Social Justice and Regulation of Secular Practices

Mains: *GS2 – Social justice | Issues relating to development and management of Social Sector | Services relating to Health, Education, Human Resources.*

Why in the news?

Recently, a political controversy erupted in Tamil Nadu on the issue of diverting temple funds for building colleges which has thrown light on a unique social justice model around the regulation of secular practices.

What is the issue?

- **Diversion of temple funds** – A political controversy has emerged in Tamil Nadu concerning the diversion of temple funds for the establishment of colleges.
- **Regulation of secular practices** – This debate not only highlights substantive legal implications but also underscores a critical model of social justice related to the regulation of secular practices tangled with religion.

> ***Social justice*** *refers to ensuring equal social opportunities for all citizens, regardless of caste, religion, gender, or other social distinctions, and promoting the welfare of marginalized and vulnerable groups. It aims to create a society where everyone has the chance to develop their potential without facing discrimination or disadvantage.*

- **Background** - Rooted in a legislative framework that dates back to the erstwhile Madras Presidency, this social justice model boasts over 200 years of evolution and has garnered substantial support across South India.
- **Importance** – As elections in Kerala and Tamil Nadu approach, gaining clarity on this issue is vital to prevent the manipulation of voters through division.
- A clear, informed perspective on this topic will be crucial in countering attempts to polarize communities during the election season.

What is the historical background of Religious Endowment Law ?

> ***Religious endowment*** *refers to property or assets dedicated to religious or charitable purposes, typically managed by religious institutions, and intended to support their activities.*

- **Ancient philanthropy** – The tradition of temples receiving generous donations dates back to 970 AD in the Chola Empire.
- Influential figures like Queen Sembiyan Mahadevi played a key role by strategically donating lands and resources to temples.

- **Cultural hubs** – Temples served not only as places of worship but also as vibrant socio-cultural centers where education flourished.
- This dual role lends credence to the argument for channeling temple resources toward educational institutions.
- **Legislative framework evolution**
    - **Religious Endowment Regulation (1817)** – It instituted by the British East India Company, this law created the foundational framework for the regulation of religious endowments.
    - **Royal Proclamation (1858)** – In the aftermath of the Sepoy Mutiny, Queen Victoria's declaration limited the Crown's interference in religious affairs.
    - This was instrumental in maintaining local governance and control over revenue.
- **A realistic approach** – The British government adopted a position that balanced non-interference in purely religious practices with the necessity of managing secular aspects of religious endowments.
    - The role of government oversight over religious institutions became crystallized following the Justice Party's election in 1920, reflecting a growing consensus on the need for transparency.
- **Key Legislative Milestones**
    - **Hindu Religious Endowments Act (1922)** – It is introduced by the Justice Party, this legislation faced considerable opposition, primarily due to provisions permitting the diversion of surplus temple funds for other purposes.
    - **Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959** – The Section 36 of the act empowers trustees of religious institutions *to allocate surplus funds* for a variety of purposes, contingent upon prior consent from the Commissioner.

      "***Surplus***" *is defined as any remaining funds after ensuring adequate maintenance of the temple and training of its officials.*

    - The Act also grants authority to allocate funds when the original purposes become impracticable.
- **The legal basis for fund diversion –** The 1959 Act been thoroughly tested and validated by constitutional courts, affirming its legitimacy.
    - Among the permissible uses of surplus funds is the establishment and maintenance of universities and colleges (Section 66).
    - It is mandated that educational institutions funded through temple surplus must provide education related to Hindu religion or temple architecture.
- Therefore, repurposing temple funds for higher education is not only legal but also a logical progression consistent with existing legislative provisions.

What is the legacy of social justice?

- **Scope** – The discussions surrounding the use of temple funds extend beyond legality, capturing thoughtful ideological and sociopolitical dimensions.
- **Historical Context** – In pre-colonial times, rulers recognized temples as mechanisms for allocating state resources to advance welfare initiatives.
- **Colonial governance** – The British East India Company and later the Crown deemed the regulation of temple affairs essential, both for revenue generation and the stabilization of local governance.
- **The power of social movements** – The **Self-Respect Movement**, which emerged from the Madras Presidency, posited the regulation of temples as a cornerstone of anti-caste reform.
- Without this movement, critical advancements such as temple entry legislation in 1936 and 1947

would likely not have been realized.
- **Contemporary developments** – Today, Tamil Nadu and Kerala stand as beacons of progress, having appointed priests from backward classes after a long struggle for equity.

What lies ahead?

- Contesting government oversight of temple activities strikes at the essence of social justice and equity.
- The governance of temple fund allocation is firmly entrenched within a robust legal framework, promoting accountability and fairness.
- Any attempts to dismantle this system would undermine the monumental strides in social justice and religious reform that South India has championed.

Reference

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