



Temple and state

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Calls to 'liberate' temples from the state goes against the social justice ethos of the Dravidian movement and the law

- The constitutional wall that separates the state from religion has continuously shifted.
- Recently, in the landmark cases of Shayara Bano (2017) and Indian Young Lawyers Association (2018), which dealt with triple talaq and women's entry into the Sabarimala temple, respectively, the Supreme Court looked at the balance between religious freedoms and fundamental rights.
- Through these cases, and others preceding them, the Supreme Court established itself as an arbiter of prickly religious issues.
- Nevertheless, in recent times, social conservatives have not stopped demanding that the state stay away from any interference with the 'temple'.
- Rajya Sabha MP Subramanian Swamy filed a writ petition before the Supreme Court to quash all "State HR & CE [Hindu Religious and Charitable Endowments] temple laws as unconstitutional" and BJP National Secretary H. Raja has endorsed the liberation of temples from "the clutches of government."
- The issue portends serious social repercussions in Tamil Nadu.
- State control and administration of Hindu temples is seen as an integral reform of the century-old Dravidian movement.
- In 1925, the government constituted the Hindu Religious and Charitable Endowments Board, which was vested with the power to control and supervise the administration of temples and appoint officials for proper administration.
- In 1970, the M. Karunanidhi-led Dravida Munnetra Kazhagam government amended the HR&CE Act to allow appointments of priests.
- The support among Hindu conservatives towards "liberating temples"

goes against the social justice ethos of the Dravidian movement as well as the law.

- In N. Adithayan (2002), the Supreme Court held that “the vision of the founding fathers of Constitution to liberate the society from blind and ritualistic adherence to mere traditional superstitious beliefs sans reason or rational basis has found expression in the form of Article 17.”
- The HR&CE Board only serves to reiterate the constitutional guarantee of equality before law of all citizens.
- Therefore, it is now up to the Court to reiterate the core constitutional principles and ensure that any right to “propagate and disseminate religious beliefs” can only be subject to “public order, health and morality and other provisions of Part-III”, as held in N. Adithayan.

The Hindu

