
RELIGIOUS ENDOWMENTS AND THE STATE SOCIOLOGY

Sharada A Kalale, National Law University Delhi

ABSTRACT

This research advocates for the divestment of state control over temples in India, arguing that such action could ameliorate concerns regarding corruption, mismanagement, alienation of property, and infringement of religious freedom. The research contends that entrusting temple management to local committees comprised of devoted individuals would enhance accountability and transparency in the utilization of temple funds and allow for greater grassroots participation in decision-making processes. It further asserts that India's secular nature and constitutional guarantees of religious freedom preclude governmental control over religious institutions. The passage also calls for the repeal of State laws such as the Tamil Nadu Hindu Religious Institutions and Charitable Endowments Act 1959, Karnataka Hindu Religious and Charitable Endowments Act 1997 which enable state control of religious institutions and the State. These laws require to be repealed not only because of their negative impact on society and culture but also because they are unconstitutional as it is a direct interference from the state in religious matters in a country which is secular and envisages separation of State and Religion as long as no discriminatory practices are involved.

The passage argues that state control of temples frequently fosters a lack of accountability and transparency in the utilization of temple funds, which creates a breeding ground for allegations of embezzlement and other fiscal misconduct. The research suggests that entrusting temple management to local committees would allow for greater participation by devotees, who are the primary stakeholders and better represent their interests.

INTRODUCTION

The Tamil Nādu Hindu Religious and Charitable Endowments Act 1951 provides significant control of over 13,000 Hindu Temples to the State. This is not the only act enacted by state Legislatures that seeks to control religious institutions. The Andhra Pradesh Hindu Religious and Charitable Endowment Act, Karnataka Hindu Religious and Charitable Endowments Act, Travancore- Cochin, Travancore-Cochin Hindu Religious Institutions Act, 1950 are other State Acts enacted on similar lines that give significant control over Temples, Maths (Monasteries) and other Hindu Religious Institutions. These laws have scarred traditions and the ancient culture of temples and led to significant corruption, encroachment of temple land and misappropriation of the temple's wealth. These laws require to be repealed not only because of their negative impact on society and culture but also because they are unconstitutional as it is a direct interference from the state in religious matters in a country which is secular and envisages separation of State and Religion as long as no discriminatory practices are involved.

RESEARCH OBJECTIVES

- To advocate repealing the Tamil Nadu Hindu Religious and Charitable Endowments Act 1951 and similar State acts by presenting arguments showing that the law is unconstitutional through a legal analysis of precedents and Case Law.
- To advocate repealing the Tamil Nadu Hindu Religious and Charitable Endowments Act and similar State Acts by showing the negative impact of the statute on society.

LITERATURE REVIEW

Several articles have been written by Scholars, Lawyers, and Journalists regarding the constitutionality of the Tamil Nadu Religious and Charitable Endowments Act. Some articles defend the Statute, some advocate for its revocation while others suggest amendments to the same. In his article "*Temple and State: How the Seeds of secularism were Sown in India, and why the state came to Play a part in religious institutions*"¹, Abhinav Chandrachud analyses how Secularism came to be interpreted in India by discussing a brief history of secularism in India along with the history of the statute. He observes that the 1863 Act enacted by the British

¹ Abhinav Chandrachud, "Temple and state: How the seeds of secularism were sown in India, and why the state came to play a part in religious institutions", The Hindu (16 June 2018)

Government sowed the seeds of Secularism in India which provided that the Government or any officer of the Government could not interfere with the functioning of temples and other religious endowments. It was in fact the Indian Political Leaders who enacted the Madras Hindu Religious Endowment Act in 1926 which enabled State to administer and manage temples. Manuraj Shanmugasundaram in his Article *“Legal Hurdles in Freeing Hindu Temples”*² discusses a brief legislative history of the Tamil Nādu Hindu Religious and Charitable Endowments Act 1951 and argues that the law is constitutional unlike Western secularism where there is a wall of separation between the Church and the State, the Indian Constitution allows State interference in secular matters relating to Religion and in circumstances where religious practices are discriminatory. In her article *“Karnataka Government wants to free temples, but from what exactly?”*, Pooja Prasanna discusses how the temples are currently functioning under the Hindu Religious and Charitable Endowments Department set up by the Act. *“The Case against State Control of Hindu Temples”* by Akshay Nagarajan discusses the impact of the Tamil Nādu Hindu Religious and Charitable Endowments Act 1951 on temples over the past years and concludes that there can be no justification for a State commanding the traditions/ culture of a religious functionary in a Secular State. S.M.A.W Chishti in *“Secularism in India: An Overview”*³ discusses the meaning of Secularism in India and its practical implications. The above-mentioned articles and research have played an important role in the progress of this research.

RESEARCH PROBLEM

The State Acts that give control of the administration and management of Hindu Religious institutions to the State has led to the misappropriation of funds, corruption, encroachment of temple land, insufficient funds for temple maintenance, interference in and attempts to alter ancient cultural practices and traditions, using funds/ revenue belonging to the temple for activities having no association to the temple/ religion causing large scale dissatisfaction among majority members of our society. The poor response of the judiciary and the politicization of the issue by either supporting or opposing the statute by various political parties without really understanding the problems associated with it currently and the problems that may arise after its revocation or that which may continue to persist if the statute is not revoked, it is people of the society who continue to suffer. Thus, this research delves into the

² Manuraj Shanmugasundaram, *“Legal Hurdles in ‘freeing’ Hindu Temples”*, The Hindu (29 Dec 2022)

³ S.M.A.W Chisti, *“Secularism in India: An Overview”*, The Indian Journal of Political Science, April-June, 2004, Vol.65, No.2, pp.183-198 <<https://www.jstor.org/stable/41855808>

current social problems and legal problems associated with the statute and whether the revocation of the same could solve these problems.

HYPOTHESIS

The Tamil Nadu Hindu Religious and Charitable Endowments Act and Similar State Acts are unconstitutional and suffer from several legal shortcomings and Their impact on society has largely been negative. Therefore, the said statute must be repealed.

RESEARCH METHODOLOGY

The Research adopts an interdisciplinary approach combining doctrinal research involving the analysis of the statute, constitution, and precedents to understand the legal shortcomings of the statute, with qualitative research through a sample survey to understand the social problems and social impact of repealing the statute.

Through the interdisciplinary approach, based on the analysis and conclusion arrived at by the sample survey and doctrinal research, the research seeks to provide arguments supporting the revocation of the Tamil Nadu Hindu Religious and Charitable Endowments Act.

RESEARCH SCHEME / TENTATIVE CHAPTERIZATION

The Research will be presented in three chapters:

1. **CHAPTER-1 Doctrinal Analysis of the Law:** This Chapter focuses on why the act was enacted, whether the act is constitutional and the current judicial position regarding the Act.
2. **CHAPTER-2 Empirical Analysis of the Law:** This Chapter focuses on the social impact of the statute and the problems faced by the Temple community, Hindu Religious Institutions and Religious Hindus due to the provisions of the statute by analyzing a sample survey conducted among Hindu Participants.
3. **CHAPTER-3 Why the Law Must be Repealed?** This Chapter presents arguments for the revocation of the Tamil Nadu Hindu Religious and Charitable Endowments Act based on evidence and conclusion gathered from the previous two chapters.

DOCTRINAL ANALYSIS OF THE LAW: CHAPTER-I

During the Brahmana period, temples were constructed to house images of gods, and charitable acts became more prevalent. Endowments, such as land and property for religious purposes, were established to gain religious merit. Hindu temples are typically found, supported, and maintained for benefitting the Hindu community. Initially, temple worship was a private matter, but as they became centres for cultural and social activities, as well as art and architecture, learning and piety, and poor relief, they became more of a public affair.⁴

The enactment of the Hindu Religious and Charitable Endowments Act can be traced back to the colonial period. The involvement of the East India Company (EIC) with religious institutions was extensive and complicated. Laws were put in place to grant the colonial government the "general superintendence of all lands granted for the support of mosques [and] Hindoo temples," indicating their control over these institutions.⁵ In 1863, a law was passed that established a clear separation between the temple and the colonial state of India. According to the law, it was no longer allowed for any government entity or official to take control of the "superintendence of any land or other property" belonging to a religious establishment such as a mosque or temple. They were also prohibited from participating in the "management or appropriation of any [religious] endowment," appointing trustees for religious institutions, or being involved in any manner with these matters in their official capacity.⁶

The colonial idea of secularism was not accepted by the former Legislators of India, and when Indian legislators gained power in the provinces after the Government of India Act of 1919, they took action. The Madras Hindu Religious Endowments Act of 1926, which had significant consequences, was passed by Indian political leaders. It effectively assumed control of the management and administration of Hindu temples located in the provinces governed by it and appointed "boards" to regulate them. These boards were responsible for overseeing temple trustees, who were required to provide accounts to and follow the boards' instructions. During the Constituent Assembly, H.V. Kamath proposed an amendment to the draft constitution that would have added an establishment clause stating that "The State shall not establish, endow,

⁴ Kiruthika Dhanapal, "Constitutional Validity of the Hindu Religious and Charitable Endowment Act", <<https://www.legalservicesindia.com/article/1687/Constitutional-Validity-of-the-Hindu-Religious-and-Charitable-Endowment-Act.html>> (last visited on 12 April 2023)

⁵ Abhinav Chandrachud, "Temple and state: How the seeds of secularism were sown in India, and why the state came to play a part in religious institutions", *The Hindu* (16 June 2018)

⁶ *ibid*

or patronize any particular religion." However, the amendment was ultimately rejected after being put to a vote.

In 1648, the term 'Secularisation' was coined in Europe, which referred to the transfer of Church properties to the exclusive control of the princes. According to D.E. Smith, a secular state is one that guarantees freedom of religion to both individuals and corporations.⁷ It treats individuals as citizens regardless of their religion and does not constitutionally recognize any religion as the State religion. It does not promote any religion or interfere with exclusively religious practices. In a secular state, individuals can profess, preach, and practice any religion of their choice without any interference from the state. The state is not involved in this relationship, and it cannot impose religious beliefs on individuals or compel them to profess any religion. Thus, a secular state can only legitimately regulate religious practices within a limited area. This freedom is enshrined in articles 25⁸ and 26 of the Indian constitution. Unlike in Europe where there is a strict separation between the State and the Church, In India, the State has the power to interfere with the administration and regulation of religious institutions. According to Article 25, the state is allowed to regulate or limit any secular activity, including economic, financial, or political activities that may be linked to religious practices. Additionally, it can make provisions for social reform or welfare, as well as enable access to public Hindu religious institutions to all classes, castes and sections of Hindus. However, Article 26⁹ grants every religious denomination or its subsection the authority to govern its own affairs concerning religion and administer its property in compliance with the law. In summary, the state can regulate secular activities, while religious denominations can manage their religious affairs and property within the bounds of the law. This leaves a grey area as what may be considered secular activities is not defined but is open to judicial interpretation.

According to the justification that religious freedom excludes secular matters of administration that are not integral to the religion, the High Courts have granted governments permission to heavily regulate Hindu temples. However, there have been instances where the court's decisions have pushed the boundaries of what is considered secular activity versus essential religious practice. For example, while the government cannot interfere with temple rituals and prayers, it can regulate the amount of money that temples spend on such activities. The

⁷ S.M.A.W Chisti, "Secularism in India: An Overview", Vol. 65, No.2, The Indian Journal of Political Science, pp.183-198, 2004<<https://www.jstor.org/stable/41855808>>

⁸ INDIA CONST. art.25

⁹ INDIA CONST. art.26

appointment of priests in Hindu temples has also been deemed a secular activity subject to government regulation.¹⁰

These Acts are violative of Article 14¹¹ as it is applicable to religious endowments, institutions and places of worship of the Hindu Religion, while places of worship belonging to the Christians, Parsis and Jains are not under the regulation of the State. The Bodhgaya Temple Act enables State regulation of the Temple at Bodh Gaya and the Sikh Gurudwaras Act enables State regulation of Gurudwaras in Punjab. The Waqfs Act 1995 enables the Government to regulate Muslim charitable endowments but Mosques and other religious institutions remain outside the ambit of this Act. The picture presented here clearly indicates a violation of Article 14 as only certain institutions of certain religions are chosen for regulation while other religions and institutions continue to manage their own affairs without any intervention. But whenever this has been challenged in the Courts, the Courts have interpreted it as not violative of Article 14 by reasoning that the objective of the Acts is to ensure effective management and rejuvenation of these institutions and that it is not arbitrary. Courts have held that The requirement for the legislature to create a law that applies uniformly to all religious and charitable institutions and public endowments established or maintained by people of all religions is not mandatory. Although it may be desirable to have a uniform law, attempting to implement such a law in one go could have negative consequences. In a democracy that upholds the rule of law, change and order should be brought about gradually and progressively.¹² Law-making is a slow process, and it would be impractical and incorrect to assume that all laws must be made applicable to all individuals at once. Instead, the legislature can remedy the most pressing issues or defects through a phased legal process. The legislature is not obligated to extend the application of law to all possible scenarios and may create classifications based on practical considerations of convenience.

The Lord Venkateshwara temple, also known as Tirupati Balaji temple, is managed by the TTD Board established under the A.P. Charitable & Hindu Religious Institutions & Endowments Act, 1987, with members appointed by the State Government. The Supreme Court upheld the constitutionality of the Act in *A.S. Narayan Deekshitulu v. State of A.P.*¹³ & others. The Ramanatha Swamy temple in Rameshwaram and the Meenakshi Amman temple in Madurai,

¹⁰ Manuraj Shanmugasundaram, "Legal Hurdles in 'freeing' Hindu Temples", *The Hindu* (29 Dec 2022)

¹¹ Constitution of India, Article 14

¹² *Pannalal Bansilal Patil and Ors. v. State of Andhra Pradesh and Ors* (1996) 2 SCC 498

¹³ *A.S. Narayan Deekshitulu v. State of A.P* 1996 AIR 1765

both in Tamil Nadu, are managed by boards established under the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959. The Act has been challenged and the case is still pending in the Supreme Court. The management and control of the Shrinathji temple in Nathdwara, Rajasthan, is handled by a board constituted under the Nathdwara Temple Act, 1959, whose constitutional validity was upheld by the Supreme Court in *Tilkayat Shri Govindlalji Maharaj v. State of Rajasthan and Ors.*¹⁴ The Guruvayoor temple in Kerala is managed by the Travancore Devaswom Board established under the Travancore Cochin Hindu Religious Institutions Act. The Supreme Court upheld the validity of the 1983 Act in the case of *Sri Adi Visheshwara of Kashi Vishwanath Temple, Varanasi and Ors. v. State of U.P. and Ors.* There is a long list of case laws that have upheld the constitutional validity of several Legislative enactments that regulate temples, Hindu religious institutions and charitable endowments by stating that the essential rites and ceremonies of a religious denomination, the management of the associated expenses can be regulated by secular authorities according to the laws established by a competent legislature.¹⁵ If the matter at hand is primarily secular in nature and governed by statute, Article 26(b) of the Constitution cannot be violated. When a religious denomination claims that its right to manage its own religious affairs has been violated, it must be determined whether the disputed practice is actually religious in nature or whether the management rights in question pertain to religious affairs. If the latter is true, then Article 26(b) protections cannot be said to have been infringed.¹⁶

However, nowhere in any of these judgements, have the Courts laid down a straight jacket formula to determine whether an activity is 'secular' or 'religious' ('essential to religion') to determine whether the State's interference will be valid or not, rather it has opened gates for Courts to decide whether an activity of a religious endowment is secular or not when such regulation is challenged and often such interpretation has been arbitrary and different, varying from State to State and Temple to Temple.

This being the current interpretation of the legality of these Acts, I will proceed to show in the next chapter how such an interpretation has affected the Hindu population and the problems temples are facing due to it.

¹⁴ *Tilkayat Shri Govindlalji Maharaj v. State of Rajasthan and Ors* AIR 1962 Raj 196

¹⁵ *ibid*

¹⁶ *The Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Tirtha Swamiar of Sri Shirur Mutt*, AIR 1954 SC 282

EMPIRICAL ANALYSIS OF THE LAW: CHAPTER-II

The purpose of any law is to regulate some aspect of society. The impact and success of such regulation can be best gauged not through doctrine comprising precedents, but rather by the society itself. The success and impact of a law can be best analyzed by understanding the opinion of the community affected by it. Laws are designed to regulate behaviour and address specific issues that affect people's lives. To truly understand the effectiveness of a law, it is essential to obtain feedback from those who are directly impacted by it. This is because laws are only meaningful if they are able to address the specific needs and concerns of the community they are designed to serve. Furthermore, understanding the community's opinion on the law can provide valuable insights into the ways in which it can be improved or modified to better meet their needs.

A sample survey was conducted to examine the awareness regarding and impact of Laws governing Hindu Charitable and Religious Endowments and Temples on Hindu Society. The survey collected data from a sample size of 28 respondents, who are from Karnataka and profess the Hindu Religion. The sample population was selected based on a random sampling method. The sample population belonged to the age group between 20-67 years old, all from various occupational backgrounds and educational qualifications. It must be kept in mind while reading the following statistical analysis that the sample survey has its limitations. Since the sample population for this survey is confined to educated Hindus from the State of Karnataka, the results of this survey are not 100% generalizable to the entire Hindu Population but gives an approximate estimation about the views the survey seeks to gauge.

While all the respondents have visited temples, 32.5% of the sample population has visited temples very frequently. 89.3% of the sample population has donated money to these temples, which is about 1-5% of each respondent's income.

Among the purposes for which the respondents want their donated money to be used, the majority have cited Maintenance and Administration of the temple such as payment of salaries for priests and other temple workers and Free Distribution of food to devotees who come to the temple (82.2%). 78.6% of the sample population have explicitly articulated their opinion that the donated money must be used exclusively for the benefit of the Hindu community only while none have selected the option which says that the money be used for the benefit of the general public by policies made by the government. Around 21% of the population has suggested that

the donated money may be used for benefit of the general public provided that policies are enacted by an autonomous body and not the government. At the same time, the survey also showed that 10.3% of the population is not even aware that the administration of the temple is managed and controlled by the State.

87.5% of the population have expressed dissatisfaction with the temples' maintenance and administration. The reasons they cite for the same include: The State provides the framework for choosing and appointment of priests though they have no religious merit in doing so (67.5%), priests who perform religious functions are paid meagre salaries (64%), Devotees are pushed in long queues to accommodate a large number of people without ensuring adequate infrastructure(50%), collecting an exorbitant amount of money for prasadam which has commercialized a sacred ritual, lack of cleanliness and misuse of funds by the government for non-temple purposes. It has been suggested that often Political parties and VIPs take advantage of State control and get 'special entry passes' hence there is clear discrimination between common devotees and VIPs.

67.9% of the sample population want the Hindu Religious and Charitable Endowment Acts that bring temple management under State Control to be repealed, 10.7% want only certain provisions of the Acts to be repealed while 21.4% of the population does not advocate its revocation. Among the provisions of the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997 which has received the most opposition include Section 12¹⁷ of the Act which provides that the emoluments, working hours, and other employment conditions of the Archakas may be regulated by the State Government through the establishment of rules. These regulations could cover various aspects of employment, including hiring, termination, leave, and work rotation, Section 19(a)¹⁸ of the Act states that the common pool fund can be used for the grant of aid to any other religious institution which is poor or in needy circumstances and Section 12 (e)¹⁹ of the Act which states that The State Government shall have general administrative and supervisory control over the activities and affairs of the religious endowments and temples.

¹⁷ Karnataka Hindu Religious Institutions and Charitable Endowments Act, Section 12, Act No.33, Acts of Karnataka Legislature,1997

¹⁸ Karnataka Hindu Religious Institutions and Charitable Endowments Act, Section 19(a)s, Act No.33, Acts of Karnataka Legislature,1997

¹⁹Karnataka Hindu Religious Institutions and Charitable Endowments Act, Section 12 €, Act No.33, Acts of Karnataka Legislature,1997

77.8% of the sample population have suggested that if the Act is repealed, the temple must be administered by the Trustees of the Temple who should be elected by the any Hindu willing to participate in voting. At the same time, there are concerns that the temples should not be transformed into private institutions with no transparency and check on corruption, rather all stakeholders, which includes any Hindu devotee who visits the temple must have the right to information regarding administration and management of the temple.

It has also been suggested that temples funds must be used for providing good salaries and facilities to the priests, developing and maintaining the temples, organizing Hindu religious activities like Yajnas, discourses on religious topics, Shloka and Bhajan Classes for children and adults, developing libraries providing books on Religious aspects, providing food and Prasadam for the devotees, developing hospitals providing treatment to needy Hindus and develop schools providing good education at a nominal cost for needy Hindu children.

The large number of litigations challenging the validity of these Acts itself is sufficient evidence in-itself to express the large-scale dissatisfaction among the Hindu community regarding State management of their temples and institutions.

WHY THIS LAW MUST BE REPEALED? CHAPTER-III

Hindu Institutions have been usurped by the very institution that was meant to protect the freedom of religion. This section presents arguments for the revocation of these State Acts that grant control of Temples and Hindu Religious and Charitable endowments to the State.

In States like Tamil Nadu, for every 100 Rs. Donated to the temple, 18 rupees go to the Government's coffers. State control of Temples encourages corruption. In a recent judgement²⁰, the Madras High Court observed that the Tamil Nadu HRCE department (The government department that regulates temples) and the police department were responsible for massive corruption and lacked in providing adequate infrastructure. This is just one example. There has been massive mismanagement and financial crimes by the departments that were appointed by various State Governments. Interference by the State has led to huge, monumental corruption. Thus, the Act(s) have significantly failed in ensuring transparency and battling corruption but have left valuable temple funds at the mercy of the State Department. There has also been the alienation of Temple land for other purposes. A large number of litigations against the same in several States stand testimony to this fact.

State control of temples is inherently discriminatory as India is a secular State which implies that it is equally distant from all religions. However, by exclusively interfering in the Hindu Religion. These Acts are violative of Article 14 as it is applicable to religious endowments, institutions and places of worship of the Hindu Religion, while places of worship belonging to the Christians, Parsis and Jains are not under the regulation of the State The Bodhgaya Temple Act enables State regulation of the Temple at Bodh Gaya and the Sikh Gurudwaras Act enables State regulation of Gurudwaras in Punjab. The Waqfs Act 1995 enables the Government to regulate Muslim charitable endowments but Mosques and other religious institutions remain outside the ambit of this Act. Thus only certain institutions of certain religions are chosen for regulation while other religions and institutions continue to manage their own affairs without any intervention. There is an arbitrary selection of certain institutions for regulation and the Courts' reasoning that law-making is a slow process and must happen in stages and need not necessarily apply to all communities at the same time is unsatisfactory as only Hindu places of worship are being regulated for the last 90 years.

²⁰ *Mr. M.Karthikeyan vs Secretary To Government, Suo Moto W.P WP(MD).No.24178 of 2018*

The Acts have enabled non-Hindus to be part of the department that manages the administration and become employees on the Temple premises, despite the fact that temples and Monasteries are solely religious institutions which have the right to manage their own affairs as guaranteed by Articles 25 and 26 of the Constitution. This is often done in the guise of regulation of the 'secular activities' of the temple. Even the selection and appointment of priests, which is a solely religious activity is entrusted to the state. The Courts nor the Legislatures have laid down standardised and empirical criteria to determine whether an activity is 'secular' or 'religious' ('essential to religion') to determine whether the State's interference will be valid or not, the gates are for Courts to decide whether an activity of a religious endowment is secular or not when such regulation is challenged and often such interpretation has been arbitrary and different, varying from State to State and Temple to Temple.

Since the managers and administrators of temples, religious endowments and Monasteries are chosen by the Government and not elected by the stakeholders (Hindu devotees, priests, people whose traditions are supported by the temple etc.), the managers and administrators often lack knowledge about temple traditions which has led to unemployment of previously essential traditional professions like sculptors, dancers and vendors of traditional and ritualistic paraphernalia. Priests are paid meagre incomes and the temple funds which could have been used for traditional and ritualistic purposes are being diverted for other purposes which may have no relevance to Hindu Culture or to the benefit of the general public at the expense of many Hindus. This has destroyed the cultural lives of temples.

Chapter II of this research paper has presented empirical evidence to show that the majority of the community these Acts seek to govern are dissatisfied with its provisions and regulations. The notion that a law should be revoked when the population it governs expresses dissatisfaction with its provisions and regulations is rooted in the principle of democratic governance. In a democratic society, the populace are the primary stakeholders, and laws and regulations are designed to cater to their interests and safeguard their rights. Accordingly, governments are expected to be responsive to the needs and concerns of their citizens. When a substantial portion of the population expresses discontent with a law, it is indicative of the government's inadequate representation of its interests. The principal objective of laws is to protect the rights and interests of the people they regulate. If a law is causing harm or infringing on the rights of a considerable section of the populace, it should be repealed.

Repealing these State Statutes will then lead to the question of what the alternative would be if the Statutes governing, managing, and administering temples are repealed. There are many alternatives, but the most popular and ideal one is that the management and administration of the temple and religious institutions must be done by the trustees who must be elected by stakeholders of the institution which includes every Hindu devotee, employees of the temple, priests, religious leaders etc. To ensure that the functioning of the temple is transparent, every Stakeholder must have access to any information pertaining to the functioning of these institutions (similar to RTI though institutions will no longer be regulated by the State). An all-Indian statute must be enacted enabling the same and the current State Acts must be repealed. This would not only solve the current problems, but it would also preserve cultural heritage, prevent loss of resources on lasting litigations arising from the current problems and uphold the interests of the community it seeks to govern.

CONCLUSION

In conclusion, the contentious issue of State control over temples in certain Indian states has a complex and multifaceted history. Despite efforts to promote transparency and accountability in temple administration, concerns regarding alienation of property of religious institutions and misuse of temple funds, deterioration of tradition and culture persist.

The current study has demonstrated the compelling rationales for divesting temples of State control. Such action could ameliorate misgivings pertaining to corruption and mismanagement, whilst concurrently augmenting religious freedom and autonomy for the Hindu populace. One salient justification for transferring authority over temples to local communities lies in the potential for enhanced participation and involvement of the latter as they are affected by the regulation and are capable of best representing their interests. Oftentimes, governmental officials who are less attuned to the interests of the local community preside over temple administration. In contrast, entrusting temple management to committees comprised of devoted local individuals could confer more opportunities for grassroots participation in decision-making processes, given the fact that the devotees are the primary stakeholders. State control of religious institutions frequently fosters a lack of accountability and transparency in the utilization of temple funds. This creates fertile ground for allegations of embezzlement and other fiscal misconduct.

Moreover, from a constitutional perspective, there are valid arguments for freeing temples from State control. India's secular nature and the constitutional guarantees of religious freedom to all citizens entail that governmental control over religious institutions is not tenable. Temples under government control may risk impinging on religious freedoms.

Given the preponderance of reasons favouring the liberation of temples from State control, it is clear that such an undertaking warrants serious contemplation. Therefore the Tamil Nadu Hindu Religious Institutions and Charitable Endowments Act 1959 and other similar state Acts must be repealed not only because it violates the Articles of the Indian Constitution but also because it has led to significant dissatisfaction among the Hindu Community.

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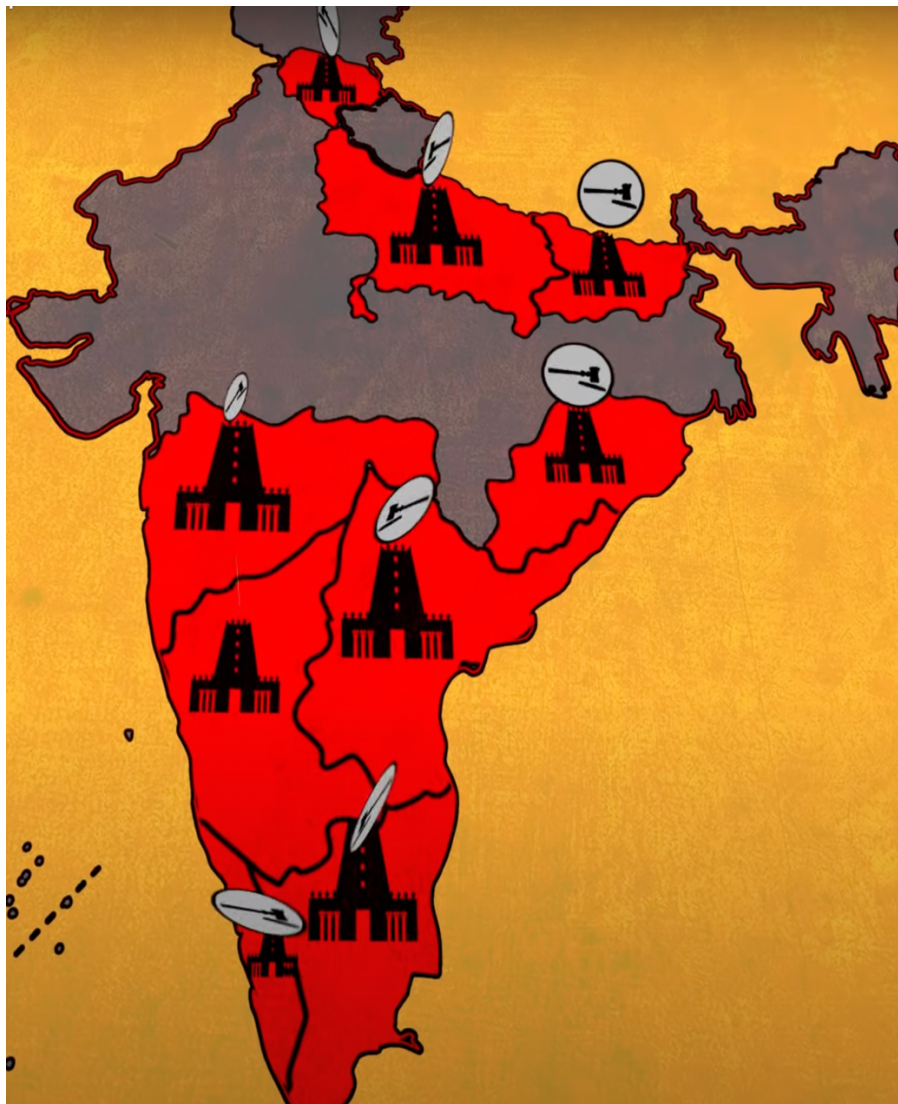
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APPENDIX

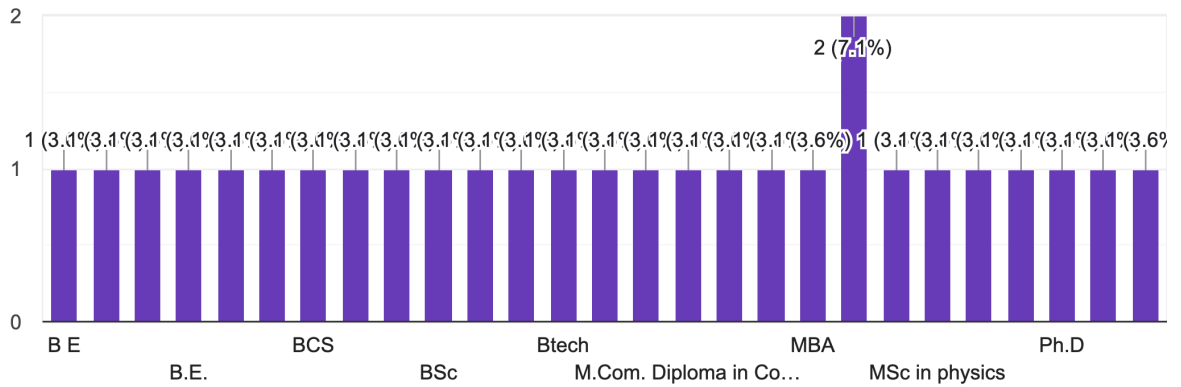
STATES IN WHICH GOVERNMENT HAS CONTROL OF HINDU RELIGIOUS INSTITUTIONS AND TEMPLES



SUMMARY OF SAMPLE SURVEY QUESTIONNAIRE RESPONSES

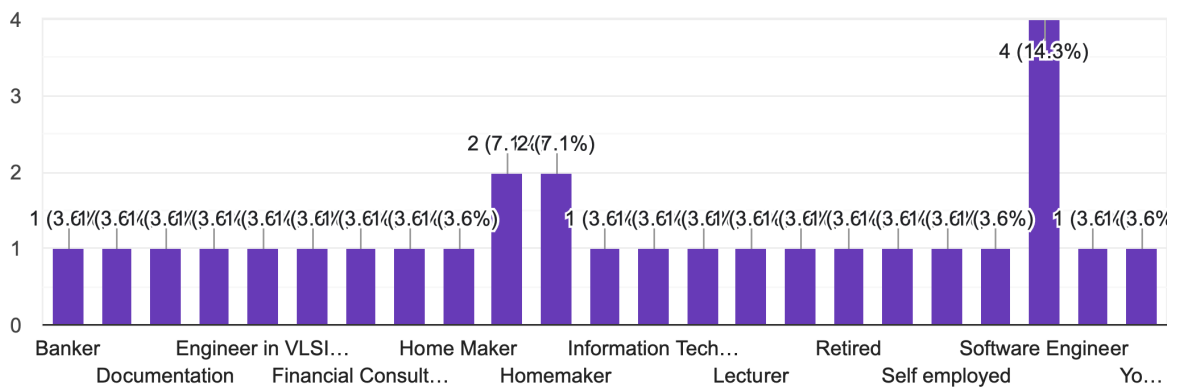
Educational Qualification

28 responses



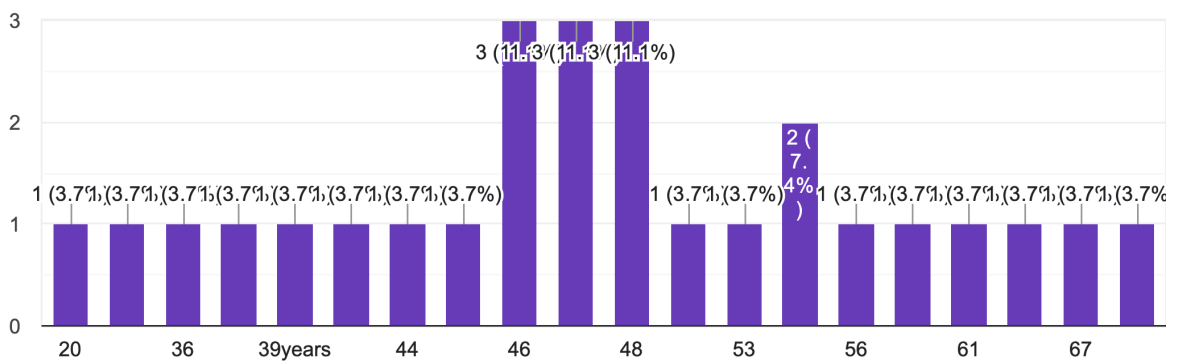
Occupation

28 responses



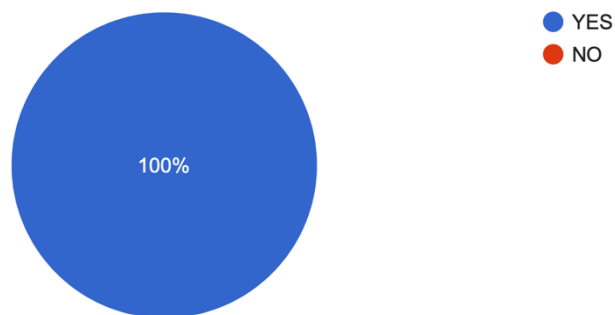
Age

27 responses



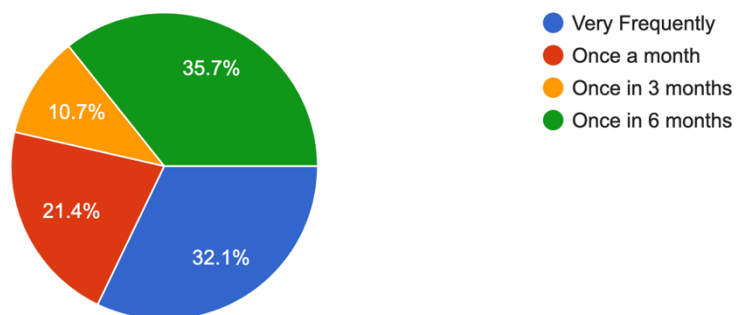
Have you visited temples in Karnataka, Tamil Nadu Or Andra Pradesh?

28 responses



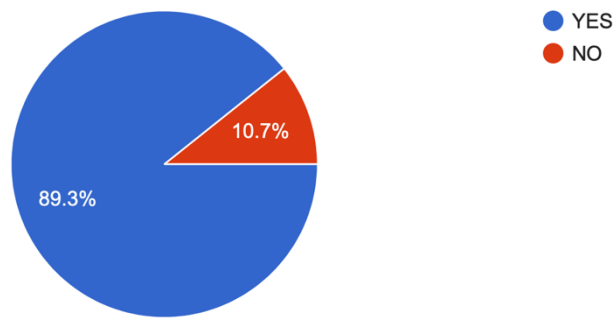
How often do you visit these temples?

28 responses



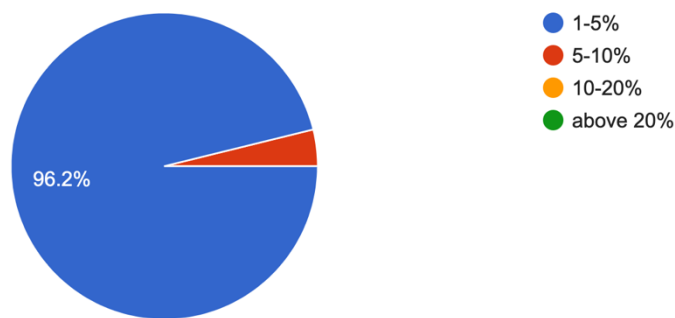
Have you donated money to these temples

28 responses



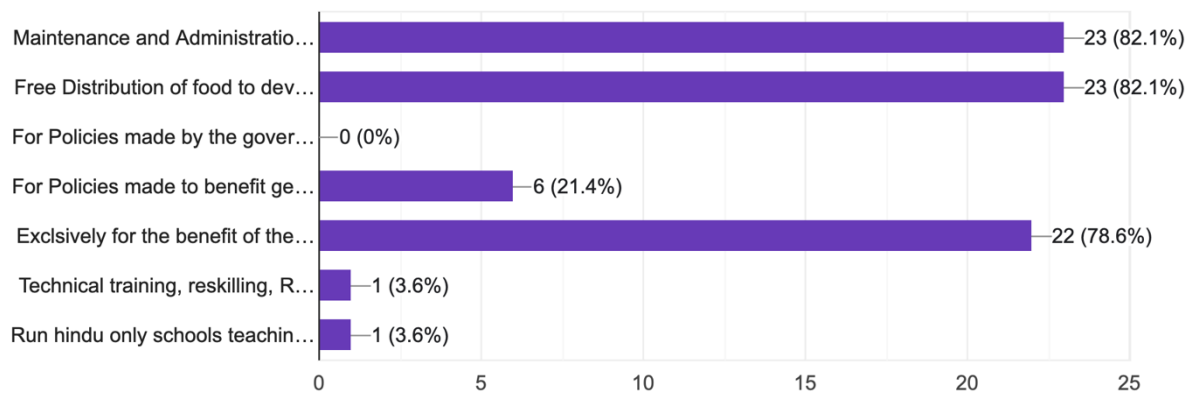
What percentage of your monthly income do you donate to these temples?

26 responses



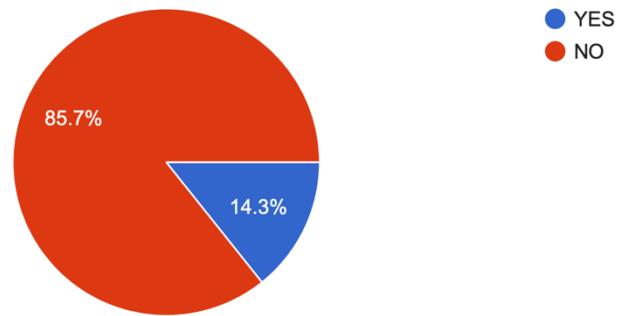
For what purposes do you want the money donated by you to be utilized? (You may choose more than 1 option)

28 responses



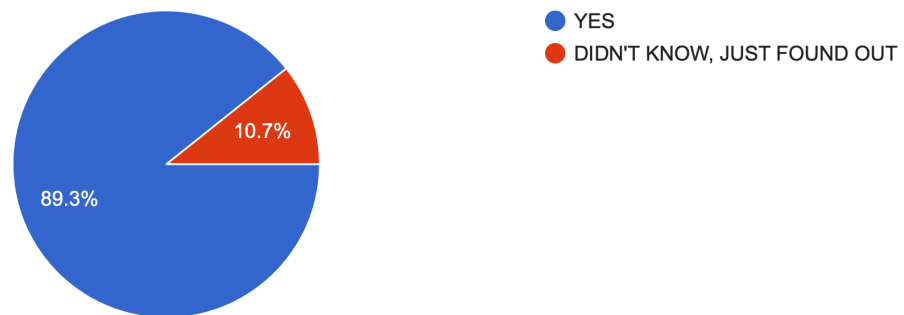
Are you satisfied with the administration and maintenance of these temples?

28 responses



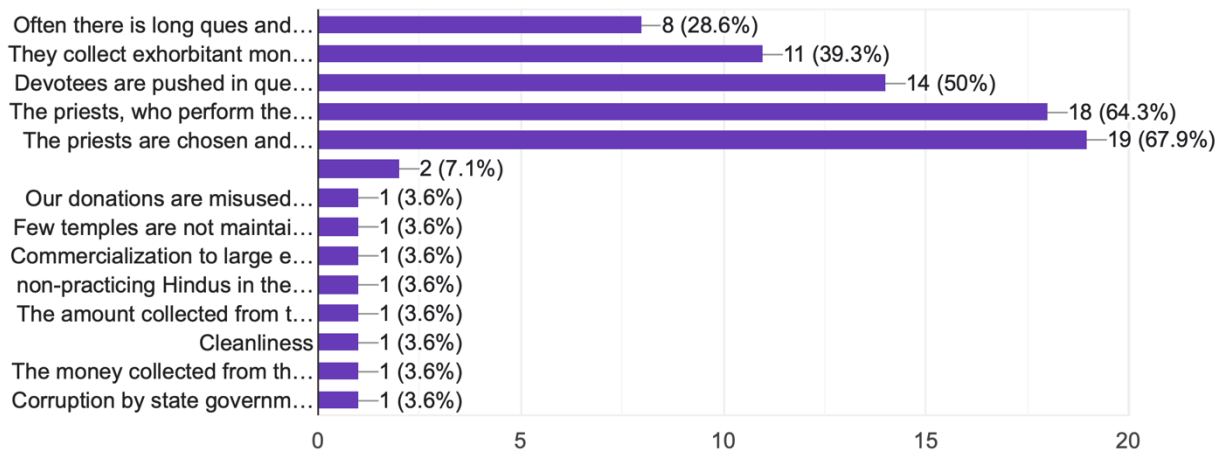
Are you aware that the administration and maintenance of most of these temples along with control over money/ resources donated by you is with the State Government?

28 responses



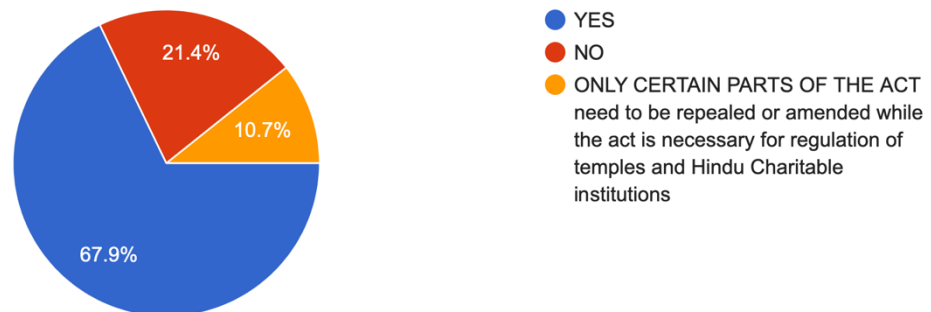
What are the reasons for your dissatisfaction with the state administration of temples? (Not applicable if you are satisfied with government management)

28 responses



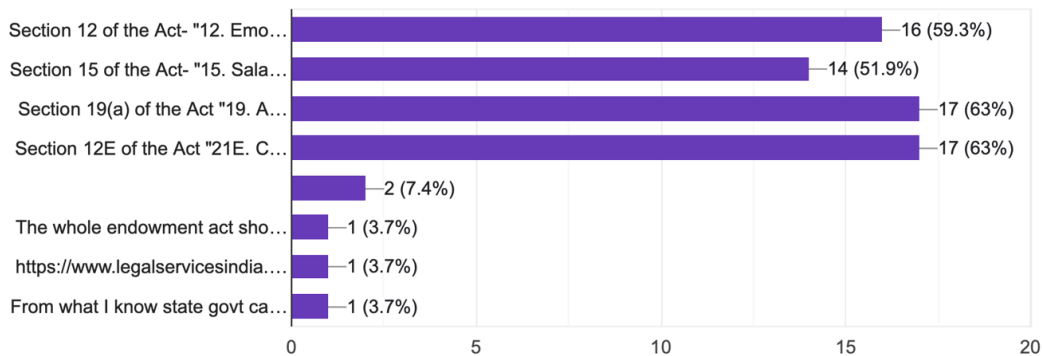
Do you support the revocation of various states' Hindu Religious and Charitable Endowment Acts that bring temple management under State Control?

28 responses



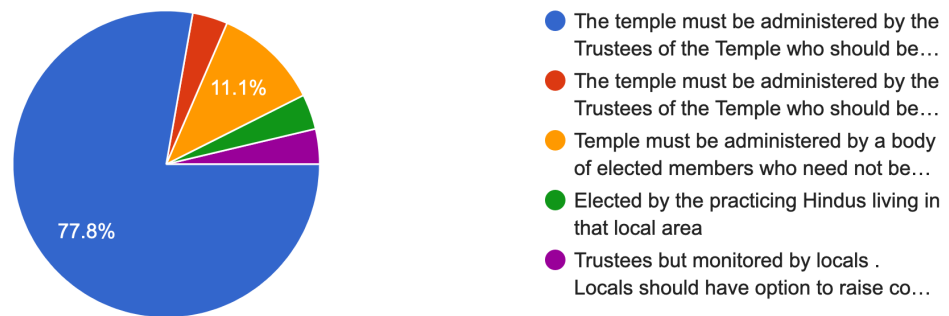
Specify which Parts of the Act you think are most problematic. (You may choose more than one option)

27 responses



if you opted for the suggestion that the Act must be repealed, which implies that temples will no longer be under Government control, How do you think these temples must be administered?

27 responses



What do you think maybe the negative impacts of repealing the Act concerned? (You may choose more than one option)

28 responses

