essential religious practices, it *can* regulate the secular aspects, such as the administration and finances, of religious institutions. This clarified the State's permissible role.
- **Ratilal Panachand Gandhi vs State of Bombay (1954):** The Court reinforced the Shirur Mutt principle, upholding the State's power to regulate property and finances of religious institutions without infringing upon core religious practices.
- **Seshammal v. State of Tamil Nadu (1972):** The Court ruled that the appointment of priests could be classified as a secular function, asserting that the administrative management of religious institutions is subject to State control, unlike core religious rituals.
- **Pannalal Bansilal Pitti v. State of Andhra Pradesh (1996):** The Supreme Court upheld the Andhra Pradesh government's abolition of hereditary priesthood in temples, viewing it as a measure promoting social justice and inclusivity.
- **Adithayan v. Travancore Devaswom Board (2002):** The Supreme Court ruled in favor of opening priesthood appointments to all castes, reinforcing constitutional principles of equality in temple administration.

Arguments in Favor of State Control Over Temples:

- **Promotion of Social Justice and Equality:** State intervention is justified by constitutional principles (Articles 14, 15, 17) to ensure temples are accessible to all, irrespective of caste or gender, addressing historical exclusion.

- **Financial Transparency and Accountability:** Large temples generate significant revenue, which, without state oversight, is prone to mismanagement. State control, exemplified by TTD's use of surplus funds for welfare, ensures transparent utilization for public benefit.
- **Preservation of Cultural Heritage:** Temples are vital repositories of art, architecture, and history. Government oversight, often in collaboration with bodies like ASI, ensures their maintenance, prevents encroachment, and facilitates restoration of sites like Konark and Meenakshi Temple.
- **Public Welfare and Resource Utilization:** Temple resources (land, funds) can be channeled towards societal needs, aligning with constitutional mandates for public welfare (e.g., Article 46 on promoting educational and economic interests of weaker sections). State-directed revenues fund essential programs like schools, hospitals, and community kitchens.
- **Prevention of Mismanagement and Exploitation:** Regulation prevents temple trusts from prioritizing elite interests or engaging in corrupt practices. The Padmanabhaswamy Temple Case (2020) underscored the need for state oversight to transparently manage vast temple wealth.
- **Secular Governance:** State control aligns with India's secular framework (Article 25(2)), allowing intervention for social reform and public order, ensuring temples adhere to constitutional values and abolish discriminatory practices.

Arguments Against State Control Over Temples:

- **Violation of Religious Autonomy:** Critics argue that state control infringes upon the right of religious denominations to manage their own affairs, guaranteed under Article 26.
- **Politicization of Temple Administration:** Appointments of trustees and officers by the state are often influenced by political affiliations, leading to favoritism, inefficiency, and the risk of temples being used for electoral gains, thereby undermining their spiritual sanctity.
- **Selective Regulation and Secularism Concerns:** A major criticism is that state control is predominantly applied to Hindu temples, while other religious institutions (mosques, churches) often face less or different forms of regulation. The lack of equivalent HR&CE laws for non-Hindu religious institutions fuels debates on fairness and equitable application of secularism.
- **Potential for Mismanagement by State:** State-controlled temple boards have faced allegations of corruption, fund diversion, and inefficiency, with government officials sometimes lacking the specific expertise or commitment required for effective religious institution management.
- **Resistance to Reforms vs. Tradition:** State-driven reforms, such as mandating women's entry in Sabarimala, often face significant backlash from traditionalists, leading to social unrest and highlighting the tension between state mandates and long-held religious beliefs.
- **Commercialization of Temples:** State control can sometimes prioritize revenue generation (through tourism, special darshans, etc.) over the spiritual significance of temples, leading to commercialization and potentially degrading the religious experience, as seen with overcrowding and VIP culture in some temples.

Way Forward for the Management of Temples in India:

- **Clear Separation of Religious and Administrative Functions:** It is crucial to clearly distinguish between the core religious activities of temples (which should remain autonomous and managed by religious bodies) and their secular functions, such as financial management, asset administration, and general oversight.
- **Increased Transparency and Accountability:** Temple management, whether state-controlled or autonomous, must adopt transparent financial practices. This includes regular, independent audits, public disclosure of income and expenditure, and open access to information regarding temple funds and their utilization.
- **Promotion of Social Justice and Inclusivity:** Continued implementation of inclusive policies is essential to ensure equal access to temples for all, especially marginalized communities like women, Dalits, and Adivasis. Caste-based discrimination must be eradicated through stronger enforcement of existing laws, promotion of temple entry reforms, and fostering inclusivity in priesthood.
- **Balancing Secular and Religious Roles:** The State's role should be limited to regulating the secular aspects of temple management (e.g., land management, financial oversight, administrative efficiency) while respecting and safeguarding the core religious practices and rituals, which should remain under the purview of religious bodies or communities, upholding the right to religious autonomy under Article 26.
- **Support for Sustainable Practices in Temple Operations:** Temples should be encouraged to adopt environmentally sustainable practices, such as water conservation, waste management, and eco-friendly pilgrimage initiatives, leveraging their vast reach and influence.
- **De-politicization of Temple Administration:** Concrete efforts are needed to minimize political influence in the management of temples, particularly in the appointment of trustees and administrative staff. Implementing a merit-based system, independent of political affiliations, can help ensure effective, unbiased governance and prevent the misuse of temples for political gains.
- **Cultural Preservation and Heritage Protection:** Temples must continue to be recognized and supported as vital cultural repositories, preserving ancient art, architecture, and heritage. Collaboration with bodies like the Archaeological Survey of India (ASI) and other cultural institutions is essential for the ongoing maintenance, restoration, and protection of temples as UNESCO World Heritage sites and significant cultural landmarks.

Conclusion:

Temples, when reimagined as "Temples of Social Justice" under constitutional mandates, have the transformative potential to drive equality, welfare, and cultural preservation. The key lies in finding a judicious balance between necessary state oversight for transparency and social reform, and respecting the fundamental religious autonomy of these institutions.

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