

## 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](#)

