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REGULATION OF RELIGIOUS INSTITUTIONS IN INDIA

SYLLABUS:

GS 2 > Constitution >> Right to Religion

REFERENCE NEWS:

As the Supreme Court hears petitions seeking a court-monitored probe into the alleged adulteration of the ghee in Lord Venkateswara's laddu prasadam, Hindu organisations have revived their demand to free temples from government control.

The Vishwa Hindu Parishad (VHP) has announced a nationwide campaign, and Andhra Pradesh Deputy Chief Minister has called for a "Sanatana Dharma Rakshana Board" to look into all issues relating to temples.

RIGHT OF RELIGIOUS DENOMINATIONS IN INDIA:

Article 25(2) permits the state to regulate or restrict any secular activity associated with religious practice, and also enables the state to make laws for social welfare and reform.

Article 26: Freedom to Manage Religious Affairs: grants religious denominations the freedom to:

- Establish and maintain institutions for religious and charitable purposes.
- Manage their own affairs in matters of religion.
- Own and acquire property.
- Administer such property in accordance with law.

This freedom is also subject to public order, morality, and health.

PRESENT STATUS OF REGULATION OF RELIGIOUS INSTITUTIONS IN INDIA:

- Muslims and Christians manage their places of worship and religious institutions through boards or trusts run by the community.
- In the case of many Hindu, Sikh, Jain, and Buddhist places of worship, however, the government exercises considerable control. Hindu temples form the majority of the around 30 lakh places of worship in India (2011 census).
- States draw their power to enact such legislation from **Article 25(2)** of the Constitution, under which a government can make laws "regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice", and "providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus".
- Religious endowments and institutions are in List III (**Concurrent List**) of the **Seventh Schedule**, which means both the Centre and states can legislate on the subject.
 - Temples in Tamil Nadu are managed by the state's Hindu Religious and Charitable Endowments (HR&CE) department.

- The AP government controls and appoints the head of the Tirumala Tirupati Devasthanams (TTD), which runs the Tirupati Temple.
- Several states including Tamil Nadu, Karnataka, Andhra Pradesh, Telangana, Kerala, Maharashtra, Odisha, Himachal Pradesh, Bihar, Madhya Pradesh, and Rajasthan have enacted laws that give the government the power to administer temples, their incomes and expenditures.
- **Waqf Act, 1995** regulates Muslim waqf properties (endowments) and establishes Waqf Boards to oversee their functioning.
- **Sikh Gurdwaras Act, 1925** governs the management of gurdwaras in Punjab, Haryana, Himachal Pradesh, and the Union Territory of Chandigarh.
- **Places of Worship (Special Provisions) Act, 1991** prohibits the conversion of any place of worship and mandates that the religious character of a place of worship as it stood on August 15, 1947, must be maintained.

HOW DID HINDU TEMPLES COME UNDER GOVERNMENT CONTROL?

- In the medieval period, invaders repeatedly attacked and pillaged India's fabulously wealthy temples.
- The colonial rulers sought to control them — and between 1810 and 1817, the East India Company enacted a series of laws in the presidencies of Bengal, Madras, and Bombay, giving themselves the right to interfere in the administration of temples, purportedly to prevent the misappropriation of their income and endowments.
- In 1863, the British enacted the Religious Endowments Act, which handed over control of temples to committees set up under the Act. However, the government retained considerable influence through judicial jurisdiction, the extension of the Civil Procedure Code and Official Trustees Act to temples, and the Charitable and Religious Trusts Act, 1920.
- After Independence, the 1925 Madras Hindu Religious Endowments Act became the blueprint for various states to enact their own laws to administer temples.
- **Hindu Religious Endowments Commission** declared that government control over temples was essential to prevent maladministration.
- States use a part of the income from offerings and donations at large temples for the administration and upkeep of those and smaller temples, and for welfare activities that may or may not be connected to the temple — such as running hospitals, orphanages, or schools/ colleges that provide secular education.

ARGUMENTS IN FAVOUR OF STATE REGULATION OF TEMPLES:

Preventing Mismanagement and Corruption

- The **Padmanabhaswamy Temple** in Kerala, one of the richest temples in the world, came under scrutiny when treasure worth billions of dollars was discovered in its vaults in 2011. In 2020, the Supreme Court allowed the Travancore royal family to continue managing the temple, but under court-ordered supervision, highlighting the need for regulation to safeguard the temple's vast assets.

Ensuring Accountability and Transparency: State control ensures that temple funds and resources are used for the benefit of the community.

- The **Tirupati Tirumala Devasthanams (TTD)**, which manages one of the richest temples in the world, is overseen by the Andhra Pradesh government. In the financial year 2022-23, TTD's annual budget was over ₹3,100 crore, with significant portions allocated to charitable activities, including hospitals, educational institutions, and social welfare programs.

Preserving Public Interest: Temples often hold land and properties that have been donated for the benefit of the public. Without state regulation, these properties could be misappropriated by private individuals or organizations.

- In Tamil Nadu, the **Hindu Religious and Charitable Endowments (HR&CE) Department** manages over 40,000 temples, ensuring that temple lands and properties are not misused. Between 2012 and 2020, Tamil Nadu's HR&CE Department recovered over 50,000 acres of encroached temple land, showing the effectiveness of state regulation in protecting temple properties.

Preventing Religious Exploitation: State regulation can prevent the exploitation of religious sentiments for personal or political gain.

- The Supreme Court has intervened in cases where religious leaders have been found exploiting temples for personal gain, as seen in the **Nithyananda** case in Karnataka, where a self-proclaimed godman was accused of misusing temple funds and exploiting followers.

Protecting Cultural Heritage: Many temples in India are ancient structures with significant cultural, historical, and architectural value. State regulation helps ensure that these temples are preserved and maintained as heritage sites.

- The **Brihadeeswarar Temple** in Tamil Nadu, a UNESCO World Heritage site, is managed by the state under the HR&CE Act. The **Archaeological Survey of India (ASI)** and state departments work together to maintain and protect several temples of historical importance, ensuring their structural integrity and preservation for future generations.

Distribution of Wealth for Public Welfare

- TTD operates the **Sri Venkateswara Institute of Medical Sciences (SVIMS)** and numerous educational institutions, providing affordable healthcare and education to the public, particularly in underprivileged regions.

Ensuring Fair Representation and Inclusivity: State regulation helps ensure that temple management is more inclusive and representative, rather than being monopolized by certain caste or sect groups.

- The **Sabarimala Temple** controversy highlighted the role of the state in ensuring equal access to temples. The Supreme Court's 2018 decision to allow women of all ages to enter the temple was a landmark ruling for gender equality in temple management. The **Kerala Devaswom Board**, which manages temples in Kerala, has played a key role in ensuring equal representation of different communities in temple management and decision-making.

Preventing Political Exploitation of Religious Institutions

- The regulation of temples in **Andhra Pradesh** and **Tamil Nadu** is seen as a way to prevent religious institutions from being used for political campaigning or influencing voters during elections. The **Election Commission of India** regularly issues directives to ensure that religious institutions are not misused for political gains, reinforcing the need for regulatory oversight to preserve secularism.

ARGUMENTS AGAINST REGULATION OF TEMPLES BY STATE:

Violation of Religious Autonomy: State control over temples infringes upon the fundamental right of religious communities to manage their own religious institutions, as guaranteed under Article 26 of the Constitution, which allows every religious denomination the freedom to manage its own affairs in matters of religion.

- The Chidambaram Nataraja Temple in Tamil Nadu is a prominent case where temple priests (Dikshitar) opposed state intervention. In 2009, the Supreme Court upheld their

right to manage the temple without state interference, citing that the state cannot infringe upon the religious community's autonomy.

Discriminatory Regulation: Unequal Treatment of Hindu Temples: State regulation of temples primarily targets Hindu religious institutions, while mosques, churches, and gurdwaras are largely left under the management of their respective religious communities. This unequal treatment raises concerns of discrimination against Hindus.

Corruption and Mismanagement by State Agencies: State-appointed officials managing temple affairs are often accused of inefficiency, corruption, and mismanagement.

- In a 2017 report, the Comptroller and Auditor General of India (CAG) criticized Tamil Nadu's HR&CE Department for poor accounting practices, loss of revenue from temple lands, and failure to recover encroached lands, showcasing the inefficiency in state management.

Politicization of Temple Resources: State control can lead to the politicization of temple wealth and resources, where political parties use temple funds for populist or non-religious purposes, diverting resources meant for religious or charitable activities.

- In 2021, questions were raised in the Andhra Pradesh Assembly about the diversion of TTD funds to secular causes, highlighting concerns over the misuse of temple wealth for political purposes and government infrastructure projects.

Economic Impact on Local Communities: Temples play a central role in the local economy, providing employment and sustaining artisans, priests, and local vendors. State regulation often leads to centralized control, reducing the role of local communities and impacting their livelihoods.

- In Karnataka, the Muzrai Department manages many temples. There have been complaints that state control has led to a reduction in financial resources for temple priests and local temple workers, affecting their income and overall economic condition.

Administrative Inefficiency: Government bureaucracy can slow down decision-making processes, making temple administration inefficient. Important religious decisions related to rituals, festivals, and temple renovations may get delayed due to bureaucratic red tape, negatively impacting temple activities.

- In the case of the Brihadeeswarar Temple in Tamil Nadu, delays in renovation and maintenance work due to administrative inefficiencies were highlighted as a result of government control. The HR&CE Department was criticized for its inability to maintain the temple's infrastructure on time.

Centralization of Temple Funds: Under state control, funds from various temples are often centralized and pooled together, which leads to the neglect of smaller temples that may not generate significant revenue. Funds collected from wealthy temples are often diverted to state projects or other temples, leading to inequitable distribution.

- In Tamil Nadu, it has been reported that funds from large temples like Madurai Meenakshi Temple and Ranganathaswamy Temple are diverted to support the administration of smaller temples under the HR&CE Department, leaving larger temples with fewer resources for their own maintenance and religious activities.

WAY FORWARD:

Decentralization and Community-Based Management: Temples should be managed by religious and local community bodies rather than centralized state control. Community boards or temple trusts could be created, composed of a combination of religious leaders, devotees, and independent trustees with state oversight and audit.

- The **Chidambaram Nataraja Temple** case demonstrates that community-based management can be effective when religious leaders or local stakeholders are directly involved.

Uniform Law for All Religious Institutions: A uniform law should be enacted to regulate the financial and secular activities of all religious institutions (temples, mosques, churches, etc.) equally, ensuring consistency across different religions.

Autonomy with Stringent Accountability Mechanisms: Temples should be granted autonomy in managing their religious affairs, but with robust accountability mechanisms in place.

- The **Travancore royal family's management of the Padmanabhaswamy Temple** is a model where religious autonomy has been preserved, but the temple's financial affairs are subject to court-ordered supervision and transparency rules.

Enhanced Role of Devotees in Temple Management: Devotees should have a greater say in the management of temples, especially in decision-making regarding religious practices, festivals, and the allocation of temple funds for public welfare activities.

- In some prominent temples like the **Tirupati Tirumala Devasthanams (TTD)**, devotees are represented on the trust boards and are consulted on key decisions. This increases the accountability of temple management and makes it more responsive to the needs of the devotees.

Technology for Transparency and Efficiency: Temples should adopt modern technology to improve transparency and efficiency in managing donations, conducting audits, and ensuring proper maintenance of temple properties.

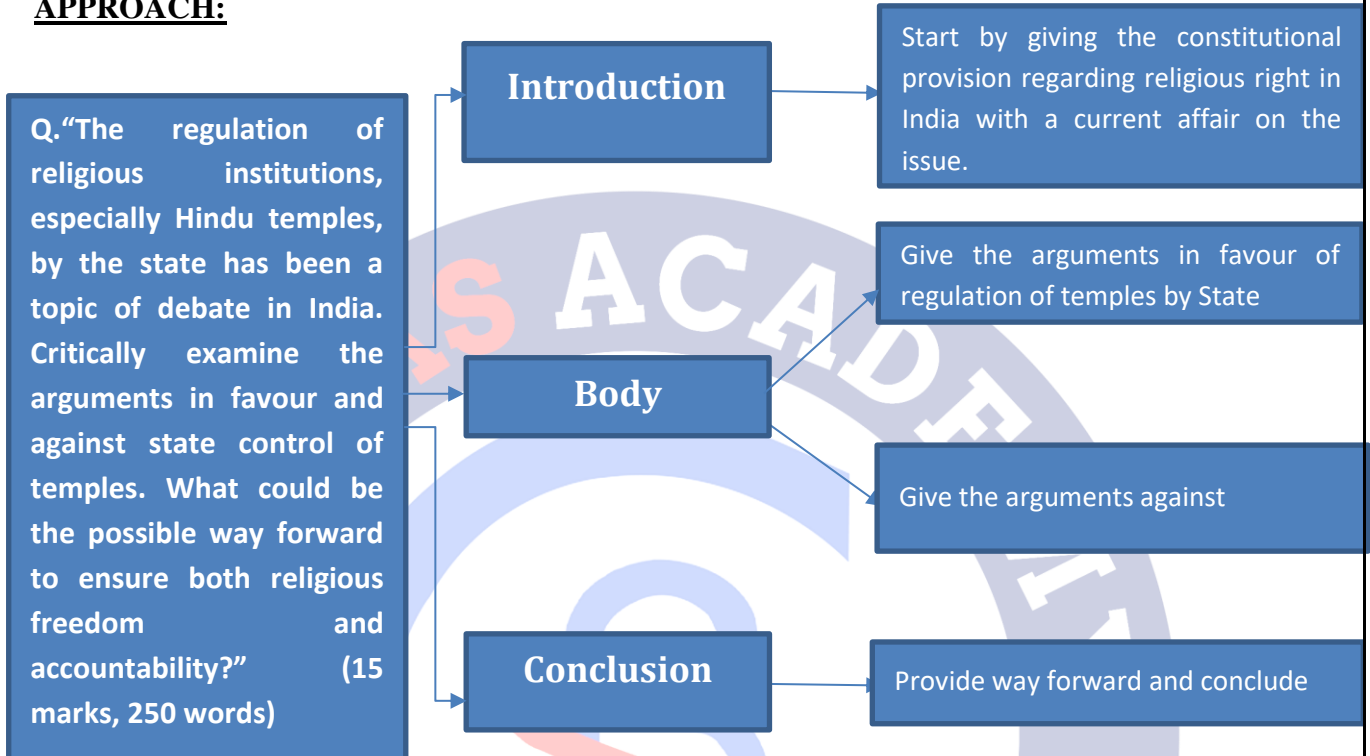
- The **Tirupati Tirumala Devasthanams (TTD)** has adopted online donation platforms, electronic auditing, and modern systems for crowd management, allowing for greater transparency and accountability.

Clear Delineation of Secular and Religious Functions: A clear separation between secular and religious functions in temple management should be established. The state can regulate secular activities (such as the use of temple lands, financial donations, public welfare projects), but religious practices and rituals should remain under the control of religious authorities.

- The **Sabarimala Temple** case highlighted the importance of delineating secular and religious functions. While the state could intervene in secular aspects like infrastructure and safety, the management of religious rituals and traditions should be left to temple authorities.

PRACTICE QUESTION:

Q. “The regulation of religious institutions, especially Hindu temples, by the state has been a topic of debate in India. Critically examine the arguments in favor and against state control of temples. What could be the possible way forward to ensure both religious freedom and accountability?” (15 marks, 250 words)

APPROACH:**MODEL ANSWER:**

The regulation of religious institutions, particularly Hindu temples, has its roots in colonial-era policies and continues post-independence. Article 25(2) of the Indian Constitution permits the state to regulate secular activities associated with religion. However, this state control has sparked debates about religious autonomy, discrimination, and inefficiency in temple administration. While some argue that state intervention prevents mismanagement, others see it as an infringement on religious freedoms.

ARGUMENTS IN FAVOUR OF STATE REGULATION:

- 1. Preventing Mismanagement and Corruption:** Temples, especially those managing vast wealth, are prone to mismanagement. State oversight ensures transparency and accountability. For example, the discovery of treasures worth billions in the **Padmanabhaswamy Temple** led to Supreme Court-supervised temple management, showcasing the need for regulation.
- 2. Ensuring Accountability and Transparency:** Government control ensures that temple funds are used for community welfare. For instance, the **Tirupati Tirumala Devasthanams (TTD)**, with a budget exceeding ₹3,100 crore, allocates significant funds to healthcare, education, and social welfare programs.
- 3. Protecting Public Interest:** Many temples hold vast amounts of land and property. State control protects these assets from being misappropriated. The **Tamil Nadu HR&CE Department** has recovered over 50,000 acres of encroached temple land between 2012 and 2020.

4. **Preventing Exploitation of Religious Sentiments:** State regulation can prevent the exploitation of religious sentiments by unscrupulous individuals. For example, the **Nithyananda case** in Karnataka, where a self-proclaimed godman exploited temple funds, was stopped due to state oversight.
5. **Preserving Cultural Heritage:** Many temples are historical landmarks. State involvement, such as with the **Brihadeeswarar Temple** in Tamil Nadu, a UNESCO World Heritage site, ensures their preservation.

ARGUMENTS AGAINST STATE REGULATION:

1. **Violation of Religious Autonomy:** Article 26 of the Indian Constitution grants religious communities the right to manage their own affairs. State control is seen as an infringement on this right, as exemplified in the **Chidambaram Nataraja Temple** case, where the Supreme Court upheld the temple's right to self-management without government interference.
2. **Discriminatory Regulation:** State regulation disproportionately affects Hindu temples, while mosques, churches, and gurdwaras remain largely free from state control. This unequal treatment raises concerns of discrimination against Hindus.
3. **Corruption and Inefficiency in State Management:** State agencies managing temples are often accused of inefficiency and corruption. For example, the **CAG report of 2017** criticized the Tamil Nadu HR&CE Department for mismanagement, failure to recover encroached land, and poor accounting practices.
4. **Politicization of Temple Resources:** There are concerns about the politicization of temple wealth. For instance, questions were raised in 2021 about the diversion of **TTD funds** for government infrastructure projects, sparking concerns over the misuse of temple funds for non-religious purposes.
5. **Negative Economic Impact on Local Communities:** Temples support local economies by providing employment and sustenance to priests, artisans, and vendors. State control, however, centralizes temple management, reducing local involvement and negatively affecting livelihoods, as seen in Karnataka's **Muzrai Department-**managed temples.

WAY FORWARD:

1. **Decentralization and Community-Based Management:** Temples should be managed by community boards or trusts composed of religious leaders, devotees, and independent trustees. The **Chidambaram Nataraja Temple** case demonstrates that effective community-based management is possible with minimal state interference.
2. **Uniform Law for All Religious Institutions:** To ensure equal treatment across religions, a uniform law should be enacted to regulate the financial and secular activities of all religious institutions (temples, mosques, churches). This would prevent the perception of bias and ensure consistency in governance.
3. **Autonomy with Accountability:** Temples should be granted autonomy in religious matters, but with robust accountability mechanisms in place. The **Padmanabhaswamy Temple** model, where the Travancore royal family manages the temple with court-ordered financial supervision, provides a good balance between autonomy and accountability.
4. **Clear Separation of Secular and Religious Functions:** There should be a clear delineation between secular and religious functions in temple management. While the state may regulate secular activities like finances and public welfare, religious rituals and practices should be left to religious authorities.

5. **Use of Technology for Transparency:** Temples should adopt modern technologies to improve transparency in donations, audits, and property management. For example, **TTD** uses electronic auditing and online donation platforms to ensure accountability.

State regulation of temples is a delicate issue balancing between accountability and religious freedom. While there are valid concerns about mismanagement, excessive state control infringes upon religious autonomy. A balanced approach involving decentralized management, uniform laws, and clear distinctions between secular and religious functions would ensure that both religious freedom and accountability are respected.

