



State Control of Temples

For Prelims: Freedom of Religion, Fundamental Rights, [Article 25](#).

For Mains: Issues of State Control of Places of Worship, Transparency and Accountability in Temple Governance, Government Policies & Interventions

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Why in News?

The recent controversy regarding the **Tirupati laddu**, a sacred offering at the **Tirumala Venkateswara Temple**, has highlighted the issue of government control over Hindu temples.

- The detection of **adulterated ghee in the laddus** has prompted renewed demands for freeing these temples from state interference.

Tirumala Venkateswara (Tirupati Balaji) Temple

- It is situated in **Tirumala, Andhra Pradesh**, on **Venkata Hill**, one of the seven hills (Saptagiri) of the Tirumala Hills.
- It is dedicated to **Lord Venkateswara**, an **incarnation of Lord Vishnu**.
- The temple has a rich history, with significant contributions from various South Indian dynasties, including the **Pallavas, Cholas**, and **Vijayanagara rulers**.
 - It has traditional **South Indian temple architecture**, featuring a towering **gopuram (gateway)** and **intricate carvings**.
- A notable practice at the temple is the **donation of hair by devotees as an offering**.

How are the Places of Worship Managed in India?

- **Hindu Temples:**
 - **Government Control:** A majority of Hindu temples are managed under **state regulations**, with many states enacting laws that grant government authority over temple administration.
 - For example, Tamil Nadu's **Hindu Religious and Charitable Endowments (HR&CE)** department oversees temple management, including finances and appointments of temple heads.
 - The **Andhra Pradesh** government oversees and appoints the head of the **Tirumala Tirupati Devasthanams (TTD)**, which manages the **Tirupati Temple**.
 - **Income Utilisation:** Revenue from major temples is often allocated for the **maintenance of smaller temples and social welfare** initiatives, such as **hospitals, orphanages**,

and educational institutions.

- **Legal Framework:** The power for state intervention is derived from **Article 25(2)** of the Indian Constitution, which allows regulation of economic and social activities related to religious practices to ensure accountability.
 - Hindu temples form the majority of the around 30 lakh places of worship in India (**Census 2011**).
- **Muslim and Christian Places of Worship:**
 - **Community Management:** Muslim and Christian places of worship are typically overseen by **community-based boards or trusts**, functioning independently of government control, which promotes a decentralised management approach.
- **Sikh, Jain, and Buddhist Temples:**
 - The management of Sikh, Jain, and Buddhist temples is subject to varying levels of government regulation based on the state, while community involvement plays a crucial role in their administration.
- **State Legislation and Intervention:**
 - Religious endowments and institutions are listed under the **Concurrent List** of the **Seventh Schedule** of the Constitution, allowing **both the Centre and states** to legislate on the subject. This has led to **diverse regulatory frameworks** across states.
 - Some states, such as **Jammu and Kashmir** with the **Shri Mata Vaishno Devi Shrine Act, 1988**, have enacted **specific legislation for individual temples**, which outlines their administration and funding.

What is the Historical Background of State Regulation of Temples?

- **Colonial Legislation:** Between 1810 and 1817, the East India Company enacted laws in Bengal, Madras, and Bombay, allowing interference in temple administration to prevent income misappropriation.
- **Religious Endowments Act (1863):** This Act of the British government aimed to secularise temple management by transferring temple control to committees but retained government influence through legal frameworks like the **Civil Procedure Code** and the **Charitable and Religious Trusts Act (1920)**.
- **Madras Hindu Religious Endowments Act (1925):** It established the **Hindu Religious and Charitable Endowments Board**, a statutory body and empowered provincial governments to legislate on temple matters, allowing oversight by a board of commissioners.
- **After Independence:**
 - In 1950, the **Law Commission of India** recommended legislation to prevent the misuse of temple funds, leading to the enactment of the **Tamil Nadu Hindu Religious and Charitable Endowments (TN HR&CE) Act, 1951**.
 - It provides for the creation of a **Department of Hindu Religious and Charitable Endowments** for the administration, protection, and preservation of temples and their properties.
- Around the same time, **Bihar Hindu Religious Trusts Act, 1950** was passed in Bihar to regulate the religious institutions.

What are the Constitutional Provisions for State Regulation of Religion?

- **Article 25:**
 - **Article 25(1)** gives people the **freedom to practise, profess, and propagate their religion** which is **subject to public order, morality, and health**.
 - **Article 25(2)** allows the **state to regulate economic, financial, political, or secular activities linked to religious practices** and to **enact laws for social welfare, reform**, and opening Hindu religious institutions to all classes of Hindus.
 - Hence, the issue of **regulating secular aspects of religious practice** is distinct from **providing access to worship**.
- **Judicial Precedents for State Management of Religion:**
 - **Shirur Mutt vs. The Commissioner, Hindu Religious Endowments, Madras Case, 1954:** The **Supreme Court (SC)** of India ruled that religious institutions have the right to manage their affairs independently under **Article 26(d)**, as long as they do not engage in activities contrary to public order, morality, or health.

- However, the state can regulate the administration of religious or charitable institutions. The case set important precedents for the protection of religious freedoms and property rights in India.
- **Ratilal Panachand Gandhi v. State of Bombay Case, 1954:** The SC held that religious practices are as much a part of religion as religious faith or doctrines, but this protection extends only to essential and integral parts of religion and the state can regulate the administration of trust properties.
- **Pannalal Bansilal Pitti vs. State Of Andhra Pradesh Case, 1996:** The SC upheld a **law abolishing hereditary rights over temple management** and rejected the argument that such laws must apply equally to all religions.
- **Stanislaus v. State of Madhya Pradesh Case, 1977:** The SC held that the right to propagate religion under **Article 25 does not include the right to convert** another person to one's own religion. This judgement **upheld the validity of anti-conversion laws**.

Demands for Freeing Temple from Government Control

- **Initial Resolution by RSS (1959):** The **Rashtriya Swayamsevak Sangh (RSS)** passed its **first resolution demanding the freeing of temples from government control**, highlighting the need for Hindu self-management of religious institutions.
- **Kashi Vishwanath Temple Case (1959):** The Akhil Bharatiya Pratinidhi Sabha (ABPS) urged the Uttar Pradesh government to return the management of the Kashi Vishwanath Temple to Hindus, criticising the state's monopolisation of religious affairs.
- **Recent Developments (2023):** The Madhya Pradesh government initiated steps to relax state oversight of temples, indicating a growing trend toward reassessing government control of religious institutions.

What are the Arguments in Favour and Against the State Control of Places of Worship?

- **Arguments in Favour of State Control:**
 - **Preventing Mismanagement:** Government control ensures **transparency in the administration of temple funds**, preventing misappropriation.
 - **Access for All Castes:** State supervision helps **enforce social reforms**, such as allowing people from all castes to enter Hindu temples.
 - **Welfare Activities:** Large temples **fund welfare activities such as hospitals and schools**. Government oversight ensures these funds are **used for the public good**.
 - **Protection from Commercialization:** The state can protect temples from exploitation by vested interests.
- **Arguments Against State Control:**
 - **Religious Freedom:** **Article 26** of the Constitution guarantees the right of religious denominations to manage their own affairs, and excessive **state intervention is seen as a violation of this right**.
 - **Political Interference:** State control of temples frequently results in **political interference**, with temple resources being manipulated and funds diverted for non-religious purposes.
 - **Discriminatory:** Government control over Hindu temples is seen as discriminatory, as **similar controls are not imposed on other religious places** of worship.
 - **Cultural Autonomy:** Temples are cultural centres, and their management should reflect the **interests and traditions of the local community**, not the state.

Way Forward

- **Separation of Religious and Administrative Domains:** It is essential to establish a **clear delineation** between **religious operations and secular administrative** functions to ensure

effective governance.

- **Good Governance Principles:** A **State-level Temple Administration Board**, comprising state officials, can be formed to work alongside a **Temple Management Committee (TMC)** and local **Temple Level Trusts**, including priests and community members, to **oversee various administrative functions**.
 - The **Hindu Religious and Charitable Endowment Act, 1991**, also provides for the establishment of such a Temple Administration Board.
- **Special Purpose Vehicle (SPV):** A **Temple Development and Promotion Corporation (TDPC)** should be created to **handle development initiatives for all temples**, focusing on **tourism, temple networking, research promotion, IT enhancements, training, and capacity building**.
- **Adopting Best Practices:** The **Devaswom model in Kerala**, which emphasises **accountability and transparency**, serves as an effective framework for **minimising corruption in temple management**.

Drishti Mains Question:

Examine the impact of state control over places of worship in India on religious freedom, secularism, and the management of religious institutions. Discuss with constitutional and legal perspectives.

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Mains:

Q. How the Indian concept of secularism is different from the western model of secularism? Discuss. **(2016)**

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