State Control of Hindu temples

Why in news?

In the last few years, there has been an orchestrated campaign by certain political parties to free Hindu temples from the control of the government.

What is the history of regulation of temples by the State?

- In 1927, the Justice Party enacted the **Madras Hindu Religious Endowments Act, 1927.**
- In 1950, the Law Commission of India suggested that law be passed to check the misuse of funds and properties of temples.
- The **Tamil Nadu Hindu Religious and Charitable Endowments (TNHR&CE) Act** was enacted, but its constitutional validity was challenged before the Supreme Court.
- In the landmark ***Shirur Mutt case, 1954***, the Court upheld the overall law except some provisions which led to a revised TNHR&CE Act, 1959.

What is the need for government regulation?

> *Article 25 - Freedom of conscience and free profession, practice and propagation of religion*

- **Recommendation** - In 1960, the Government of India constituted **Dr. C. P. Ramaswami Aiyar Commission** to enquire into matters connected with Hindu Public Religious Endowments.
- The Commission declared that government control over temples was essential to prevent maladministration.
- **Constitutional power** - Even, the framers of our Constitution conferred powers to the state to exercise limited control over religious affairs by virtue of Article 25(2).
- **Against discrimination -** The Dravidian movement ensured that people belonging to backward classes were given the right to walk on the roads adjoining the Shiva temple in Vaikom.
- It resulted in the promulgation of the Travancore Temple Entry Proclamation of 1936.
- **Temple Reforms** - Kerala and Tamil Nadu have seen significant reforms within Hindu temples that have led to the appointment of woman *odhuvar* (singer of hymns) and persons from backward classes as *archakas* (priests).
- **Transparency** - The Integrated Temple Management System digitises temple records to ensure transparency and accountability in temple administration.
- **Others** - The department has also taken initiatives such as setting up institutes for training *archakas*, converting jewellery given as donation into gold bars, expediting evictions in cases of land encroachments, etc.

The fundamentals of Indian secularism are different from those of western jurisdictions where state and church are totally separate.

What are the criticisms against the state control?

- **Secularism** - Much of the campaign to free temples stems from the idea that control of temples by the state is against the principle of secularism.
- **Interfering in the religious affairs** - In the course of administering Hindu religious endowments, the state is trenching upon religious affairs.
    - In Tamil Nadu, temples cannot even conduct pujas as the state has depleted their income.
- **Plundering of temple resources** - There is also accusation of large-scale loot and plunder of temple resources at the hands of state officials.
- The HR&CE Department collects hundreds of crores as common good fund, though the courts have frowned upon such forcible collection.
- **Silencing the activists** - States are alleged to be silencing temple activists by initiating arbitrary criminal action against them.
- **Absence of records** - Some state governments do not even have records of its own executive notifications justifying its management of certain temples.
- **No external audit** - In Tamil Nadu, no external audit is being conducted for temples under HR&CE, and there are 1.5 million audit objections pending resolution since 1986.

References

1. The Hindu | The legal hurdles in freeing Hindu temples
2. The Hindu | The case against state control of Hindu temples

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