

Need for the Government Control over Religious and Charitable Endowments

Dr. Sunder Singh Yadav*

Assistant Professor, Government P.G. Law College, Alwar, Rajasthan

Abstract – When we talk about a "religious endowment," we mean all the assets that belong to or have been bestowed in support of a Hindu religious organisation, or that have been endowed to conduct public service or charitable work associated with the institution or another religious charity. As a statutory entity, the "Hindu Religious and Charitable Endowments Board" has a President and two to four Commissioners who are appointed by the government. Muslims and Christians are not funded by the Indian government, although temples and other religious organisations are. It's either that, or the government has to subsidise all of them or none of them and keep it private. Religious institutions must be liberated from the grip of the state since "a temple is first and foremost a subjective matter. A temple can't function properly with just a few of staff. You'll need a lot of zeal and commitment to pull this out. However, temples are currently under the jurisdiction of the government, and someone who lacks a personal connection to the temple is in charge of maintaining it. A temple is more than a place of worship; it is the lifeblood of a community. It can only be managed with tremendous involvement and devotion."

Key Words – Government Control, Religious and Charitable Endowments, Temple Management, State Control of Temples, Hindu Religious Endowments

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INTRODUCTION

Freeing temples allows worshippers to unlock the temple's full potential. They can maintain temples beautifully and wonderfully if they leave them with the worshippers. "A temple can be operated in a variety of methods and modules. In the form of langars, the gurdwaras serve free meals to the community, which benefits many by feeding those in need. In the same manner, temples should be given a budget and a piece of land in which they may devote most of their resources. It would allow them to carry out a wide range of additional tasks, including aiding in the current epidemic stage and natural calamities like earthquakes and tidal waves. "

As a result of their close ties to the community, they are able to respond to crises more quickly and effectively than the government, which is unable to do so since money is funnelled through the system. Art, history, and culture may all be found in temples, and they are not only places of worship. The temple tower, particularly in the state of Tamil Nadu, serves as the state symbol. There are a lot of "temple towns" in India since the temple is at its heart.

In addition, the amount of sweat and blood that has been poured into these temples over the previous few thousand years is not insignificant. You can run the entire state on temple tourism because the temple is not only about a single faith, but the temple is about

art, history, and culture," he writes. "Freeing religious institutions from the grip of the state has both advantages and dangers. Few people feel it is a good idea to let believers to operate their religious institutions, but in other circumstances, many individuals abuse this opportunity. In other words, "such individuals are corrupt and take advantage of such holy sites for the sake of extorting money and property," as the saying goes. They are also in control of the Prasad and the time, which they revere. Devotees must utilise their democratic right to visit temples and pray there.

Voters must know and express what they want and expect from the political parties in India throughout the election period; a candidate's Aims and manifestos must be tailored to meet those demands. "It's irresponsible of them to protest after the elections without providing any information about their requirements beforehand and to make misleading comments about them."

"The people should rise up and say to political parties," "If you don't hand over the temples to us, we're not going to vote for you." "It's not necessary to complete the transfer all at once. It's a complicated procedure that has to be handled with care. First and foremost, one must demonstrate a will to succeed. Our temples might be handed back to the community through the creation of a commission."

“announced quantities of money for temple renovation and travel assistance for pilgrimages” are two examples from Tamil Nadu.

“Above all, after seventy-five years of independence, India's citizens should have the right to practise their faith as they see fit.”

GOVT. CONTROL OVER HINDU TEMPLES IS ILLEGAL

More than a dozen lawyers, activists, and other civil society leaders raised alarm about the “illegal” government ownership of Hindu temples during a symposium held in Delhi a few years ago.

As HDAS Secretary Swami Paramatmanandaji said, HDAS has petitioned the Supreme Court contesting the constitutional validity of many State Acts used to regulate temples. HDAS organised the symposium. Pinky Anand, a Supreme Court lawyer, contended that the law's provisions empowering the government to take over temples were illegal and unenforceable.

According to the head of the Temple Worshippers Society, hundreds of temples with assets worth millions of dollars have been taken over by the government. "Even though the Supreme Court in 1954 struck down the 'illegal' provisions of the Madras Hindu Religious and Charitable Endowment Act 1951 related to the appointment of executive officers in temples, the same provisions were brought back by legislating the Tamil Nadu Hindu Religious and Charitable Endowment Act in 1959," he said. Hindu victimisation and "discrimination" by the Indian government, court, and other state institutions were used by several speakers as a bogey while emphasising the necessity of equality between Hindus and minorities.

An 11-judge Supreme Court Bench ruled that Article 30 of the Constitution did not provide minorities any particular advantages, former Chief Justice of Punjab and Haryana High Court Rama Jois said. A "protection," not a "right," is all that is required. "No one group or individual should be given a leg up."

For Vishnu Sadashiv Kokje, the problem of government control over temples could not be resolved in court, thus Hindus needed to use other means of agitating and mounting pressure. Supreme Court lawyer K.N. Bhat, who defended Lord Ram in the Ram Jamnabhoomi case, warned that legal remedies were riddled with doubt.

Hindus, according to HDAS convenor Swami Dayananda Saraswathi, should band together to regain control of temples that have fallen under the administration of the government. It is only via this method that Hindus have been able to raise the funds necessary to spread their faith and fend against the tide of non-Hindu converts.

DEMAND TO FREE TEMPLES FROM GOVERNMENT CONTROL

Our country's religious organisations and places of worship have played a significant role in our cultural and social fabric for millennia. To illustrate this, there are approximately 30,00,000 houses of worship in the United States, according to statistics from the 2011 Census (Kishore, 2016). Even while we don't know the exact number of Hindu temples, it's reasonable to infer that they make up the bulk of these. Since British rule, temples in India have been under the control of the government, a position that was further solidified after independence by several acts passed by state governments. State endowment agencies currently govern all temples under their jurisdiction. Many have questioned whether or not it is a good idea to have temples run by the government, given their poor performance in different areas over time. The demand is for the temples to be freed from the control of the government. There have recently been cases argued in courts and a private member's bill freed from the government's supervision, just like Muslim and Christian religious trusts are, in light of the Covid-19 pandemic dispute. More than 4 lakh temples in India are governed by state governments, but there is no equivalent oversight over Muslim and Christian religious organisations. There are calls to modify the "Hindu Religious and Charitable Endowments (HRCE) Act 1951," which permits state governments to seize and control temples and their properties.

From the appointment of temple administrators to the collecting of service charges of 13-18 percent, there are more than 15 State governments that manage solely Hindu religious institutions, especially temples. As a result, the neighbourhood will no longer be able to defend its own best interests. They claim this is unfair because only the Hindu group is subjected to such persecution. Secularism is trampled upon in this instance. In addition, religious organisations cannot be managed by the government in India, as stipulated in the constitution.

It is claimed that the Mughals first took control of temple wealth, which was then followed by the British. The Jawaharlal Nehru administration continued its strategy of managing temples after independence by adopting the HRCE Act in 1951. Mosques and churches do not have this kind of oversight. In the same manner, we demand that temples be free of all forms of control. J. Sai Deepak, a prominent Supreme Court lawyer, urged the government to modify the Act, which he claimed was the source of the problem. The "Raja" (king) does not, according to tradition, have any claim to the temple's wealth. Interestingly, the Supreme Court has directed state governments to turn over religious institutions to the people in at least three historic judgements. However, until today, this has not been

the case. The Supreme Court is now considering two petitions in this respect.

Prithviraj Chavan, a prominent Congress official and former chief minister of Maharashtra, sparked a recent controversy by saying that the government should immediately seize all the gold held by religious trusts in the country, which he estimated to be worth at least \$1 trillion. According to him, gold may be borrowed at cheap interest rates using gold bonds. "All religious trusts" is a broad term that refers to temples (of Hindu and Jains) as well as gurudwaras (Sikh), which exclusively accept gold as gifts.

Chandi Mata Temple and the Durga Mata Temple in Banbhuri village in Hisar district have also recently been targeted by the Haryana government. The administration of Beri (Rohtak) made a similar choice to buy a temple, but the local Hindu population and the Vishwa Hindu Parishad protested (VHP).

According to Vinod Bansal, VHP's National Spokesperson, the Indian Constitution prohibits discrimination based on religion. "However, when it comes to the control of religious trusts, there is prejudice." I believe that the mistakes made by the British and the Nehru administration in the past should be addressed now. To him, religious trusts in Hinduism should be considered equally to those in Muslim and Christian faiths. There are also legitimate or acceptable legal implications to it because the "Trust is a legal body." Gold and other material gifts made to a god are revered as sacred objects. Furthermore, the gold monetisation programme is a scam since no one has the legal authority to give it up under any circumstances. Articles 25 and 26 of the Indian Constitution forbid any plan to take away religious sites. However, the Constitution states: "No one has the authority to touch religious autonomy."

State control of temples is a major factor in the development of the Gold Monetization Schemes. Temples are compelled to sell their gold by state governments, even when they don't want to. State control of temples, which is unlawful and discriminatory, is the source of this problem. There is a loss to the community in any strategy that does not repay the capital in gold."

Almost all of the temples in South India are under the jurisdiction of local governments, according to the sources. About 34,000 temples in Andhra Pradesh have been taken over by the state government.

The Tirupati Balaji temple received a contribution of Rs 3,500 crore, yet just 7% of that money was used to operate the temple. Numerous artefacts were discovered for sale in the United Kingdom. Hindu temples should be treated equally with mosques and churches, one Indian official argued, because India is a secular society. Why, in a secular nation like India, are only temples subject to government regulation if churches and mosques aren't? This is a serious worry in India.

The British Government began to relinquish control of temples from 1840. Tamil Nadu's best-known mutts were enlisted to take after a few of the state's most revered temples and shrines.

Constitutional Validity of the Hindu Religious and Charitable Endowment Act

A written constitution is in place to regulate Indian Democracy. The vast majority of people in this region are Hindus. One of the world's oldest religions, Hinduism, is practised in India. The caste system in Hinduism has several sub-castes, each with their own distinct colour and shape. State-by-state or region-by-region variations exist in terms of caste and subcaste. The way things are done differs enormously as well. At its finest, Hinduism might be described as an instance of unity amongst differences. It is based on scriptures like as the Upanishads, vedaa, Geetha, and so on. Hinduism is viewed as a way of life by many. For example, Hinduism allows for the worship of inanimate substances like Ashwathavriksha, Nagadevatas, earth, and the sea. These are just a few instances.

Religious minority enjoy a consistent and common law of the land in all states and territories, although the Hindu majority does not. The fact that the Hindu Religious and Charitable Endowments Act is not standard across the country demonstrates this peculiarity. How could a state have jurisdiction over only Hindu temples and not other religious sites of worship in a supposedly "secular" country? In certain states, the HR and CE Act has been adopted, but not in others. As a result, the constitutionality of the HR and CE Act's charter is immediately called into doubt.

Historical Background of the Hindu Religious and Charitable Endowment Act

The British Government began to relinquish control of temples from 1840. Tamil Nadu's best-known mutts were enlisted to take after a few of the state's most revered temples and shrines. When the Mutts took over the management of these temples, they made sure to secure written documents or "Muchalikas" from the British Government that ensured them that the temples would not be returned to the Mutts at any point in time, as they had been promised.

As a result, the Mutts gained entire authority and ownership of several significant temples, which they managed competently and effectively. The Heads of Mutts and officers never lost sight of the essential reasons of worship and the use of monies intended for temple maintenance and ceremonial activity. Although the Mutts ran a few temples well, hundreds of other temples in the old Madras Presidency were given over to their various trustees, and the previous Government had little or no responsibility in monitoring them.

A law aimed at improving the management and administration of certain religious endowments was passed by the Madras Hindu Religious Endowments Act, 1923 (Act I of 1925). Excepted and Non-excepted temples were defined under the Act as the two distinct types of temples. As soon as the law went into effect, a challenge was made to its legitimacy on the grounds that it had not been lawfully approved. So the Madras Hindu Religious Endowments Act, 1926 (Act II of 1927, repealing Act I of 1925), was passed as a result by the assembly.

A number of amendments have been made to this law. Referencing the latter revisions is superfluous. Let it be enough to note that 10 amendments were made to the Act by 1946: Act I in 1928 (V in 1929), Act V in 1929 (IV in 1930), and so on and so forth. Act XII of 1935, on the other hand, introduced a major shift. Ch. VI-A, which was introduced by the Government because they were not pleased with the Board's current powers, gave the Board the authority to notify a temple for any reason it deemed appropriate. As a result, even before India's independence, the Board had built up its authority to seize and run temples. Only Hindu institutions were affected by the Government's nasty action.

It is worth noting that the Board began the notification process for the Chidambaram Shri Sabhanayagar Temple in 1950, despite directives from the Madras Government in 1947 to discontinue notification proceedings and a directive from the Hon'ble Madras High Court in 1939 that the Board cannot undertake notification process on frivolous grounds.

After attaining independence from British control, India became a Republic on January 26, 1950, with its Constitution providing some fundamental rights to people.. Religious Denominations or portions of them received special religious and regulatory protections.

Additionally, the Board attempted to seize control of three other temples: Guruvayurappan, Udupi, and Mulkipetta's Shri Venkataramana, all of which are managed by the Gowd Saraswath Brahmin sects.

The HRCE Board's control of the aforementioned religious institutions was contested by each of them. In the interim, the Madras Government passed the Hindu Religious and Charitable Endowments Act, 1951, a new Hindu Religious Act.

Because the Constitution protects people's right to freedom of religion, the government's involvement in religious institutions through the Statutory Boards may seem odd. In the Vedic Collection of Hymns and Prayers, there was no mention of temples. Oblations were stated to be done in the area where the fire was started. Temples for the gods were built in the later Brahmana era. Endowments such as land were formed for religious reasons in the late era as a result of an increased desire to gain religious virtue. So, the Hindu temples are built, endowed, and maintained for

the benefit of the broader Hindu population, as a result. A law was created in order to better administer, safeguard and preserve temples and the endowed properties that are related to them in order to fulfil objectives, with acceptable constraints that do not infringe on religious freedom as granted by the constitution.

CONCLUSION

From the information presented above, it is clear that India must be free of government control or at the very least allow devotees the opportunity to run religious institutions and do things that they desire and that are beneficial to the general public; the government should also provide support in this effort, as this will demonstrate who is best suited to manage religious institutions. It's also possible that devotees misuse their influence, as it's typical in India to profit off the name of sacred locations, and many prominent personalities travel to India to participate in this corruption. However, the government must at least offer some advantage to the worshippers. One of India's most ancient faiths, Hinduism dates back thousands of years. These beliefs, rituals, and traditions date back thousands of years, and they should be safeguarded unless they are in direct conflict with the Indian Constitution. Therefore, while Article 25 guarantees religious freedom, any religious institution's maladministration and financial irregularities must be handled seriously in the interest of temple discipline.... With regard to the Constitution of India, the state needs to strike a delicate balance between maintaining temple devotees and temple administration. Because the law itself is found to be discriminatory in this case, it cannot be severed in its entirety and must be declared unconstitutional as a whole. Also, we think it's important to note the Legislature's apparent goal of creating one consistent code of conduct for all Hindu religious organisations. According to the Supreme Court's ruling in the case of The Commissioner, Hindu v. Sri Lakshmindra Thirtha Swamiar, the Government should set up a commission for temple affairs and include all non-Hindu religious leaders, matadipathis, religious experts, social reformers, and other experts, and then pass a uniform law in accordance with that ruling. Different regulatory methods for temples/maths/Jains/etc. can also be considered by the government, depending on their religious beliefs and the four corners of our constitution.

This policy of consistent law for Hindu faiths is left to the legislature, which will ultimately decide whether or not religious reformative legislation will be enacted. In terms of the Constitution, we'd leave it up to the legislature to make a choice. Though it is important to point out, we think it is appropriate that the Government should eliminate any immoral and corrupt behaviours in Hindu organisations, if they exist at all. In terms of Hindu temple reform, this would be a huge step forward. Since the Hindu

Religious & Charitable Endowment Act was passed to better manage, protect, and preserve India's temples and their endowed properties as well as to fulfil its stated purposes within limits that do not infringe on religious freedom guaranteed by the Indian Constitution, it was necessary to enact it.

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Corresponding Author

Dr. Sunder Singh Yadav*

Assistant Professor, Government P.G. Law College,
Alwar, Rajasthan