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## **Governance and Management of Temples: A Framework**

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## **Governance and Management of Temples: A Framework**

### **Abstract**

There is intense debate in public domain about should government be controlling temples. This is being contested in courts also. In this context two key questions that are raised are:

- If the temples are to be freed from state control, to which institutions could these be handed over?
- What should be the relationship of these institutions with the State, and the inter and intra Governance institutional and administrative structure of temples?

This Report seeks to provide macro institutional framework for:

- State level Governance structure for temple management;
- Structure of inter-temples network, and intra-temple organizational design and administration;
- Finances, audit and control system.

The focus of the Report is on Hindu temples under the control of endowment department of the states. This paper traces the history of state take over of temples and the system as it exists taking as case the Hindu Religious and Charitable Endowments Department (HR & CE), of Tamil Nadu. This paper provides a framework for governance, institutional arrangements, and control on the principles of public – public partnership. This principle balances the power between state and public. It recommends that while State will be the custodian of assets and will manage through independent Boards of Temples, the management of the assets and all spiritual rituals will be the responsibility of respective Temple Boards. The systems are more or less similar in the Southern states and these recommendations are applicable across these states.

**Keywords:** Temple Management, Public- Public Partnership, State Control of Temples, Hindu Religious Endowments

## Executive Brief

### Context

Administration of temples is under spot light. There is intense debate in many fora about the desirability of temples being managed by state and the dismal outcomes over the decades since independence on various dimensions of temple management. The clamour is for freeing the temples from the clutches of the Government. In recent times there are cases under arguments in courts and a private member bill has been introduced in the parliament. The most recent court judgement is the judgement of the Supreme Court on the Sree Padmanabhaswamy Temple in Kerala which ruled in favour of handing over the administration to the Royal Family which was managing it.

### Key Questions and Macro Framework

Two key questions arise in this context:

- *If the temples are to be freed from state control, to which institutions could these be handed over?*
- *What should be their relationship with the State, and the inter and intra Governance institutional and administrative structure of temples?*

*This Report seeks to provide macro framework for:*

- *State level Governance structure for temple management;*
- *Structure of inter-temples network, and intra-temple organizational design and administration;*
- *Finances, audit and control system.*

*The focus of the Report is only Hindu temples under the control of endowment department, and does not cover Mutt run temples and establishments which enjoy reasonable autonomy.*

In the past, temples supported significantly large eco systems and were in turn supported by the eco systems. Cities developed around temples and were even growth drivers of the region. These supported tourism and hospitality industry, small enterprises, art, literature and were employment generators. These continued to develop in some measure post-independence, but more through ad hoc measures or management dependent than by any design. *The proposed design seeks to recreate the past and promote temples as truly spiritual destinations and development hubs.*

### Case Study : HR & CE of Tamil Nadu

This Report studied HR & CE department of TN as the case, and is based on secondary collection of publicly available information. It is based on the Report of the Ramaswamy Iyer Commission (1962), Acts of few states, and websites and reports of the HR&CE / Muzrai

departments of the states. The southern states follow almost similar systems and the findings and recommendations should be applicable to all the southern states. *This Report mainly approaches from the management perspective of the most desirable and feasible institutional mechanism that can best manage the temples, and it does not encompass legal and political perspectives.*

The temples under the control HR & CE of Government of Tamil Nadu (GoTN) are categorised as below. We find that less than 1% the temples earn more than Rs.10 lakhs and less than 3% of the temples earn more than Rs.2 lakhs per annum. Very large temples may be around dozen. Very large temples like Madurai temple will not be more than a dozen. Unfortunately, Government administrative system being what it is, temples earning less than Rs.10,000 per annum are subject to the same control as largest temples. The temples under HR & CE, TN put together own 4,78,283.59 acres of land-holding and 22,600 buildings.

Classifications of Temples as per Policy Note – 2019-20

| <b>Annual Income</b>  | <b>No. of Institutions (%)</b> |
|---|--------------------------------|
| Having annual income under ₹10,000 (Non-Listed)               | 34,099 (88.2%)                 |
| Having annual income over ₹10,000 and under ₹2 lakh (Listed)  | 3,550 (9.2%)                   |
| Having annual income over ₹2 lakh and under ₹10 lakh (Listed) | 672 (1.8%)                     |
| Having annual income of ₹10 lakh and above (Listed)           | 331 (0.8%)                     |
| <b>Total</b>  | <b>38,652</b>                  |

Source: TN HR&CE Dept. Policy Note 2019-20

At the state apex level, there is an Advisory Committee headed by the Chief Minister. The HR & CE department in TN has sanctioned posts of 2409, against which 1336 are filled up (HR&CE website) which includes 11 JCs and 28 ACs. *The administration of temples is headed by respective JCs, DCs or ACs as applicable*, but the control is so much that in administrative parlance, these temples are called JC Temple, DC Temple than known by the deities!

The expenditure of the temples other than small temples are met out of their own collections and these temples pay government a share of the revenue collected as in the Table below. The Government has various schemes for supporting temples which cannot provide for themselves, which the department meets out of its annual budget.

Payments to be made by the Temples to the Department

| <b>Amounts (Percentage of Annual Income)</b>   |
|--|
| 7% as contribution, 1.5% as audit fee, 5% or Rs. 1.25 Crores (whichever is higher) towards Common Good Fund. |
| 12% as contribution, 1.5% – 4% as audit fee.   |

## Inferences

We have drawn inferences from the system as it exists in Tamil Nadu and in other southern states from the time of independence. The *raison d'être* for state takeover of temples post-independence was that these were not managed properly and the valuable assets of the temples had to be protected. According to the original intended objective, the takeover is a temporary measure and once the management is strengthened the control has to be handed over. In the last 70 years, control by states is total and permanent, and this has manifested in different dimensions, moral hazard in terms of mismanagement and leakages leading to dissatisfaction. State control exercised through centralized power structure has been counter-productive to nurturing cultural capital which requires deep commitment and locally anchored management. The Temple Committee or the Thakkar enjoy scarcely any power and the Department maintains direct control over the temples. The administrators are posted at the temples and the boundary between spiritual and administrative domains is blurred.

The financial and expenditure management are tightly controlled and requires approval from the department for any major and minor expenditures. The control of finances of the temples have led to total lack of financial autonomy, and lack of financial autonomy has led to lack of administrative autonomy as well. Several temples are unable to meet their expenditure and on the other hand, they are expected to pay a share of revenue collection to the State. This has further eroded the financial base and in turn, the autonomy of the temple management.

Temples were under the management of Trustees and these trusts were truly representative of the trusteeship based governance that Gandhi advocated for corporates. Historically, there was nothing to suggest that the temples were badly managed, excepting probably a few temples. In fact, there were many leading temples which were thriving before the takeover happened, and had Trustees and Patrons who were committed and contributed their own might to temple welfare.

*The long term replacement of the old system with the present system of patronage and spoils have led to a void, making it difficult to recreate the structure. It is now a fait accompli and is now projected as if there is no viable alternative. The post-independence government instead of building on the strengths of the old systems sought to completely override the system, and in the process completely undermined and eroded the institution of temples.*

The moment the control of temples came under Government, the people lost sense of ownership for these. *The challenge now is in creating the sense of ownership among the pilgrims and devotees which only can act as the watchdog.*



## **Spiritual and Administrative Dimensions Argument**

Temple functions can be broadly divided into two categories: 1. *Spiritual and all spiritual related*, and 2. *development and all operations related administration*. These two go in sync and it is difficult to appreciate the argument of the states that administrative matter can be dealt with separately by the state. Over time the control did infringe on the spiritual domain also. However, the success in the delivery of service in the spiritual domain is as much dependent on the effectiveness of administration as much as the spiritual services. It is like patient care in a hospital wherein the effectiveness of the hospital depends very much on the quality of professional care which in turn depends a lot on the effectiveness of hospital administration. Erosion of quality in administrative areas will definitely impact the quality of spiritual services. *The proof of proper and fit management in the domain of spirituality are the rigour with which the rituals are adhered to, the patronage of devotees, and how much resources it is able to mobilize.*

The performance of administration in protecting the assets of the temples like land, jewellery, and collections of high antique values have not been satisfactory. There have been frequent complaints and grievances regarding encroachment of property, theft of antiques, loss of precious jewels, etc. Considering the significant extent of land and building, there are possibilities and allegations of significant revenue leakage. *Even urban local bodies are doing better in revenue collection these days than the HR & CE departments.* The state departments still follow antiquated administrative systems and have not been successful in maintenance of the temples or in developing the temple towns or in leveraging the tourist potential. It is an all-sub-optimal performance.

***In a nutshell, it emerges that Temple administration has seen least transformation in public management, and lags behind even its own sister departments in reinvention. The system is same as it was at the time of independence with some incremental improvements of course.***

## **Recommendations**

### **Objectives**

The objectives which we have set in guiding the design of the governance and recommendations are:

- To enable the temples to fully leverage their spiritual and resource potential through religious and administrative empowerment.
- To empower the temples through autonomous entities with independent boards and decentralized decision making structure.
- To engage community, neighbourhood, and general public in participative management.
- To leverage the developmental potential of the region and neighbourhood.
- To ensure the assets remain secured, properly maintained, and leveraged.

- To ensure the cultural capital of the temples are nurtured and promoted.

### **Governing Principles for the Suggested Framework**

The Report proposes certain principles for designing the governance and administrative framework of the temples and temple network.

*A Glass Wall has to be maintained between religious (spiritual) and Secular (administrative) domains, with the administration playing an enabling role than control role. The locus of administration has to be where the decisions are taken, and not at a central place. The temple administration has to be empowered locally and supported. Best administration is one which is least visible, least intrusive, and avoids remote control.*

*The administrative structure can follow a hub and spoke model wherein the larger temples support the smaller temples with financial contribution; and also provide professional support in various domains like spiritual, financial management, etc..*

*The governing principle should be one of maximum restraint by Government and building societal institutions to manage spiritual and administrative functions internally rather than replacing these in toto.*

*We find that there are several categories of Temples in TN: Denomination temples, hereditary temples, mutt temples, and HR & CE temples. While the Denomination and Mutt run temples will continue to run on same lines with existing spiritual and administrative control, the hereditary temples will be evaluated for their performance. If there is substantial mal-administration or leakages or infighting, such temples will be handed over to Committees like other temples, except that the hereditary families or institution will get primacy in functions and spiritual matters, but administrative control will rest with the Committee. Where the hereditary system is functioning well, the inheritor's role will be restricted to spiritual matters and all administrative matters will be handled by Committees.*

*In all cases, in the spirit of good governance, the Mutts and denomination communities should set up a broad based oversight Committee and should implement annual social audit.*

The concept of Devaswom in Kerala is an interesting one. It literally means property of God and the assets resides with the State or Board on behalf of the God. This is the principle which we propose and the assets will remain in the name of the deity and under the control of the State. But, these will be managed by the proposed Temple Management structure.

*The overall finances of the temple ecosystem of all temples put together should be such that overall the sector is self-sustaining, and can also support temples which live on sustenance.*

We propose to group HR & CE temples including hereditary run temples, at three levels:

- **Tier 1 State level temples** which are large or historic or heritage temples with significant resources, and surplus. These are temples which are famous throughout the nation or the state, and have huge tourist traffic and potential for regional development. These are the main resource generators in the temple sector but these will not be more than a dozen in each state. In TN these could be Madurai, Palani, Tanjore, Rameshwaram, Kanchipuram, Tiruchedur, Thirunnalar, Srirangam, etc. In Karnataka it could be Srirangapatnam. We have to view Tirupati Balaji Temple from an entirely different perspective. These may not be more than a dozen.
- **Tier 2 Sub - Regional level temples** which are popular not just in their respective district but at a regional level, and command resources that can sustain themselves but do not enjoy large surplus. These temples can be , Parthasarathy, Srivilliputhur, and Navagraha temples in Tanjore, temples of Muruga, Vaitheeswaran, etc. These are temples with potential but underleveraged. The proposed restructuring should help unleash these temples to realise their full potential. These again may be about 100 temples in TN.
- **Tier 3 Village level and neighbourhood temples** which can barely sustain themselves, and are managed with local support. *These temples for 90% plus of the temples. The temples will gain a lot and the Government will gain a lot from freeing these temples and handing it over to the local community or village.* Presently the government follows the principle of hub and spoke model, where in smaller temples are supported by the larger temples, This model has to be encouraged but the purpose should be providing professional and financial support than just exercising administrative control. This is a long tail which dominates the administrative bandwidth of department, and it is best these are self-administered than centrally controlled. *The department will be left with only a few hundred temples.*
- Various state Governments have designed various schemes to support these temples which gives it handle to control these temples. These schemes can be continued and handed over to local trusts which would be managing these like Panchayats. In fact, Government can put a condition to the trusts that they should make it self-sufficient in three to five years if they want to manage these. These temples can be easily converted into self-sustaining ones with support from local community. It can manage with low cost resource than the high Government staff.

### **Overarching Governance Structure**

*The Governance structure generally sets the ethical standard and professional ambience of an organization or a system.*

*In public administration, there is a general trend globally as well as in India that public systems should be managed by professionals as far as possible and not by administrators alone under the paradigm of reinvention in Government.*

*We propose Public – Public (general public) Partnership which is also another version of PPP.*

*We propose balanced composition of Board at Apex level and of Committees at temple level that will ensure that no particular segment dominates, and independent voices are heard and independence is maintained.*

We propose setting up of a State level Temple Administration Board (herein after called TN-TAB) which will be the apex governing body of the affairs of temples in Tami Nadu. We propose setting up of a TN Temple Management Committee (TN-TMC) which will be the Committee of the Board to ensure speedy implementation of the decisions of the Board and exercise decisions in certain areas delegated to it. This will help in executing the policy and all directions of the Board. We also propose a new SPV, a Tamil Nadu Temple Development and Promotion Corporation (TN-TDPC) which will undertake integrated development work of all temples relating to tourism, networking of temples, promotion of research and publication, IT, training and capacity building, etc.

**TN- TAB:** The Board will be the Apex Committee of the State, with the Chief Minister as the Chairperson, Minister in-charge of Endowments as Vice Chairperson, ACS (endowments) or Principal Secretary (endowment) as the Member (Secretary). It will have a broad based Board representing various segments. This will decide on major issues of appointments to Committees of Tier 1 Temples, Chairmen, and Thakkars; approve the plan and budget for the state and the major temples; decide on sale of land, buildings, and valuables of Tier 1 temples; approve the decisions of the TMC; etc. One of the demands of pilgrims and people is also that all the members of the Board including those from government should be Hindus. If any of the Members who are not Hindus hold the position by virtue of position in Government or Institutions, then the Government should nominate an alternate officer.

**TMC:** The Chairperson of the Committee will be CS or ACS (Endowment) and will have PSs of related departments, with Commissioner of HR & CE or Muzrai department as the Member (Secretary). This Committee will make appointments to Tier 2 level of Committees, Chairmen, and Thakkars; approve plan and budget of Tier 2 and 3 temples; decide on sale of lands, building, and valuables of Tier 2 and 1(3)? temples, and monitor TDPC; and matters delegated by the Board. Here again the conditionality of Hindu need to be stipulated.

**TDPC:** An important Governance intervention proposed is the setting up of the TN Temple Development and Promotion Corporation which will be a SPV set up under HR & CE department like Metros or smart cities. It will have a CEO who will be recruited from the market, with its own Management Board with ACS / PS (HR & CE) as Chairman, Commissioner (HR &CE) as Member, and CEO as MS. The Board will have its own

independent members. It will seek to conceive projects for temple town development, tourism promotion, technology, etc. Its role is detailed in the end.

### **Role of HR & CE Department**

The HR & CE role will be a Secretariat role more than an administrative role. It can be part of the administrative secretariat than a separate Commissionerate. We propose that main thrust of the HR & CE department is restricted to playing regulatory, and supportive role such as these critical roles:

- **Role in Asset Maintenance:** Inventorying, recording, and protecting all the assets of all categories of temples. It will have a digital record of all the assets including land and its documents, buildings, jewels and precious materials, sculptures, idols, etc. These assets will be recorded in the name of the temples but will be monitored and secured by the Commissionerate. The Temple Committees can decide about the rentals, leasing and upgradations of land and buldings, but any disposal of assets has to be with the approval of the TMC. The HR & CE department will place together recommendations of all the Committees along with any objections of the devotees and general public.
- **Secretariat Role:** HR & CE will collate budgets from the temples and get these approved by TMC, track and monitor performance of temples and place it with the TMC. It will play the role of risk advisory services. It will enable and ensure audit of all the temples appropriately. It will ensure temples engage the services of CA firms from among the list prepared by the C &AG for banks; and can also conduct audit of temples especially larger ones. All temples can be brought under one automated ERP system for temple management including accounts, HR and cash management which will be developed and implemented by the SPV. HR&CE will be facilitating its implementation. TMC will have an audit committee which will review the reports.
- **Role in Appointments and Postings:** It will facilitate the TMC to make appointments to important committees from a suitable panel of experts and keep a record of the tenures. It will also undertake postings and transfers of its officers. It will lay down rules of appointments by the temple committees and these rules will be approved by the TMC.
- **Control Role:** It will handle Vigilance, Public Grievances and complaints of general public, employees, harassments, and pilgrims. The TMC will have its own Vigilance Committee which would be the authority for appeals.
- There will be no need for JCs or DCs to administer temples or regions in the proposed scheme for things. They will be at the Head Quarters playing Secretariat Role like Risk Management, Appointments, Audit, Property, etc in the capacity of supporting the TMC. The EOs of the temples will be appointed by the respective Temple Committees. At the most in few places like Tanjore, Madurai, and Trichy there can be JC / DC level officers for administrative coordination. The SPV will in fact need regional offices as now this will perform most development functions.

## Intra Temple Management

**Temple Development and Operations Board (TDOB):** Each Tier 1 and 2 temples will be an independent entity. The large and medium temples (Tier 1 and 2) will have its own Board headed by a Chairman or Thakkar who will be a public profile from the State or Region. This person should be apolitical with spiritual bent of mind. It will be a well diversified Board with representation from various stakeholders including professionals, archakas, pilgrims, etc. The Board will have members from devotees, representative from Community and society in general, scholar on traditional literature, professionals like Lawyers or CAs, with a maximum of 11 to 15 members. If it is a Hereditary Temple it should have a representative of the family as Member or even as Thakkar if the person is willing to commit time and has clean record and no political affiliations. It is also a suggestion of experts that atleast some Members from outside the Government should belong to the respective agama group or community to which the temple deity belongs, as this is required for ensuring adherence to the rituals of the temples.

The Board will be assisted by a Management Committee which will be headed by a temple committee member who can devote more time and is backed by the Board. This person can be rotated once in a year. This committee will meet more periodically and facilitate decision making and operations. The Board will appoint an Executive Officer on contract who will be the Member Secretary of Temple board. This person preferably can be appointed from market or from department on deputation for not more than three years and extendable for a year but not more than that. At the outset, it should be mentioned that the Board and Committee should have complete control over the EO and the administrative set up.

The Boards will be responsible for revenue generation, fixing and collection of leasing and rentals. *The Boards can decide on leveraging of temple lands in consultation with the TDPC and if it is sale of lands in consultation with the state level management committee.*

*The JCs, DCs and ACs will play role only as Member of the respective temple Board and implement the functions of the HR & CE departments like audit, vigilance, supervision of assets, etc. But, they will not be Chairman or Member Secretary of the Committees. They will have no executive or operational role. They will be placed in the district offices and will only have limited oversight on the temples.*

*The EO of temples will report to the respective Board and the Committee, and will have dotted line relationship with Secretariat and the SPV. The Board will also have a dotted line relationship with the Incharge of Secretariat. The Boards will be coming under the TMC. The Boards will also work with the TDPC for overall development, marketing and IT.*

*The temples at all levels should try to engage low cost resource which can substitute the high cost government cost, and should try to outsource services like accounts, security, etc.*

We mentioned that the temples cannot be administratively autonomous unless they are financial autonomous. To be financially autonomous it is important for temples to be self-reliant and sustainable. The temples should take adequate efforts to mobilize resources and the Boards will work with targets.

Tier 3 temples will be similarly managed by a Committee of Trustees headed by a Chairman, and Members. This will be a small committee with members from the surrounding villages and stakeholders. This Committee can be formed by the respective district collectors. These temples should seek to manage themselves with support from devotees in the village and neighbourhood. It will be modelled on the structure of Public - Public Partnership model. Here the regular devotees and patrons from the area are the Public part of PPP. The Tier 3 temples can be attached to the nearest district level temples for providing training and capacity building, networking, administrative backup and oversight.

### **Revenue Management**

The temples currently pay certain share of revenue collection as levy. The Tier 1 and 2 Temples can continue to pay this but the rates need to be calibrated for Tier 1 and Tier 2. The audit fees will no longer be temples will engage themselves. These should be placed with TDPC to be managed by the Corporation for temple related activities. The Government should realize it gets revenue from the taxes collected through various avenues like tourism, shopping, property tax, etc., spent by the devotees when they travel.

The Government can charge a levy of maximum fees of 5% which can be used partly for maintaining the department and rest will be parked with the TDPC. The Governments can freeze the quantum of funding it does now for the next five years and review every five years. TDPC would use this fund for developmental and promotional activities. An important indicator of the success of the SPV would be the additional resources generated by it. It should devise infrastructural programmes and marketing schemes for promoting specific temples for specific services. The thrust of the policy should be towards making most of the temples financially self-sustainable and independent.

At the outset it can be expected that the overall revenue of the temples in terms of donation, fees and charges, lease rentals, auctioning, etc should double once these are handed over to local committees through better collection mechanism and control. Most temples including Tier 3 should be able to sustain themselves.

### **Role of TDPC**

The activities of the TDPC will be to make plans and operationalize development of temple townships like smart cities, coordinate with other departments to develop plans for infrastructure development, undertake promotional plans for network of temples, develop tourism, develop IT infrastructure common to all temples and undertake digital marketing, help the departments organize research programmes, training programmes and capacity

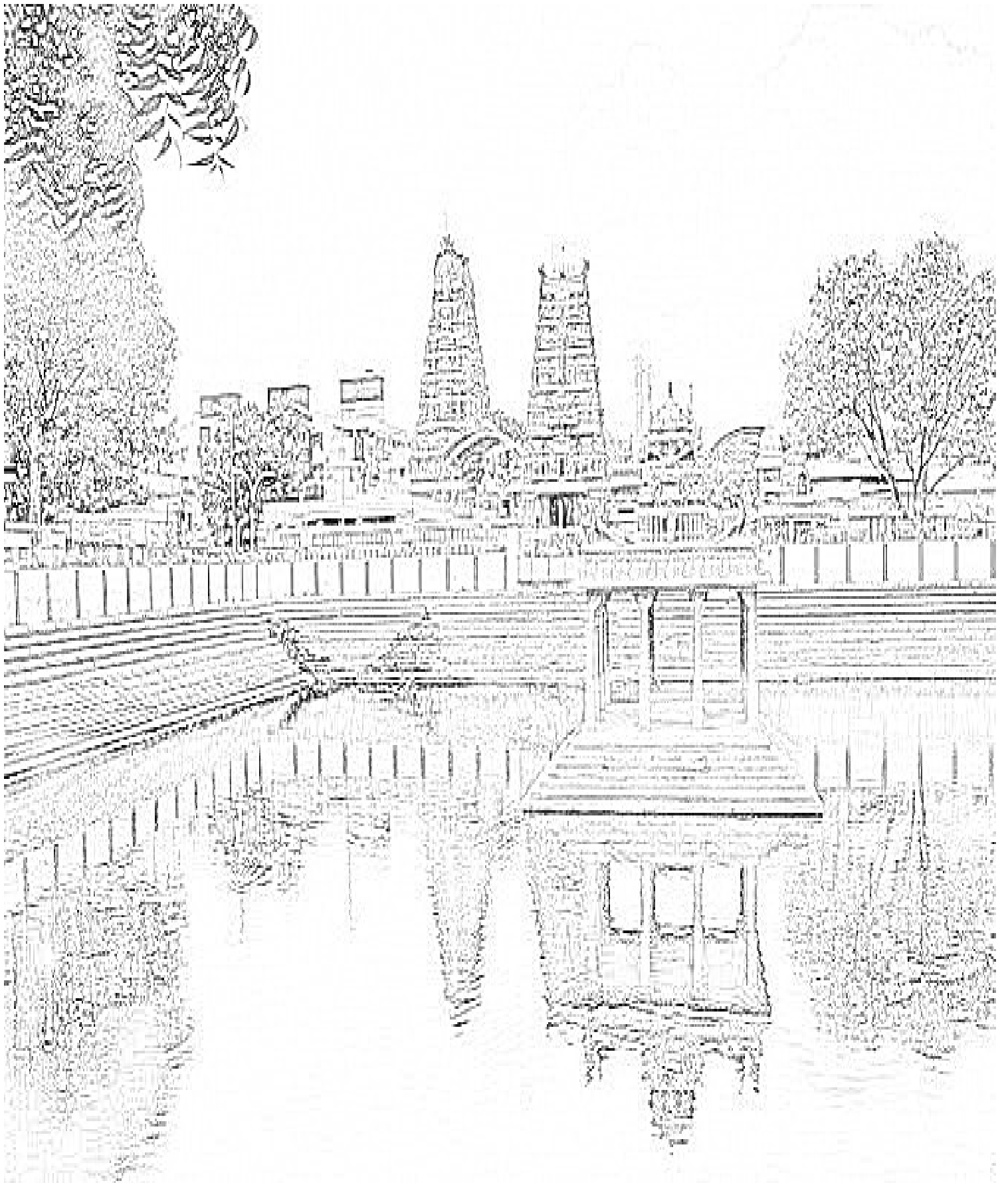
building. *An important function will be developing a centralized cloud based accounting system on which all temples would operate, and which would track performance of all temples electronically and report to the department for monitoring purposes and to TMC for decision making.*

### **Transition Management**

The department can set up a Cell to handle transition management which would help set up Trusts, Committees, rules and procedures for handing over. It should also set up the SPV within two months of deciding the handing over. The first appointee can be an IAS officer who can help set up the vision, system, and build the team. The department should engage consultants for various operations like Chartered Accounts, Chartered Assessors, IT and Management Consultants for framing manuals and inventorying. The whole process can be completed in one year's time. Handing over the village level temples is a low hanging fruit and the respective district Collectors can be assigned this task of over overseeing this operations.









## **1. Introduction: Temples in Southern States**

Places of worship and religious institutions are of tremendous significance to the cultural and social fabric of our country, having played a central role in the community for centuries. An indicator of this is the fact that as per data from the 2011 Census, there are over 30,00,000 places of worship across the country (Kishore, 2016). While we don't have an estimate of the precise number of Hindu religious places of worship among these, it is safe to assume that these form a sizeable majority. In India ever since British rule, temples have been under the administration of the Government which got reinforced post-independence through various Acts of state governments. The temples are now under the overall control of endowment departments of states. There has been frequent discussion about the desirability of temples being managed by state and their dismal performance over years on various dimensions. The clamour is for freeing the temples from the clutches of the Government. In recent times there are cases under arguments in courts and there is a private member bill introduced in the parliament. In this context, two key questions that keep arising is that: *If these temples are to be freed, to which institutions should these be handed over? What should be its relationship with Government and its Governance structure?* This is the vital question that this policy paper addresses. This paper looks at the present temple administration structure, manifestation and performance of the endowment and temple administration; and proposes a broad framework for Governance and organizational design at state and temple levels. It also proposes a SPV which we call Temple Development and Promotion Corporation which will take over most of the developmental functions of endowment department but will function as an autonomous corporation under HR & CE department. *The focus of the Report is only Hindu temples under the control of endowment or murzai department, and does not cover even Mutt run temples and establishments which are reasonably autonomous.* The analysis is mostly based on materials on temple administration in southern states, and so the analysis and suggestions are most appropriate for southern states. *This Report takes temple administration in Tamil Nadu as the case as it is representative, but the findings and recommendations are applicable to all the southern states which follow similar systems. This Report mainly approaches from the management perspective of what is the most desirable and feasible institutional mechanism that can best administer the temples, and it does not encompass legal and political perspective.*

### **1.1 Structure of the Report**

This Report explores and examines the practise of state control over temple administration and its evolution over centuries to provide historical context to state – temples relationship. It follows this with the legal and institutional framework under which the state control exists and the temples operate. It then discusses more deeply the institutional design and operations of HR & CE department of Tamil Nadu Government as a case to identify and flag key issues. The following section brings out the implications and impact of the resulting political control and bureaucratization of temple administration. In the final section is provided the

recommendations on institutional and governance framework for the proper and effective administration of the temple and the sector.

The report brings out the importance of contribution of temples to regional and neighbourhood economies. Temples have been instrumental in driving socio-cultural activities like music, dance, and art form like pottery, sculpture, drawings etc. These have also been the cause of growth of architecture and building engineering. These have also contributed to literary development and scriptures.

## **1.2 Hindu Religious Institutions: Temples and Mutts**

Hindu Religious Institutions apart from being a place of worship, perform a range of services such as spiritual fulfilment, religious discourses, research and studies on ancient scriptures, tourism, a number of social and cultural functions. These manage education institutions, social welfare organizations, and provide succour in times of hardships. These institutions can broadly be divided into Temples and Mutts, and these play a complementary function in the community. The differentiator between the two institutions is the core function that each performs.

A Temple is primarily a place of worship dedicated to Hindu deities. It acts as a symbolic representation for the house or the seat of a divine being, and thus brings human beings and divine beings together. In terms of its religious and spiritual functions, temples play host to various religious rituals, ceremonies and functions while serving as a space for devotees to pray or communicate with the deity. Primarily focused on these sacred functions, temples also perform several other functions mentioned above.

While temples are devoted to prayer and adoration towards the Supreme Power, mutts play the role of imparting spiritual learning and religious instruction (Hindu Religious Endowments Commission, 1962, p. 7). Both have a critical role as religious institutions, but each of them touches the community and the adherents of the Hindu faith very distinctly. Mutts also do manage temples coming under the mutt.

Temples gained prominence in Puranic literature and first large waves of temple constructions can be traced to the age of the Maurya Dynasty. Temples developed in the southern region were quite ancient and received patronage from various kings. The Southern temples are better preserved and also found in greater numbers as well as in richness, and this can be attributed in some degree to the relative safety from external damage and destruction (Hindu Religious Endowments Commission, 1962, pp. 9-10).

Mutts, on the other hand, are primarily monastic establishments for the Hindu faith which can be traced back to the 8<sup>th</sup> century (Encyclopedia Britannica, n.d.). These establishments performed the role of centres of spiritual learning and education, providing lodging and food for students as well as Sannyasis. In addition, these Mutts also perform other social functions

and even in the modern day, many trusts run hospitals, educational institutions, orphanages and other social institutions. These roles often led to Mutts getting embroiled in the political space, and this trend still continues in states like Karnataka (Poovanna, 2018).

### **1.3 The Temples and the Community**

#### **1.3.1 Social Functions**

Temples engaged in not only spiritual or religious instruction, but also in education in the fields of science, medicine, grammar, astrology and several others. Similarly, temples often ran hospitals and hostels for members of the community. Temples were often also tasked with the management of educational institutions which were set up through grants or endowments to them (Hindu Religious Endowments Commission, 1962, p. 13). Many of these institutions set up or managed by temples still function to date, a notable example being the Tirumala Tirupati Devasthanams Trust (TTD) that manages the Tirupati Balaji Temple in Andhra Pradesh (AP), and operates a number of schools, colleges and even healthcare institutions across the country. The first of their educational institutions, the Hindu High School was founded in Vellore as early as 1876 (TTD, n.d.).

Many temples and temple trusts have also played a role in community healthcare. Temples also continue to promote traditional healing, like in the past, with many people looking to temples for spiritual and physical healing. For instance, the Muthusamy Temple in Dindigul, Tamil Nadu, attracts people with mental illnesses, and the patient is entitled to stay and take part in the temple activities while the temple takes care of their daily needs. A study of this 'healing temple' in 2002 found clinical improvements in patients staying in the temple, with even family members suggesting that patients showed improvements (Raguram, Venkateswaran, Ramakrishna, & Weiss, 2002). While the efficacy and ethics of such treatments may be brought into question, the recognition of the temple in the eyes of the people as a centre for healing is difficult to dispute.

#### **1.3.2 Economic Functions**

Generous endowments from the rulers in the past and society have placed temples in possession of large tracks of land, jewellery, and monetary resources, making these powerful economic institutions. The generous endowments of well to do segment of the society was channelled for the benefit of society and temples acted as the platform (Talbot, 1991).

The complex and networked temple economy have provided and continue to provide employment opportunities and livelihood to a host of people, such as priests, artists, performers, flower and puja materials vendors, cooks, etc. Many small and big towns like Tirupati, Madurai, Chidambaram, Kanchipuram, Udupi, Guruvayur, etc. developed around these temples. This is without including the multitudes of workers involved in the construction and upkeep of the physical infrastructure of the temples. In addition, temples and temple trusts also provide employment through their allied activities and social activities

like educational institutions. In medieval periods, temples may have been second only to the State, in providing employment opportunities to the community (Kavitha, 2017). In its operation, temples also act as a major consumer of goods and services, which in turn pumps financial resources into the local community (Trouillet, 2017).

Outside of the core activities of the temple, the temple economy acts as an enabler for a number of other economies which are dependent on it. Most temples give rise to several commercial establishments around them ranging from florists, provision and gift shops, hotels and restaurants, all of which are primarily dependent on the activities of the temple and the pilgrims and tourists visiting it. In several cases of temple towns, it is observed that the highest density of retail shops and trading activity is located in proximity to the temple like Madurai, Srirangam.

Historical evidence points to the involvement of temples in promoting agriculture, cultivation and irrigation too, in scale comparable to the state. Temples often had tanks, wells and irrigation facilities to boost the agricultural economy in the surrounding areas. Inscriptions from Tamil Nadu, for instance, speak of the concept of 'devadana' where temples were gifted proximate villages, and the temples undertook development activities to boost agriculture and cultivation within the devadanas in their control (Kavitha, 2017). This application of endowed wealth by temples, as investments into agriculture and the allied economy has been observed in different parts of the Vijayanagar empire as well (Stein, 1961).

The application of their funds as investment into the community was not restricted to just investments in agriculture, but the temple also used their enormous wealth to play the role of bankers to business owners, village assemblies as well as the community (Stein, 1961). These loans were often characterized by flexible repayment and interest options, such as payment of interest through the produce grown on land brought through the temple's agricultural loans (Kavitha, 2017).

A modern economy that is dependent on the temple is tourism and hospitality, specifically religious tourism. Temples attract both pilgrims and spiritual tourists, owing to their religious and cultural significance, as well as heritage enthusiasts, given their architectural splendour and historical value. This entails a surge in the development of tourism related service industry in proximity to temples and temple towns, which further develops the economy. A study by Lokniti in 2015 on religious attitudes, behaviour and practices, demonstrated the potential of this industry, by showing that a sizeable portion of the population in all major religious groups in India had undertaken religious tourism over the two years prior (Gupta & Kumar, 2017) pointing to the size and potential of the economic activity created.

### **1.3.3 Charitable Functions**

Apart from commercial transactions to promote social and community development, temples also carried out and continue to carry out large scale charitable activities for the benefit of all members of the society. In the Hindu religious framework, charity is an inherent part of the

religion, and there is no demarcation between Hinduism and charity. Therefore, temples as a symbolic centre of the Hindu faith, undertook charitable activity in many forms (Hindu Religious Endowments Commission, 1962). One of the most prominent forms of charity, was the distribution of free food, a practice that continues in a number of temples till date. The Tirupati temple for instance feeds about 75,000 devotees through the Anna Prasadam on a daily basis (Mulugu, 2017). Temples also undertake other charitable activities such as scholarships, medical aid, education for low income groups and also organize volunteering activities in some cases. The Shirdi Temple spent well over ₹500 Crores, while the Siddhivinayak Temple in Mumbai spent ₹27 Crores on charity in 2012 (Times News Network, 2013).

### **1.3.4 Promotion of Art & Culture**

Apart from the architectural splendour of temples, which are marvels in themselves, temples have been a focal point for cultural activities. In addition to spiritual and academic education, temples also sometimes provided education in the fine arts such as music, dance, sculpturing, painting, among others. Temples often contained a stage or a 'ranga-mantapa' as they are known in the south, where drama and dance performances were frequently organized (Hindu Religious Endowments Commission, 1962, p. 13). The Nataraja temple in Chidambaram is famous for patronising dance performances. The Brihadeeshwara Temple in Tamil Nadu, is well known for patronizing music, dance and drama, and an inscription to this date also showcases the method laid down by the King for replacement of dancers (Chakravarthy, 2015). Temples also usually organized festivities during the important Hindu festivals. In this way, temples served an important role in preserving and promoting indigenous art forms and culture, and in the process, served as an important cultural centre and source of entertainment for the local community.

## **1.4 The Temples and the State**

A strong link has existed between the temple and the ruling or political system for centuries, well preceding the colonial, and continued during the colonial and modern periods. Temples were undoubtedly linked to the political power structure and were an integral part of the functioning of the State across several empires and eras. This relationship between the temple and the state is examined in this section.

### **1.4.1 Linkage in the Ancient India (?)**

The term 'medieval' has been used for brevity, but this actually refers to the period prior to colonial times and stretching back to the setting up of temples itself. Despite the lack of a unified system across different regions and reigns, patronage by the rulers to the temples was generally common, and royal grants or endowments to the temples formed a key revenue source for temples. Religious gifting was in fact viewed as a core function of the Hindu Dharmic (ethical) tradition, particularly with respect to the 'Rajadharma' or the Royal Ethical obligation, and therefore royal endowments held immense political and social value.



‘Mahadanas’ or great gifts of the kings are actually described in several Hindu texts, and the practice of royal gifting can be traced back to 300 BC, which continued in subsequent empires (Rao, 2016).

The temples applied these endowments for the performance of temple services and the welfare of the community as described in previous sections. Stein (1961) argues that at least in the case of Vijayanagar, one of the functions of the state support in the form of endowments was to produce agricultural and regional development. Given the varied functions that temples played as urban, economic and community centres, there can be little doubt that royal endowments were applied for development activities, whether patently intended or not.

State endowments in turn increased the legitimacy and social acceptance of the king, allowing the political rulers to maintain a complex set of relationships and balancing various networks of power. This relationship with the temple and mahadanas, helped increase their political stability (Rao, 2016). As a result of this relationship and interdependence, in a number of instances, the political ruler exercised some form of authority over the temple. Rulers often involved themselves in supervision and control of endowments to prevent cases of mismanagement. There is evidence to suggest that the rulers charged themselves with the duty of administration of funds of the temples in their jurisdiction for proper application of the endowed funds (Hindu Religious Endowments Commission, 1962).

#### **1.4.2 Linkage in the Colonial Period**

There was a marked shift in the kinds of powers and functions that the state began to exercise over temples, during the colonial era – with the adoption of a more interventionist approach with increasing oversight of temple administration and temple affairs (Orr, 2010). A number of legislative enactments touching upon the administration and management of temples came into being during this period. This period essentially institutionalized the practice of state interference in temple affairs through the legal framework.

The first instances of this form of State involvement came in the form of three regulations, one for each of the Presidency regions of Bengal, Madras and Bombay, between 1810-1817 by the British Government. These regulations allowed the British government to assert their sovereign authority through the East India Company’s Board of Revenue, with the claim that income from endowments was being misspent and misappropriated by the persons in charge, and thus active supervision was needed to be statutorily asserted (Hindu Religious Endowments Commission, 1962, p. 23). This move however, turned out to be short-lived, it was perceived to provide express government support for idol-worship (Parthasarathy, 2016). As a result, there was widespread opposition from the British community, and consequently, the Government of India adopted a policy of non-intervention in religious matters (Hindu Religious Endowments Commission, 1962, p. 24). Instead, the Religious Endowments Act of 1863 was enacted, by which the Government relinquished control which was handed over to Committees appointed under the Act. The general principle behind this withdrawal was that

the administration of affairs and funds of religious institutions should be vested in qualified and responsible individuals from the faith to which the institution belongs, subject to the jurisdiction of courts of justice and civil action for any breach of their proper duties. In following years, the Act was accompanied with amendments to other legislation such as the Civil Procedure Code and the Official Trustees Act, to enable the filing of suits relating to public religious and charitable trusts in order to check misuse. Most notably, in 1920, the Charitable and Religious Trusts Act was passed which enabled any person interested in a public religious or charitable trust, to apply to a court to competent jurisdiction to direct trustees of such trust to furnish particulars to him or to direct that the accounts of such trust be audited (ibid.).

The Government of India Act of 1919 created a new paradigm by enabling the provincial governments to legislate on matters of endowments, and thus, the Madras legislature enacted the Madras Hindu Religious Endowments Act of 1925 which was the first enactment that related purely to Hindu religious endowments (Sinha, 2011, p. 97). This legislation and its many subsequent amendments provided for oversight of the management of temples through a board of commissioners with enormous powers, and in some cases the board could altogether take over the management of a temple (Parthasarathy, 2016).

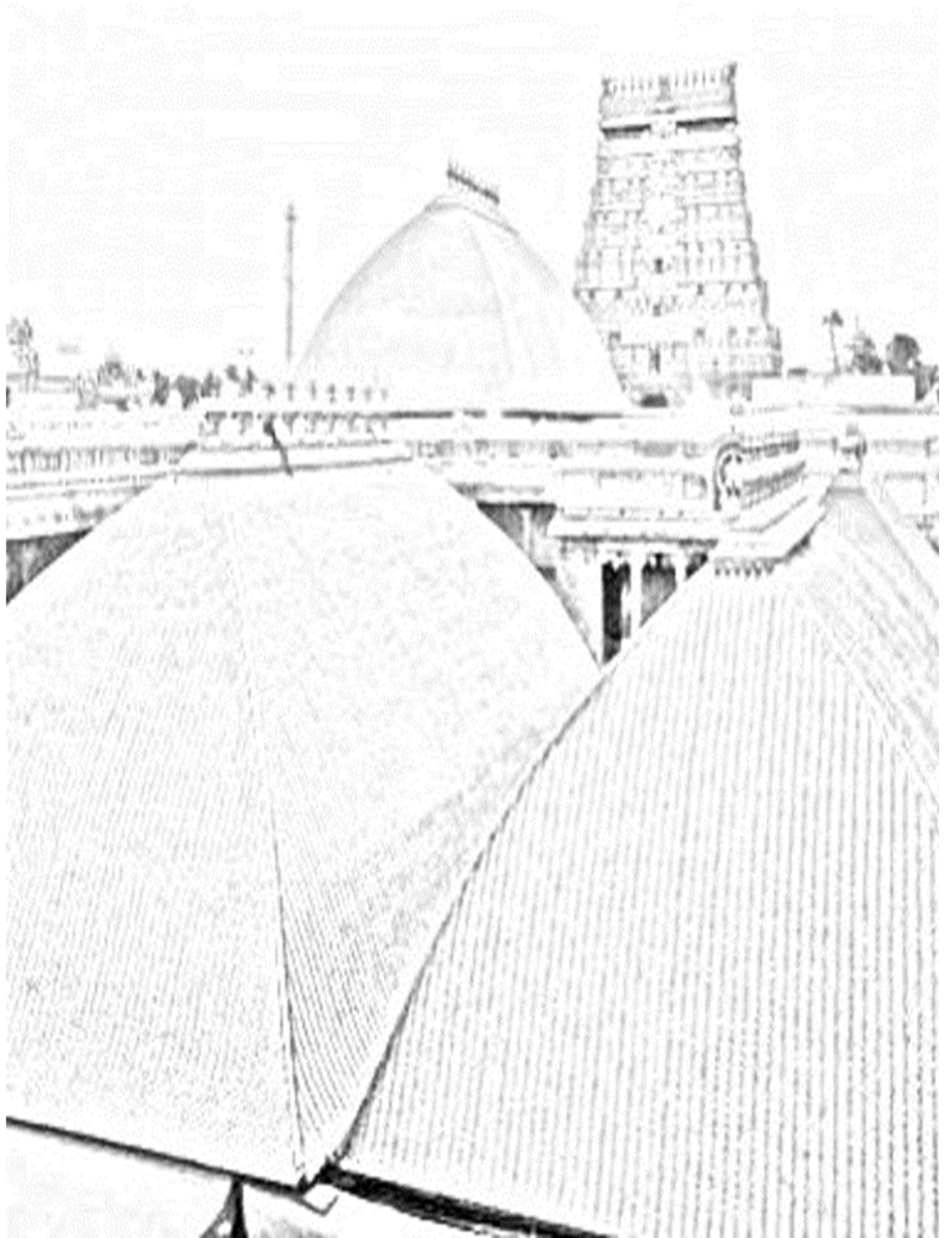
### **1.4.3 Linkage in the Modern Day**

India retained many of the legal administrative structures which were instituted during the colonial period (Orr, 2010). Though secular, the separation of the Indian State from religion is fairly porous, given that India did not adopt the principle of the strict wall of separation but instead adopted a ‘principled distance’ between State and Religion (Bhargava, 2004). Therefore, the pre independence enactment of 1925, served as a blueprint for post-independence Indian enactments, in Madras as well as in other states such as Andhra Pradesh, Karnataka, Kerala, Rajasthan and others. This enactment, the subsequent enactments and court interpretations have laid the foundation for what renowned advocates, Fali S. Nariman and Rajeev Dhavan refer to as the ‘nationalization’ of religion (Dhavan & Nariman, 2000, p. 263). The post-independence legal framework and scenario for the control and management of temples by state is explored and examined in the next chapter.

### **1.5 Context of the Paper**

Concerns over the exercise of state control over temple administration have been raised by scholars and a number of suits have been filed questioning the basis and the control in various High Courts as well as the Supreme Courts (some of these are discussed in succeeding chapters). This practice has been brought into the spotlight recently, by the introduction of a Private Member Bill by Dr. Satyapal Singh, MP of Lok Sabha, which seeks to amend Article 15 and Articles 26-30 of the Indian Constitution - which deal with religious and cultural rights of citizens – to ensure that the State shall not, “control, administer or manage” any institution established or maintained for religious or charitable purposes by a religious denomination. The Bill, which was previously introduced in 2017, was reintroduced on

November 22, 2019 for consideration and discussion by the Parliament. In light of these developments, the author found it pertinent to explore the context and more so the manifestation of the existing system, and to propose an institutional framework of governance and management. This Report is based on the system as it exists in Tamil Nadu and its HR & CE Ministry as a case. The author feels the framework is extendable to other states as well as their systems also mirror the system of Tamil Nadu.





## 2. Legal and Institutional Framework

The previous chapter delved into the historical relationship between the State and the Temple and provided the context for the practice of state intervention in Hindu Religious Institutions. In order to understand the nature of this interaction, this chapter presents the constitutional, legal and executive structures through which the relationship between the State and these institutions get shaped.

### 2.1 Religion & Culture in the Indian Constitution

#### 2.1.1 Secularism in India

Indian secularism is enshrined in the Preamble to the Constitution itself which reads, “WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVERIGN SECULAR DEMOCRATIC REPUBLIC ....” In jurisprudence, secularism connotes the relationship between the law, state and religion. To put it succinctly, it is a political philosophy which advocates for the separation of religion and state which connotes the three strands of: separation of religion and state, freedom to practice any faith, individual’s religious belief should not be an advantage or disadvantage (Phillips, 2011, p. 9). The most commonly understood and widely known form of secularism is arguably the USA model, which advocates for a strict wall of separation between the State and matters of religion (Hemmer Jr., 2009). The Indian model of secularism is however, in some contrast to this distinction, in that it rejects the strict wall doctrine and instead looks at maintaining a ‘principled distance’ between the religion and state (Bhargava, 2004).

#### 2.1.2 Religious and Cultural Rights

The Indian Constitution has several provisions that touch upon religion and culture. These following articles of the Constitution deal with:

- **Article 25:** Freedom of conscience and free profession, practice and propagation of religion
- **Article 26:** Freedom to manage religious affairs
- **Article 27:** Freedom as to payment of taxes for promotion of any particular religion
- **Article 28:** Freedom as to attendance at religious instruction or religious worship in certain educational institutions.
- **Article 29:** Protection of interests of minorities
- **Article 30:** Rights of minorities to establish and administer educational institutions.

While there may be reasonable restrictions placed in certain cases, as stated in the constitution, some of these provisions are important when it comes to religious institutions, particularly Articles 25 and 26, which are reproduced below.

**Article 25. Freedom of conscience and free profession, practice and propagation of religion -**

1. Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion
2. Nothing in this article shall affect the operation of any existing law or prevent the State from making any law
  - a. regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;
  - b. providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus

**Article 26. Freedom to manage religious affairs –**

Subject to public order, morality and health, every religious denomination or any section thereof shall have the right

- a) to establish and maintain institutions for religious and charitable purposes;
- b) to manage its own affairs in matters of religion;
- c) to own and acquire movable and immovable property; and
- d) to administer such property in accordance with law

While Article 25 (1) gives the freedom of religion, 25 (2) talks about areas where the State may actually intervene and make laws or regulate. This treatment of the freedom of religion differs substantially from the US concept of secularism, by combining the freedom of religion with an ability to intervene in religious affairs (Sen, 2009).

Article 25(2) effectively divides activities of religious institutions and activities associated with religious practices into two categories – religious activities and allied secular activities – wherein the state retains the right to intervene in the second category (Bhatia, 2016). The Constitution, however, does not lay out the definition or method to distinguish between the two, and therefore, aside from the action of the executive, the Courts have been tasked with establishing which is which, on a case by case basis. These distinctions naturally are contentious given the difficulty of delineating and demarcating these activities, which are innately intertwined. This difficulty has been acknowledged by Courts in some cases as well (Tarabout, 2018).

**2.1.3 Power to Legislate**

Schedule VII to the Indian Constitution demarcates the powers of the Union and State Legislatures with respect to the subjects that each of them can legislate on. The relevant reference with respect to religious institutions features in Entry 28 of List III, or the Concurrent List, as follows:

“Charities and charitable institutions, charitable and religious endowments  
and religious institutions”

The placement of this subject in the Concurrent List means that both the Union Parliament as well as the legislatures of various states may make laws on this subject. In terms of implementation, action on this subject has been driven primarily by individual states with some limited intervention by the Union.

## **2.2 Hindu Religious and Charitable Endowments**

Several states across the country have enacted legislative and regulatory frameworks to regulate these institutions through the powers accorded by the Constitution. Following the footsteps of the Madras Hindu Religious Endowments Act of 1925, the first such enactment in post-independence India governing Hindu Religious and Charitable Endowments came in 1951 when the State of Madras repealed the previous Act and enacted the Madras Hindu Religious and Charitable Endowments Act of 1951. Around the same time, a similar enactment also came up in Bihar. These Acts set the precedent of a public executive Commissionerate called the Hindu Religious and Charitable Endowments (HR&CE) headed by a Commissioner, to supervise Temples and Mutts.

The Madras Act also provided for circumstances where an Executive Officer may be appointed for such an institution. This legislation was challenged in the courts and went through several amendments (discussed in later sections), resulting in a new Act in 1959. Notably, the Union Government appointed a Hindu Religious Endowments Committee in 1960 for the purpose of inquiring into certain matters connected with Hindu public religious endowments.

### **2.2.1 Hindu Religious Endowments Commission**

The commission was setup in March 1960 with Dr C.P Ramaswami Aiyar as Chairman and 6 other members including retired members of the judiciary, advocates, a General Secretary of Bharat Sadhu Samaj and a retired Commissioner of the Madras Hindu Religious Endowments Board. The terms of reference of the commission included (Hindu Religious Endowments Commission, 1962, p. 1):

- 1) Examination of Hindu religious endowments and classification of public religious endowments
- 2) Inquiry into management and resource utilization of Hindu public religious institutions
- 3) Inquiry into manner of appointment and office holders in relation to Hindu public religious endowments
- 4) To suggest ways and means to improve the manner in which holders of such offices are being chosen
- 5) Inquire into and report on any other matter relevant to the above



Given that one of the focus areas of the Commission revolved around the administration and management of Hindu religious endowments, it is important to make note of some of the major recommendations in relation to the same. The terms of reference itself restricts it to examining within the boundaries of existing system and recommendations for strengthening the system. Some of the important recommendations are<sup>1</sup> (Hindu Religious Endowments Commission, 1962, pp. 172-186) :

- 1) Those states where there are no enactments governing Hindu religious endowments should speedily undertake suitable legislation.
- 2) It is desirable that the Central Government bring in a uniform legislation with allowance for local and customary differences to deal with administration and management of religious endowments.
- 3) States with no enactment should necessarily set up by statute a well defined machinery to exercise effective control over trustees who are responsible for day to day management and administration institutions.
- 4) The legislation should ensure proper maintenance of accounts, audit of such accounts, framing of budgets etc by trustees or other persons in charge.
- 5) Appointment of trustees, their selection or election and administration in regard to religious matters and use of funds in accordance with the objects of trusts may be regulated in accordance with local custom in consultation with knowledgeable advisors. Adequate provisions, for effective interference, should enable authorities in order to ensure this.
- 6) A list of obligatory and optional activities can be laid out, as proposed by the commission, in order to make use of surplus funds as arrived upon during budgeting.
- 7) Commissioners in the states, in normal circumstances, should not have power of appointment and removal of trustees and such powers may be vested in the hands of a tribunal.
- 8) A tribunal besides having appellate jurisdiction over decisions made by the commissioner shall have jurisdiction over:
  - a. Succession and appointment to offices
  - b. Determination of what are matters of religion
  - c. Such other matters related to basic conduct and management of temples and mutts
- 9) It is absolutely necessary for religious institutions to prepare and submit detailed budget estimates and maintain accounts in prescribed formats. These accounts should also be carefully audited.
- 10) Temples, mutts and other institutions to which the public resort as a right and/or by tradition or custom for the purpose of worship or religious training or discharging vows and/or institutions that accept gifts, donations and offerings from the members of the public without the right to refuse such offerings should be treated as public

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<sup>1</sup> Note that these do not cover all the recommendations of the committee and are specific to the ones relevant to this study

trusts in the sense that the public or a section thereof are interested and have the right to enforce their proper administration and management.

### **2.2.2 States with Legislative Framework for HR&CE**

Since the introduction of the Madras Act 1925, several states have enacted similar legislation over the years, even as recently as the last decade. Some of the states which have put in place some form of legislation for the management of Hindu Religious Institutions are Tamil Nadu, Karnataka, Andhra Pradesh, Telangana, Kerala, Maharashtra, Odisha, Himachal Pradesh, Bihar, Madhya Pradesh and Rajasthan, among others. While this is not an exhaustive list, several states have also resorted to enacting laws pertaining to specific institutions as well, such as in the case of the Vaishno Devi Mata Shrine in Katra, Jammu, which is governed by the provisions of The Jammu and Kashmir Shri Mata Vaishno Devi Shrine Act, 1988.

### **2.2.3 Study of HR&CE Frameworks in Select States**

Executive involvement in temples largely flows from these legislations and the powers accorded under them. In most cases highlighted above, this flows through the creation of an HR&CE or similar Department at the State level, headed by a Commissioner. While the functions of this HR&CE department vary from state to state, at a broad level, they oversee the functioning & administration of temples, appointment of trustees, approval of budgets, etc. In some cases, they are also empowered to appoint Executive Officers, or government officers to directly oversee and manage temple administration.

A detailed review of the enactments of three states has been undertaken, with respect to provisions on certain key parameters, as described in this sub-section. The three states and their enactments are:

- The Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959
- The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987
- The Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997

### **The Commissioner**

Each of these three Acts create the post of a Commissioner to head their respective HR&CE or Muzrai Departments. The Commissioner is a government appointee, mostly from All India Service or state civil service, and the qualifications are laid out in the Acts. The Commissioners are to be assisted by several classes of officers, such as Additional Commissioners, Deputy Commissioners, Regional Commissioners and Assistant Commissioners, each with their own territorial jurisdiction and power limitations, with slight variations in every state. In all three cases, the administration of all Hindu Religious Institutions and Endowments are under the general superintendence and control of the Commissioner. In addition, the Commissioner is usually given the powers to enter and

inspect religious institutions, to call for and inspect records and to pass orders. In some cases, additional powers lay with the Commissioner, such as for instance in the case of Andhra Pradesh (AP), the Commissioner also has the power to prepare a code of conduct for trustees, archakas, temple staff, worshippers, etc.

### **Management of Temples**

The AP and Tamil Nadu (TN) enactments largely follow a similar scheme with the management of the institution generally vested in a Board of Trustees. The Acts provide for the qualifications, disqualifications, functions, duties and powers of the Trustees. These trustees are appointed either by the government itself, or through the various ranks of commissioners based on the nature of the institution. Similarly, they may also be removed by the same authorities based on certain cases as provided in the Acts.

The Karnataka enactment however sets up a different management structure. This legislation creates advisory committees called the Rajya Dharmika Parishat at the State level and also provides for the state government to create Zilla Dharmika Parishats in one or more districts, upon recommendation of the former. While the other legislations also provide for an advisory committee, the powers granted to this set of committees in Karnataka seem to be more pronounced and defined. In the case of the State level committee, the committee is to have ex-officio membership of the minister, the secretary and commissioner for HR&CE, as well as nominees of the government such as retired district judge, Agama scholar, vedic scholar, one person each from SC/ST and OBC categories, one woman and two other members. Tamil Nadu came with Tamil Nadu Temple Administration Board in 1991 and Kerala opted for Devaswom Boards which are more than one and formed along cluster of temples.

### **Executive Officers**

Each of the three Acts provide for various grades of Executive Officers, who are essentially government officers appointed to certain religious institutions to carry out functions prescribed under the Acts. Executive Officers are appointed by the commissioner or the government to religious institutions. In the case of AP, the Act provides for financial criteria for institutions wherein executive officers must compulsorily be appointed. The functions of the Executive Officer are not clearly laid out in the Acts and it is just left to duties as may be prescribed by the government or commissioner.

The TN legislation does mention that the Commissioner may specifically define powers and duties to be exercised or discharged specifically by the trustees and by the executive officers respectively in case of institutions other than Mutts. Executive Officers may also be appointed in all the cases when the Commissioner is framing a scheme for administration of an institution and must be appointed when an institution is being notified.

### **Notification/Declaration of Institutions**

An important distinction is in the usage of the word Notification among the states. Andhra Pradesh for instance does not have any mention of notification whereas in Karnataka, a notified institution is one which appears on a list prepared by the State government of institutions based on certain wide criteria. The TN Act has a provision for the Commissioner who upon suspicion of mismanagement of an institution and in the interest of its administration can take action under the Act. This provision is called Notification. Note that Karnataka has a similar provision but the same is termed as Declaration in its enactment. In order to take such action, the Commissioner must first send a notice on the trustees and all interested persons to show cause as to why such action may not be taken. After considering objections and submissions by the trustees and interested persons, the Commissioner may notify or declare the institution, as the case may be, against which an appeal to the Courts lies. Upon notification or declaration, any schemes for administration lapses, and a salaried Executive Officer is appointed. In the Karnataka legislation, it is also made clear that where any institution is Declared, then its Committee of Management would stand dissolved immediately, and Management will vest in the State Government.

### **Schemes of Administration**

The schemes of administration are another set of powers provided to the State through the different grades of Commissioners, in order to exercise control on a religious institution in case of suspicion of maladministration. Table 2.1 below describes the provisions with respect to framing/settling schemes in each of the states.

Table 2.1: Provisions for settling/framing the scheme of administration in different states

|                   |   |
|-------------------|---|
| <b>Tamil Nadu</b> | <p>Scheme may be Settled(framed) by Joint Commissioner or Deputy Commissioner if (s)he has reason to believe that it must be done in the interest of proper administration of the institution or if at least 5 persons interested in the institution make an application. Scheme may contain provisions:</p> <ul style="list-style-type: none"> <li>- Removing any existing trustee(s)</li> <li>- Appointing new trustee(s)</li> <li>- Defining powers and duties of trustee(s)</li> </ul> <p>In case the institution is a Mutt, then the scheme may contain provisions:</p> <ul style="list-style-type: none"> <li>- Constituting body for assisting in whole or any part of administration of the endowments</li> <li>- Defining powers and duties of trustee(s)</li> </ul> |
|-------------------|---|

|                       |   |
|-----------------------|---|
| <b>Andhra Pradesh</b> | Scheme may be settled (framed) where the Commissioner, either suo motu or upon report submitted by advisory committees, has reason to believe that the affairs of a Mutt and its properties are being mismanaged, funds are being misappropriated or that there is gross neglect of duty, and after enquiry into such claims. The scheme may contain provisions: <ul style="list-style-type: none"> <li>- Appointing Executive Officer</li> <li>- Constituting committee for assisting in whole or any part of administration of the endowments</li> <li>- Determining powers of such committee</li> <li>- Any other relevant matter</li> </ul> |
| <b>Karnataka</b>      | Scheme may be settled (framed) by Deputy Commissioner, if (s)he has reason to believe that or if at least 5 persons interested in the institution make an application that in the interest of the administration of the institution, a scheme is required. Scheme shall provide for: <ul style="list-style-type: none"> <li>- Constituting body for assisting in administration</li> <li>- Method of selection of members for such committee</li> <li>- Defining powers and duties of such committee.</li> </ul>  |

### **Management of Property**

All three Acts specifically prohibit the alienation of any immovable property by a religious institution, whether the alienation is through exchange, gift, sale, mortgage or lease. Alienation can only be effected with prior sanction of the State Government/Commissioner (varies in each enactment). Any alienation in violation is null and void-ab-initio. The Tamil Nadu Act provides further provisions with regard to property. For instance, even lease rental payable for any property belonging to or given or endowed to a religious institution shall be fixed by a committee consisting of the Joint Commissioner, Executive Officer, Trustee or Chairman of Board, and the District Registrar of the Registration Department every three years. It also provides for situations of termination of lease, non-payment of lease and others. The AP Act also prohibits the purchase of immovable property by an institution without prior sanction of the Commissioner. Therefore, it is clear from these provisions in each of these Acts that the religious institutions have limited control on their ability to manage their own property.

### **Management of Finances**

Each of the Acts has detailed provisions about Budget, Audit, Finances, etc. of religious institutions. Some of these are described in Table 2.2:

Table 2.2: Financial Regulation of religious institutions in different state legislations

|                              |   |
|------------------------------|---|
| <p><b>Tamil Nadu</b></p>     | <ul style="list-style-type: none"> <li>- Budget estimates for following year to be presented to the concerned Commissioners at the end of every Financial Year.</li> <li>- Appropriate rank of Commissioner may make alterations and approve the budget.</li> <li>- For changes in provisions of Budget during a year, submissions must be made to the Commissioners.</li> <li>- Actual Receipts and Expenditure statement to be provided within two months after the close of every Financial Year.</li> <li>- Accounts to be maintained by trustees and audited by prescribed auditors, who shall follow procedure and submit audit report as per the act.</li> <li>- Institution to pay annual contribution, to the government, of 12% for services rendered by government, and also an audit fee based on the income of institution.</li> <li>- The Act provides for several funds such as the Common Good Fund, Endowments Administration Fund, Devaswom Fund, etc.</li> <li>- The Act also provides for utilisation of surplus funds (subject to sanction of Commissioner) available to the institutions for providing to the Common Good Fund, or for welfare of pilgrims/archakas, or Hindu Marriages, or feeding the poor, etc.</li> </ul>       |
| <p><b>Andhra Pradesh</b></p> | <ul style="list-style-type: none"> <li>- Budget estimates for following year to be presented to the concerned Commissioners 90 days before the close of every financial year.</li> <li>- Appropriate rank of Commissioner may make alterations and approve the budget.</li> <li>- For changes in provisions of Budget during a year, submissions must be made to the Commissioners.</li> <li>- Any expenditure in excess of provision must be reported forthwith to the appropriate rank of Commissioner who may ratify it.</li> <li>- Accounts to be maintained by trustees and audited by prescribed auditors, who shall follow procedure and submit audit report as per the act.</li> <li>- Institution to pay annual contribution, to the government, of 7% for services rendered by government, and also an audit fee of 1.5% of annual income.</li> <li>- The Act provides for several funds such as the Common Good Fund, Endowments Administration Fund.</li> <li>- Institution must also make a specified payment based on income to the Common Good Fund.</li> <li>- The Act also provides for utilisation of surplus funds (with prior permission) available to the institutions for providing certain objects provided in the Act.</li> </ul> |
| <p><b>Karnataka</b></p>      | <ul style="list-style-type: none"> <li>- Provisions relating to Budget, Accounts and Audit not applicable to institutions whose annual income does not exceed Rs. 1 Lakh.</li> <li>- Budget estimates for following year to be presented to the concerned Commissioners 90 days before the close of every financial year.</li> <li>- Appropriate rank of Commissioner may make alterations and approve the budget.</li> </ul>   |

|  |   |
|--|---|
|  | <ul style="list-style-type: none"> <li>- For changes in provisions of Budget during a year, submissions must be made to the Commissioners.</li> <li>- Accounts to be maintained by Chairman or Executive Officer and audited by prescribed auditors, who shall follow procedure and submit audit report as per the act.</li> <li>- Every Institution must within 60 days from the close of the financial year submit an annual audited statement of income-expenditure and property to the Commissioner.</li> <li>- The Act provides for a Common Pool Fund to which Institution must also make a specified payment based on income.</li> <li>- Budget may also provide for diversion of 10% surplus fund for religious, charitable, educational or other purpose after obtaining Commissioner's Sanction.</li> </ul> |
|--|---|

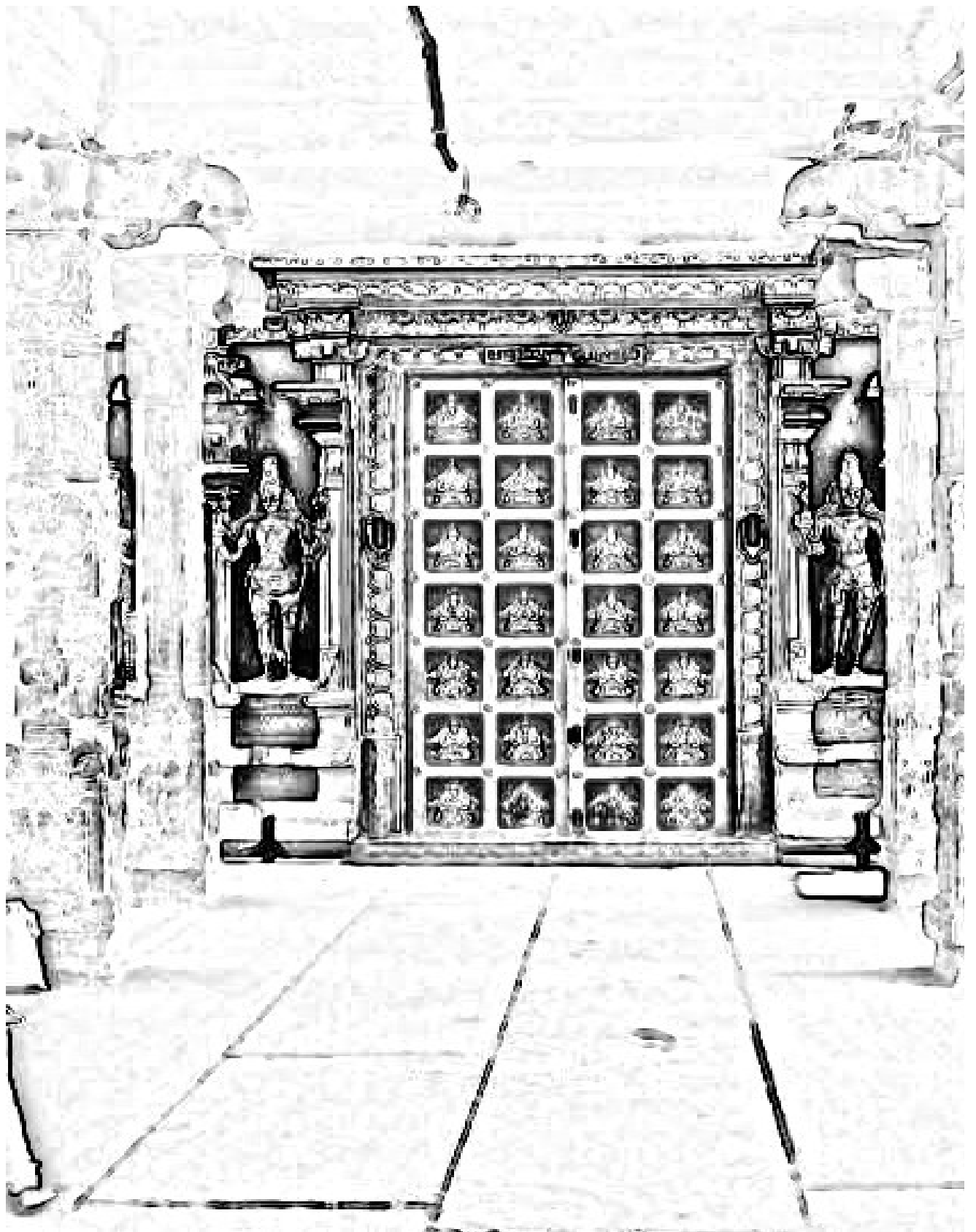
Each of the enactments also provides for the procedure for fixing of scales of expenditure (dittam) for the different articles, consumables, etc. required for the performance of services and preparations as required by the institution.

### **2.3 Executive Control of Religious Institutions**

A reading of the previous sections makes it clear that states' control of temples is quite intrusive and complete once it takes over. The nature of control provided by these frameworks has been pervasive, with interventions in appointments, functioning, management of finances and property, etc. This kind of intervention has been in greater action in the Southern states of the country (Tarabout, 2016). The nature of this control has led to it being referred to as the 'nationalization' of religion (Dhavan & Nariman, 2000), which has been expressed as,

“Both the government and judiciary tend to overlook the simple fact that under the guise of regulatory control, religious endowments are, and have been, nationalized on a massive scale .... The nationalization of religious endowments, temples and places of learning sits uneasily with both the guarantee of religious freedom and secularism.”

This process has inadvertently led to the bureaucratization and politicization of Hindu Religious Institutions. While the intention behind such frameworks – to reduce mismanagement, maladministration and ensure that funds are utilized for the purpose for which they were endowed, particularly given the view of the religious institution as a public trust – may have been noble, they seem to have brought their own inefficiencies in the operation and management of temples. The following chapter sheds some more light on these systems through a study of the HR&CE set up in the state of Tamil Nadu.







### 3. The HR&CE System: The Case of Tamil Nadu

This chapter takes a brief look at the HR&CE system of temple administration in Tamil Nadu. The HR&CE frameworks in other states are similar, with minor variations in structure, powers and systems, as was elucidated in the previous chapter. This section analyses the system in Tamil Nadu to come with findings and recommendations which can be relevant for other States as well.

#### 3.1 Department and Hindu Religious Institutions

The Tamil Nadu (TN) HR&CE department, in its current form was established, after the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 came into effect in 1960, for the proper administration of temples and Hindu religious institutions. The department now oversees administration of over 44000 religious institutions and charitable endowments as shown below in Table 3.1.

Table 3.1 Classification of Institutions

| Sl. No | Classification Of Institutions | Number of Institutions |
|--------|--------------------------------|------------------------|
| 1      | Temples                        | 41,746                 |
| 2      | Jain Temples                   | 19                     |
| 3      | Holy Mutts                     | 309                    |
| 4      | Temples attached to Holy Mutts | 492                    |
| 5      | Charitable Endowments          | 897                    |
| 6      | Specific Endowments            | 658                    |
|        | <b>Total</b>                   | <b>44,121</b>          |

Section 46 of the TN Act provides that for the classification and preparation of lists based on the annual income of various religious institutions, by the Commissioner of the Department. This classification for the above religious institutions is shown in Table 3.2 below:

Table 3.2 Category of Religious Institution Under Section

| Sl. No. | Section 12A            | Annual income of Institution                                  | Number of Institutions |
|---------|------------------------|---|------------------------|
| 1       | Under Section 46(I)    | Having an annual income of Rs.10,000 and less than Rs.2 lakh  | 5,038                  |
| 2       | Under Section 46(II)   | Having an annual income of Rs.2 lakh and less than Rs.10 lakh | 938                    |
| 3       | Under Section 46(III)  | Having an annual income of Rs.10 lakh and above               | 1,991                  |
| 4       | Under Section 49(I)(a) | Having an annual income of less than Rs.10,000                | 36,154                 |
|         |                        | <b>Total</b>  | <b>44,121</b>          |

Source: [https://tnhrce.gov.in/hrcehome/hrce\\_institutions.php](https://tnhrce.gov.in/hrcehome/hrce_institutions.php)

It is interesting to note that only 1991 religious institutions, ie less than 5% of total religious institutions, earn more than Rs.10 lakh per annum. In fact, of the 44,121 institutions, 2375 institutions are Mutts, Jain Temples, and endowments which are more likely to fall in this category of above Rs.10 lakhs. In fact, according to the Policy Note 2019 – 20 of HR & CE department, only 331 temples ie. about 0.8% which are earning more than Rs. 10 lakhs per annum (Table 3.3).

Table 3.3 Classifications of Temples as per Policy Note – 2019-20

| <b>Annual Income</b>  | <b>No. of Institutions (%)</b> |
|---|--------------------------------|
| Having annual income under ₹10,000 (Non-Listed)               | 34,099 (88.2%)                 |
| Having annual income over ₹10,000 and under ₹2 lakh (Listed)  | 3,550 (9.2%)                   |
| Having annual income over ₹2 lakh and under ₹10 lakh (Listed) | 672 (1.8%)                     |
| Having annual income of ₹10 lakh and above (Listed)           | 331 (0.8%)                     |
| <b>Total</b>  | <b>38,652</b>                  |

Source: TN HR&CE Dept. Policy Note 2019-20

About 34,100 of 38,652 or nearly 90% of temples earn less than Rs.10,000 annual income which are under the department's administration. *In a nutshell, we can say the focus temples are mainly 331 temples earning above Rs. 10 lakhs per annum, and within that there are only 47 temples earning more than Rs.50 lakhs. Rest are too small to be burdened with rigid hierarchical bureaucratic system.* It is not even clear why the state took over such small village or neighbourhood temples. Of course, the state has started some programmes to support certain minimum religious activities to keep it operational. On the whole, it shows either the revenues have not been buoyant or enough efforts have not been taken to boost the revenues. It is possible that even the poorest of the temples have lands and assets which have to be protected but even here the outcome has not been encouraging. It raises the question why such an elaborate structure exists to manage such organizations which are of microcosmic entities through centralized remote control. It is best these microcosmic temples are managed by themselves than by complex bureaucratic processes.

### **3.2 Administrative Structure**

The Commissioner serves as the functional and administrative head of the Department, in accordance with the TN HR&CE Act. He reports to the Principal Secretary of concerned department. The department has 2409 sanctioned posts of 2409, against which 1336 are filled up (HR&CE website). The Commissioner heads a team of officers in various ranks at Head quarter looking after various functions and specializations as shown in Table 3.3 ad 3.4.

Table 3.4: Details of Officers working at state level in HR&CE Department of Tamil Nadu

| <b>Post</b>  | <b>No. of Posts</b> |
|--|---------------------|
| Additional Commissioner (General)                              | 1                   |
| Additional Commissioner (Enquiry)                              | 1                   |
| Additional Commissioner (Tiruppani)                            | 1                   |
| Joint Commissioner (Headquarters)                              | 1                   |
| Joint Commissioner (Legal Cell)                                | 1                   |
| Joint Commissioner (Education and Charitable Institutions)     | 1                   |
| Joint Commissioner (Verification Headquarters)                 | 1                   |
| Assistant Commissioner (Legal Cell)                            | 1                   |
| Assistant Commissioner (Village Temple Poojaris Welfare Board) | 1                   |
| Editor (Thirukkoil Monthly Magazine)                           | 1                   |
| <b>Total</b>   | <b>10</b>           |

Source: TN HR&CE Dept. Policy Note 2019-20

Table 3.5: Details of Officers from other departments working at state level in HR&CE Department Headquarters of Tamil Nadu

| <b>Parent Department</b>                          | <b>No. of Posts</b> |
|---|---------------------|
| Revenue Department                                | 2                   |
| Public Works Department/Highways Department       | 7                   |
| Tamil Nadu State Construction Corporation Limited | 3                   |
| Electricity Department                            | 1                   |
| Treasuries and Accounts Department                | 2                   |
| Finance Department                                | 1                   |
| Information and Public Relations Department       | 1                   |
| <b>Total</b>                                      | <b>17</b>           |

Source: TN HR&CE Dept. Policy Note 2019-20

The field offices are divided into 11 regions and further divided into 28 sub regions. A team of senior officers look after regions and sub regions apart from looking after major temples (Table 3.5).

Table 3.6: Region wise distribution of Joint and Assistant Commissioners in Tamil Nadu

| <b>Region</b> | <b>Joint Commissioner (Nos)</b> | <b>Asst. Commissioner (Nos)</b> |
|---------------|---------------------------------|---------------------------------|
| Chennai       | 1                               | 1                               |
| Vellore       | 1                               | 3                               |
| Salem         | 1                               | 3                               |
| Coimbatore    | 1                               | 3                               |
| Thanjavur     | 1                               | 3                               |

|                 |           |           |
|-----------------|-----------|-----------|
| Mayiladuthurai  | 1         | 1         |
| Villupuram      | 1         | 3         |
| Tiruchirappalli | 1         | 4         |
| Madurai         | 1         | 2         |
| Sivagangai      | 1         | 2         |
| Tirunelveli     | 1         | 3         |
| <b>Total</b>    | <b>11</b> | <b>28</b> |

Source: TN HR&CE Dept. Policy Note 2019-20

There are also technical staff, engineers and draughting officers who are on deputation from other departments, and they are collectively referred to as the Engineering and Sthapathi Wing. A proposal was made to create a dedicated engineering wing in the HR&CE Department itself, which has been approved by the Chief Minister. Of the 17 staff from other departments at the Headquarters, 11 are technical staff from this wing. There are also 60 regional staff operating at the regional level, bringing the total number of technical staff to 71. Some of the temples also have their own engineering staff. This staff is responsible for scrutinizing estimates for carrying out civil works, temple renovation, restoration, construction as well as supervise works, record measurement and check measurement (TN HR&CE Dept., 2019).

As mentioned in the previous chapter, the Commissioner is also empowered under the Act to appoint Executive Officers to different Hindu Religious Institutions. A total of 628 posts of Executive Officers for temples have been created. These vary in grades based on significance, revenue, assets, workload and other activities of the temple. Executive Officers in the cadre of Joint Commissioner, Deputy Commissioner and Assistant Commissioner are appointed in 'Senior Grade Temples'. These are temples which have an annual income of ₹50 lakh and above. At present, there are 47 such temples across the state. Six of the Executive Officers in the rank of Joint Commissioners also have personal assistants for themselves, in the rank of Assistant Commissioners (TN HR&CE Dept., 2019). Table 3.6 provides a list of various grades of Executive Officers.

Table 3.7: List of Various Grades of Officers in Tamil Nadu HR&CE Department

| <b>Executive Officer's Grade</b> | <b>No. of Posts</b> |
|----------------------------------|---------------------|
| Joint Commissioner               | 11                  |
| Deputy Commissioner              | 9                   |
| Assistant Commissioner           | 27                  |
| Executive Officer – Grade I      | 66                  |
| Executive Officer – Grade II     | 111                 |
| Executive Officer –Grade III     | 250                 |
| Executive Officer –Grade IV      | 154                 |
| <b>Total</b>                     | <b>628</b>          |

Source: TN HR&CE Dept. Policy Note 2019-20

Eight major temples have executive officers in the rank of Joint Commissioner, and are supported by senior accounts officers in the cadre of regional audit officers to assist the Executive Officers. There is also a section consisting 11 officers functioning to monitor the administration of the 56 Mutts in the state. The accounts of all Hindu Religious Institutions under the Department are audited by an Audit Wing, headed by a Chief Audit Officer. This wing follows a three tiered structure, with the three levels of audit committees looking at various grades of temples.

This provides an overview of some of the prominent functionaries operating in the HR&CE Department at levels of the Headquarters, Regions, Divisions as well as the Temples.

### 3.3 Advisory Committees

The 1991 Act provides for the constitution of an Advisory Committee at State level to advice the government on various matters related to Hindu Religious Institutions. This Advisory Committee constitutes both official and non-official members as below:

- Head: Chief Minister of Tamil Nadu
- Vice-Chairman: State Minister for HR&CE
- Official Member: Secretary, Tourism, Culture and Religious Endowments Department
- Member-Secretary: Commissioner, HR&CE
- Other Non-Official Members

It had an illustrious group of non-official members at the time of its constitution. The Act also provides for the constitution of District Committees in each revenue district, with a minimum of three and a maximum of five non-official members. This Committee performs an important role of preparing a panel of names of people qualified for appointment as Trustees for religious institutions in the district, excepting those which have an annual income of ₹10lakh and above (TN HR&CE Dept., 2019).

### 3.4 Lands Administered by HR&CE Department

The Hindu Religious Institutions in Tamil Nadu under the control of the HR&CE Department, together have a total of 4,78,283.59 Acres of land-holding between them. The details of these landholdings are given in table 3.7:

Table 3.8: Land-holding details of Hindu Religious Institutions under the control of HR&CE Department, TN

| Land Classification | Temple Lands           | Mutt Lands             | Total Lands            |
|---------------------|------------------------|------------------------|------------------------|
| Wet                 | 1.83 Lakh Acres        | 0.21 Lakh Acres        | 2.04 Lakh Acres        |
| Dry                 | 2.18 Lakh Acres        | 0.35 Lakh Acres        | 2.53 Lakh Acres        |
| Maanavari           | 0.21 Lakh Acres        | Nil                    | 0.21 Lakh Acres        |
| <b>Total</b>        | <b>4.22 Lakh Acres</b> | <b>0.56 Lakh Acres</b> | <b>4.78 Lakh Acres</b> |

It also has 22,600 buildings owned by these Hindu Religious Institutions which have been leased out. Agricultural lands have been leased out to nearly 1.25 lakh lessees. The Act provides that a committee consisting of the regional Joint Commissioner, Executive Officer/Trustee/Chairman of Board of Trustees and the District Registrar, will fix the fair rent for the buildings and sites used for commercial and residential purposes. In 2018-19, an income of ₹126.01 crores was collected from these leased out lands (TN HR&CE Dept., 2019).

### 3.5 Special Schemes by the HR&CE Department

The HR&CE Department runs several schemes for pilgrims, staff and temples themselves. The details of some of the prominent schemes, mentioned in the 2019-20 Policy Note are provided below:

- **Annadhanam Scheme:** Launched in 2002, it provides annadhanam to about 65000 employees in 754 temples everyday with an expenditure of about ₹16.12 lakh per day.
- **Day Long Annadhanam Scheme:** Started in 2012 in two temples, it provides devotees food at any time between 8AM to 10 PM. It is benefitting about 7500 devotees daily at an expenditure of ₹1.74 lakh per day.
- **Spiritual and Moral Classes:** Spiritual and moral classes are conducted on all Saturdays in all important temples for Children. In the year 2018-2019, 19,167 students participated in the spiritual and moral classes in 387 temples.
- **Special Poojas and Common Feasts:** Special Poojas and Common Feasts are conducted on Independence Day in 447 temples and on Perarignar Anna Memorial Day in 317 temples.
- **Elephant Rejuvenation Camp:** Elephant Camp is being organized in a cool and natural environment suitable for the elephants for their physical and mental well-being. In 2018-2019, 27 Temple and Mutt Elephants from Tamil Nadu and 2 Elephants from Union Territory of Puducherry participated in the camp. About ₹1.4 Crores was allotted for this camp.
- **Marriage Scheme for Poor and Downtrodden:** The scheme was started by erstwhile CM, Dr. MGR in 1981. Under the scheme, the expenses of marriages of people belonging to Scheduled Castes, Scheduled Tribes, Backward Classes and Most Backward Classes from the surplus fund of temples. Incomplete sentence
- **Cable Cars:** In 2004, cable car was first introduced at a cost of ₹4 crores in Palani. Subsequently these are being provided in many other temples and works are in progress.
- **Govt. Grant for Kanyakumari District Temples:** A grant of ₹3 crore per year is provided for the administration of 490 temples, one women's college and 3 schools in the Kanyakumari District.
- **Oru Kaala Pooja Scheme:** This scheme was launched in 1986 to benefit temples which were not even able to perform pooja once every day. At present, if any member

of the public contributes ₹10,000 for any needy temple, ₹90,000 will be contributed from various funds, to ensure that a corpus of ₹1 lakh is created in the name of the temple for performance of Oru Kaala Pooja.

- **Pooja Articles for Small Temples:** For the performance of poojas in small temples, brass pooja articles are procured and distributed to temples. In 2016-17, such items were distributed to over 10,000 small temples at a cost of ₹2.5 Crore.
- **Revival of Kaala Poojas in Ancient Temples:** Under this scheme, in 2017-18, 89 temples received financial assistance of ₹1.2 crores from the common good fund. This scheme provides means for smaller temples to perform Kaala Poojas using the surplus funds of affluent temples.

### 3.6 Conservation and Restoration Works

Tiruppani, refers to Temple conservation, restoration and renovation works. We can observe that range of religious activities and welfare programmes are supported through various funds. These are carried out by the Department, from the following financial sources:

Table 3.9: Sources to carry out Temple Conservation, Restoration and Renovation Works

| Source  | Description  | Funds & Budget  |
|---|--|---|
| Donation of funds for carrying out work by temple | Donations voluntarily contributed by industrialists, institutions, public and spiritually inclined persons                           | In 2018-19, ₹25 lakh sanctioned to carry out works in 2 temples             |
| Temple Fund                                       | Affluent temples carry out Tiruppani from their own surplus funds.   | In 18-19, ₹68.78 crore sanctioned from temple fund for 316 temples.         |
| Diversion of Surplus Funds of Other Temples       | As per the Act, temples short of funds, receive funds through diversion of surplus funds of affluent temples.                        | In 18-19, ₹1.91 crore sanctioned by diversion for 9 temples.                |
| Government Grant                                  | Annual grant made by government for Tiruppani  | In 17-18, grant of ₹6 crore was disbursed to 32 temples                     |
| HR&CE Administrative Fund                         | Instead of annual govt. grant, in 14-15. It was sanctioned from this fund  | In 14-15, grant of ₹6 crore was disbursed to 36 temples                     |
| Common Good Fund                                  | Separate fund created out of voluntary donations by individuals and contributions of religious institutions.                         | In 18-19, ₹3.79 crore disbursed to 104 temples.                             |
| Temple Development Fund                           | Corpus fund of ₹8 crore created from surplus fund of affluent temples. Interest accruing from this corpus is utilized for Tiruppani. | In 18-19, ₹17.99 lakh disbursed to 1 temple.                                |
| Village Temples Renovation Fund                   | Created by diversion of surplus fund of Palani Temple, to provide financial assistance to small village temples                      | In 18-19, ₹6.34 crore disbursed to 634 temples.                             |
| Temple Renovation and Charitable Fund             | Created in 1991 using donation of CM, and then donations from philanthropists, industrialists and general public                     | -   |
| Donor works executed directly by devotees         | Donors carry out Tiruppani using their own funds under Department's Supervision  | In 18-19, 396 such works sanctioned in 211 temples at cost of ₹24.10 crore. |



|   |  |  |
|---|--|--|
| Renovation Fund for all temples in habitation of Adi Dravida and Tribal Communities | Temples not under control of department within habitations of these committees are provided financial assistance from surplus funds of affluent temples. | In 18-19, ₹10 crore disbursed to 1000 temples.       |
| Finance Commission Grant  | The Central Finance Commission is rendering financial assistance for renovating ancient temples without tampering with their heritage value              | -  |
| Tourism Fund  | HR&CE Department and Tourism Department jointly provide basic amenities, through common fund.  | In last 8 years, ₹10.22 crore granted to 19 temples. |

Source: TN HR&CE Dept. Policy Note 2019-20

### 3.7 Finances

The Department presented a budget estimate of over ₹278 crores for its activities and expenditure for the Financial Year 2020-21. The broad heads and some major sub-heads for discussion, along with their respective allocations are as follows:

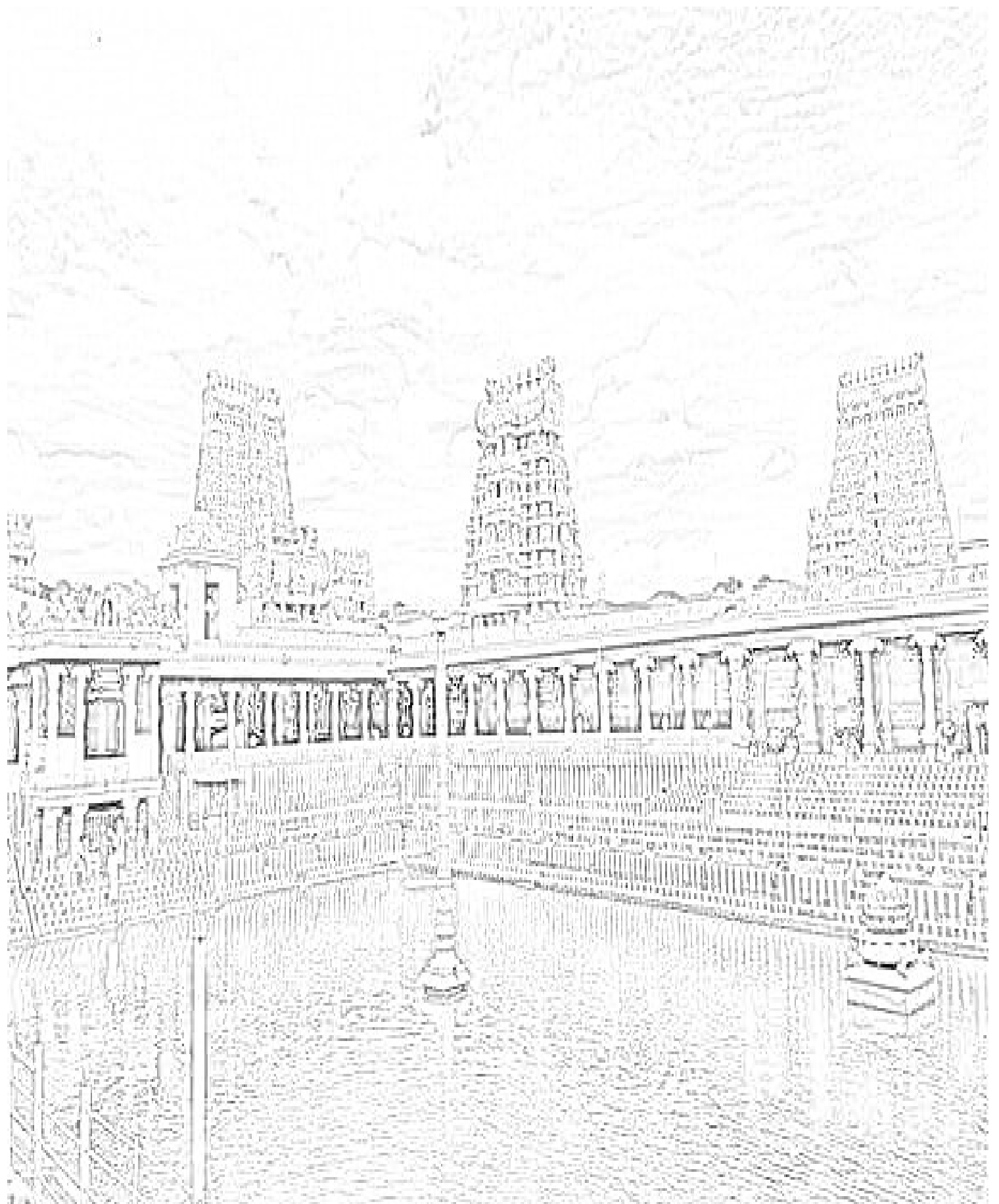
Table 3.10: Budget Estimates of HR&CE Department, Tamil Nadu 2020-21

|          | Head   | Budget Estimates 2020-21<br>(In Rs.000's) |
|----------|--|---|
| <b>A</b> | <b>Social Security and Welfare</b>               | <b>20,00</b>                              |
| 1        | Grants for Specific Schemes                      | 20,00                                     |
| <b>B</b> | <b>Other Social Services</b>                     | <b>152,47,65</b>                          |
| 1        | Administration of HR&CE                          | 101,77,19                                 |
| a        | Salaries and Expenses for HR&CE Establishment    | 9,81,48                                   |
| b        | Salaries and Expenses for Executive Officers     | 23,08,24                                  |
| c        | Salaries and Expenses for Audit Staff            | 19,50,41                                  |
| d        | Salaries and Expenses for Engineering Staff      | 1,81,33                                   |
| e        | Salaries and Expenses for District Establishment | 44,90,13                                  |
| 2        | Upkeep of Shrines, Temples, etc.                 | 3,00,00                                   |

Source: Compiled by Author based on TN Budget Document for 2020-21

It is obvious that 'other social services' takes maximum share, interestingly the major portion of this head goes to administration of the HR&CE Department, which includes establishment expenses and salaries. For example, just the costs of the executive officers, audit staff and district staff are ₹23 crore, ₹19 crore and ₹44 crore, respectively, each individually higher than the entire amounts dedicated to social security and welfare programmes (₹20 lakh) and upkeep of shrines (₹3 Crore).

In this chapter we have tried to provide an overview of HR & CE department of Tamil Nadu as a case to get an idea of its governance, structure, operations and funds. The learning from this description and analysis are presented in the next chapter.





## 4. Emergent Issues and Findings

The Commission Report (1962) mentions, the states justify takeover of temple management in the larger interest of the public and the temples, and to prevent maladministration and mismanagement (Hindu Religious Endowments Commission, 1962, p. 125). The states rationalise its control on the ground that it is to ensure proper and just management of temples' funds and properties. These observations expressed by the Commission were probably legitimate in 1960s, but after 60 years of state control time has come to hand over the temple management to appropriate Trusts with adequate governance system in place. There has been some streamlining of systems but there have been lacuna in many areas like mobilization of resources, upkeep of temples and safeguarding of its assets, promotions of research, publications, tourism, etc. These system and performance gaps are discussed in this section to provide the context for the suggested framework in the next section. The various challenges and issues brought about by the state control can be categorized under:

- *Political Control and Bureaucratization*
- *Erosion of Financial Autonomy and Inadequate Asset Management*
- *Erosion of cultural capital and Untapped Tourist potential*

### 4.1 Political Control and Bureaucratization

#### 4.1.1 Erosion of Operational Autonomy

The rationale behind state take-over of religious institutions was to strengthen administration and prevent maladministration. Over time, the role got transformed from policy making and regulatory to oversight and micro management. Describing this tendency in the case of Tamil Nadu, Radhakrishnan (2002) states that the HR&CE Department of the State has rarely confined itself to this limited role, and through its interventionist actions, “has often undermined the basic character and ethos underlying worship and rituals.” The intrusiveness in administration happens through the role of JCs, DCs, ACs and EOs who are more accountable to the department and Commissioner than the Temple Committees.

The perspective of the judiciary with respect to control of administration in religious institutions, goes back as far as 1954 in the landmark Shirur Mutt Case (The Commissioner, Hindu Religious Endowments, Madras V. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt). In examining the provisions of the Madras Hindu Religious and Charitable Endowments Act of 1951, against the provision of the Constitution, the Supreme Court struck down several provisions of the Act as being excessive, which are mentioned briefly below.

- **Section 21** of the Act empowered the Commissioner and subordinate officers with the power of entry into the premises of any religious institution. It was held that such an unrestricted power of entry into religious institutions interfered with the fundamental

rights of the Mathadipati and the religious denomination. In the present circumstances these offices are already inside the temples.

- **Section 30(2)** provided that after applying funds to the purposes mentioned in the Act, the Trustee may incur further expenditure from the funds for certain purposes beneficial to the institution, under the guidance of the Commissioner or Area Committees. Given that such expenditure, under law, is anyway expected to be beneficial to the institution, it was held that compulsion to act under instruction of government officers was an unreasonable restriction in this regard, with respect to the right of property accruing from office as a head of the institution.
- **Section 31** provided that further surplus may also be incurred for specified purposes with previous sanction of the Deputy Commissioner. This was similarly held invalid for placing a burdensome restriction.
- **Section 56** provided that the Commissioner may require a trustee to appoint a manager for administration of secular affairs of the institution, and upon failure of the trustee to do so, may appoint such manager himself. The Court invalidated this provision noting that that this was violative of the Fundamental Rights as it would deprive the authority of the head of the institution, even if there is no negligence or maladministration, to “that of an ordinary priest or paid servant.”
- **Sections 63-69**, which dealt with notification of religious institutions, was also struck down as the Court found these provisions to be “extremely drastic, in their character” and no court remedy was provided.

This law was repealed and later replaced by the 1959 Act by Madras State. However, in the amended Act of the erstwhile Madras State and erstwhile State of Andhra Pradesh and Karnataka, many of these provisions crept in with some modifications. For example, notification (declaration in Karnataka) still forms a part of these enactments, and usage of funds still require sanction by government officers. In fact, the Supreme Court has held on several occasions that such appointment of executive officers can only be done in accordance with principles of natural justice. Yet, in the case of Tamil Nadu, these appointments have been made for several decades, while the official rules for appointment providing for an enquiry procedure were only issued in 2015 (Subramani, 2019).

In 2014, in the Chidambaram Case (Dr. Subramaniam Swamy V. State of Tamil Nadu and Ors.),(?) the Supreme Court while dealing with the appointment of an Executive Officer to the Chidambaram Temple stated, “Even if the management of a temple is taken over to remedy the evil, the management must be handed over to the person concerned immediately after the evil stands remedied. Continuation thereafter would tantamount to usurpation of their proprietary rights or violation of the fundamental rights guaranteed by the Constitution in favour of the persons deprived. Therefore, taking over of the management in such circumstances must be for a limited period.” It also noted that power to regulate does not mean the power to supersede the administration for an indefinite period, and accordingly set aside the order of appointment.

Despite these interventions by the Supreme Courts, the interventionist role of bureaucracy in religious institutions has continued. Even as recently as 2019, while hearing a case regarding issues at the Jagannath Temple in Odisha, the Supreme Court questioned why government officers should be running temples, particularly on the face of ensuing inefficiencies (Choudhary, 2019).

Bureaucratization is bound to happen if about 40,000 temples are supposed to be controlled from the Headquarters. Interestingly, about 90% of the temples under the administration of the HR&CE Department in Tamil Nadu have an annual income of less than ₹10,000 (TN HR&CE Dept., 2019). *The department seems to manage smallest village level temples with the same template as the largest temples of the state.* Of course, the temples implement several schemes funded by the government. In ensuring compliance on these schemes, the government imposes curbs on areas of autonomy like finance, property leasing, procurement, personnel management, reporting, etc.

Dr. Presler (1987, p. 11) points out that, “no government or political party has been able to resist incorporating the temple into its broader political strategy; whenever possible, temple resources, symbolic and material, have been used to build, stabilise or extend networks of power and influence.” In the administration of temples, key roles are played by the Commissioner, Executive Officers, Chairman and the Management Committee. The Commissioner is an officer of All India Service and he is there on a tenure. The Executive Officers are from the department and over the years there is a widespread contention that while these EOs and Committee members substituted old system of trustees who had strong commitments to the temples, some of them may not hold right spiritual orientation. The officers of HR & CE are recruited through civil services selection process and there is obviously no mechanism to ensure commitment to uphold the spirit of temples. On the other hand with the tight centralized administrative control the respective temple Committees authorities feel their powers are eroded. There is a general clamour to be in the Committees of temples and this has become a source of political patronage. It is common knowledge that those who are bestowed trusteeship are men who share the ideology or politically connected (Radhakrishnan, 2002). It is also important they belong to the philosophy of the temples, and know the agamas of the temples. In such a scenario, naturally concerns arise about their knowledge of Hindu tenets and practices, and their commitment to uphold the sacrosanct practices of temples.

## **4.2 Erosion of Financial Autonomy and Inadequate Asset Management**

### **4.2.1 Erosion of Financial Autonomy**

In the previous sections, it has been pointed out that the legislative enactments reduced the administrative autonomy and authority of the heads of institutions. This has an impact in their ability to apply and utilize funds as well. Administrative autonomy and financial autonomy are intertwined. The Supreme Court, in the Shirur Mutt case, struck down Sections 30 (2)

and 31 which provided for the process of expenditure of surplus funds, after expenditure on the purposes mentioned in the Act. These sections stipulated that expenditure from these surplus funds could only be made for specified purposes and even in those cases, can only be incurred with sanction. The Courts observed that given that the purposes specified were only for the benefit of the institution and religious denomination, seeking an additional sanction is an unreasonable restriction. However, the present legislative enactments in select states continue to require applications to be made and permissions to be sought before incurring such expenditure. This is one of the aspects which places severe restrictions on the financial autonomy in expenditure management.

It is to be noted that budgets of these institutions are also required to be approved by the government, and any changes therein through the course of financial year are to be approved before modification. This highlights the limited financial control that the trustees enjoy which in effect is controlled by the government through their officers. This control indirectly impinges on the autonomy in other activities of temples like duty rosters, temple hours, etc. which is not an ideal situation for temples which form an integral part of society. These definitely point towards micro management of temples across scale of temples, and length and breadth of the state, which has led to excessive centralization of administration.

#### **4.2.2 Reduced Revenue Collection**

Due to the lack of decision making power over property, and owing to the political nature of appointments and allotments, religious institutions end up potentially underleveraging the value of the resources. Temples under the endowment in Tamil Nadu own nearly 5 lakh acres of agricultural land, 2.6 crore square feet of buildings and 29 crore square feet of urban sites of temples. These could be ideally collecting incomes in thousands of crores of rupees, but the demand of rent from these properties is a mere Rs. 304 crores, while a fraction of this (Rs. 36 crore) is actually collected (Bagaria, 2018). While there may be justification for the lower valuation in some cases due to legacy reason, the revenue collection definitely indicates significant leakage of revenue. *Even urban local bodies are doing better in revenue collection due to years of reforms these days than the HR & CE department.* Inadequate generation of funds leaves temples suffocated for funds and increases the dependency on Government. This in turn curtails the ability of the temples to undertake many of its religious and related activities. It can also be observed that Mutts and privately managed temples are able to mobilize higher resources. Suffice it to say, with greater financial autonomy, religious institutions can mobilize more resources and perform their myriad religio-socio-cultural and development functions more effectively.

#### **4.2.3 Substantial Transfers to Government**

Apart from lacklustre efforts in mobilizing revenue, the temples under HR & CE in Tamil Nadu or Murzai in Karnataka are expected to part with a share of revenue as per government order which is like a tax. This happens through a number of mechanisms such as a fixed share, administrative charges, audit fees, contributions to funds, etc. In the Shirur Mutt Case,

the Supreme Court struck down Section 76 which stated that the institutions must pay to the government a ‘contribution’ for the services rendered by it, by stating that despite the use of the word contribution, such a levy actually was of the nature of tax, and its imposition was beyond the power of the Government. These provisions still exist in Acts of states. The Table 4.1 below describes the range of such payments to governments in the two states:

Table 4.1: Range of Contributions (Payments) to be made by Institutions for Government Services

| State                 | Amounts (Percentage of Annual Income)  |
|-----------------------|--|
| <b>Andhra Pradesh</b> | 7% as contribution, 1.5% as audit fee, 5% or Rs. 1.25 Crores (whichever is higher) towards Common Good Fund. |
| <b>Tamil Nadu</b>     | 12% as contribution, 1.5% – 4% as audit fee.   |

These amounts vary based on the governing enactment and even in these two states, this is not an exhaustive list, as several other costs may be recovered by the government from institutions as per various rules under the enactments. As seen from the above examples, the institutions could lose out on about 12 – 17% of their revenue in just these expenditures. There have also been allegations in some states that once in the hands of the government, these funds have been diverted for several purposes other than those specified in the Act (The Hindu, 2018). There have also been instances where funds for temple welfare have been applied for unauthorized purposes, such as in Tamil Nadu where it was exposed after an audit by the Principal Accountant General of the State (Subramanian, 2016). Considering that the *raison d’être* for the HR&CE is for ensuring judicial mobilization and utilization of funds, the departments fail on both the counts.

#### 4.2.4 Lack of Accountability in Management of Property

The previous chapter revealed that with respect to property, religious institutions have limited powers of alienation, lease, etc. and in some states, rents are also fixed by the government. There are cases that have come to light where allocation of temple lands or stalls have been made favouring political functionaries, usually at sub-market rates and sometimes at throw-away prices. Quite a few newspaper reports have reported several cases indicating nepotism. In some cases mismanagement got extended to misappropriation, such as a case in Thanjavur where a party functionary converted 20 acres of agricultural temple land into housing sites, which stands to this day because political pressure ensured that even court decrees granting injunctions were not executed (Venkatramani, 1984). Such cases of corrupt practices also exist in the case of movable properties and a prominent example of this is seen in idol theft, where in several cases executive officers and commissioners of the HR&CE system have themselves been implicated and investigated (Express News Service, 2017). While state intervention is justified for the prevention of mismanagement and maladministration, these illustrations indicate that it has brought with it its own brand of weak accountability.

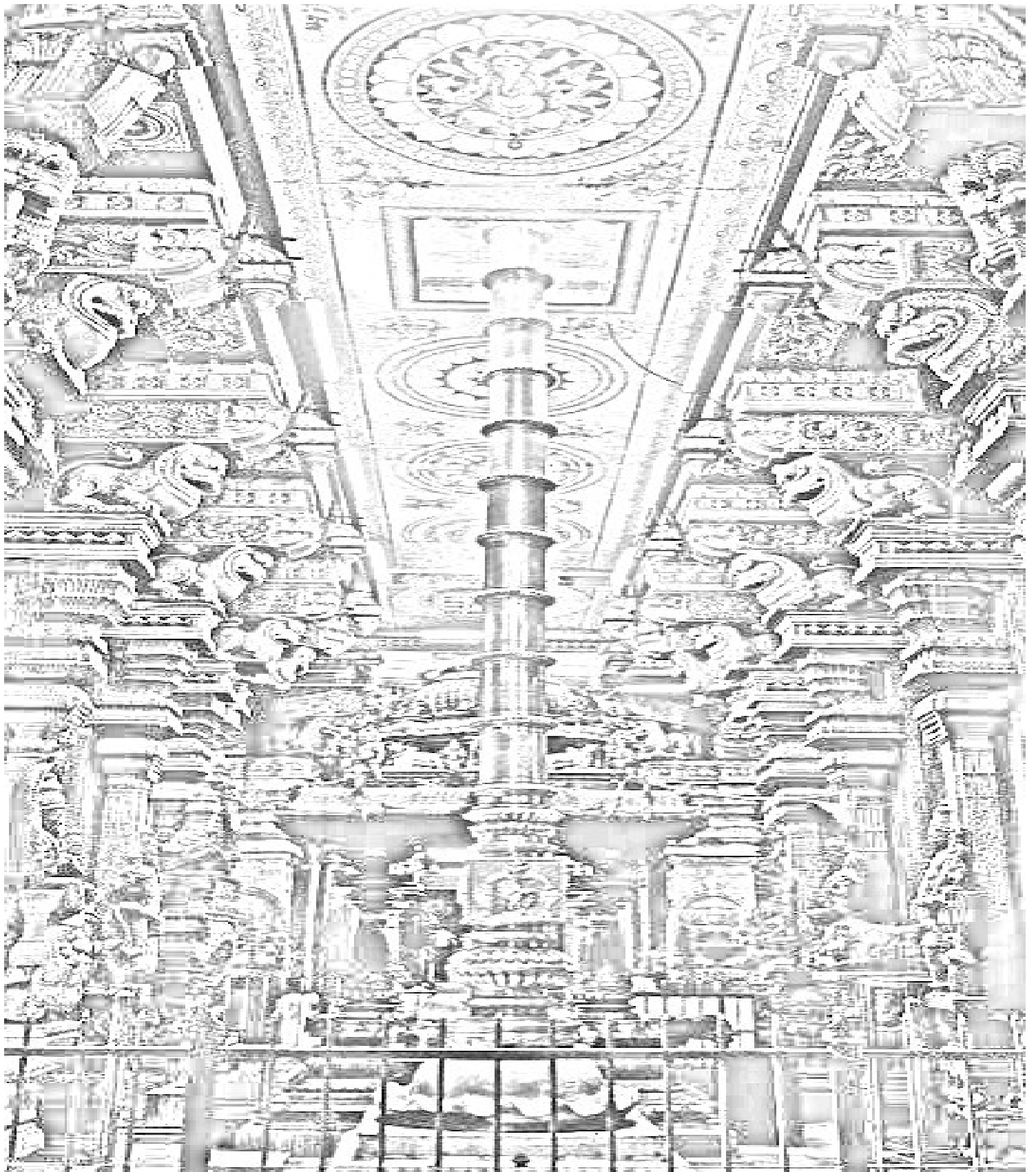


### **4.3 Erosion of Cultural Capital and Loss of Tourist Potential**

State control exercised through centralized power structure has been counterproductive to nurturing cultural capital which requires deep commitment and local management. Many of these religious institutions are historic monuments which have tremendous significance in the society, and have archaeological and cultural relevance. A fact-finding mission by the UNESCO which reviewed the nature and quality of temple renovation in Tamil Nadu, submitted to the Madras High Court in 2017 that poor conservation work have resulted in damage and demolition of some historic and iconic temple structures. The UNESCO team found cases where walls have been cleaned by sandblasting and water washing, resulting in literal erosion of inscriptions, murals and artifacts while restoration works were conducted without consulting the traditional prescriptions for temple restoration (Govindarajan, 2017). In other cases entire structures have disappeared such as in a temple near Salem, while in the Tiruvotiriyur temple, the entire inscribed floor made of ancient granite was replaced by marble, the material which is not traditionally used in temples (Swamy, 2014). There have been complaints of idol theft which are not ordinary thefts but theft of invaluable heritage pieces. Some pieces have been retrieved thanks to tireless efforts of enforcement agencies.

These actions are resulting in loss of invaluable and priceless archaeological and cultural heritage, and which occur due to inept handling of such monuments by a department that is not equipped for the task. The UNESCO report itself stated that there was no empanelment of experts or qualified contractors for such specialized work (Govindarajan, 2017). In fact, a report in 1964 by an expert engaged for providing recommendations on the renovation and conservation of temples in South India, pointed out that there are critical gaps in effectiveness in archaeological control of work on temples in active use, due to the lack of proper application of available technical knowledge and skill. The report therefore recommended the setup of an advisory committee to overcome this (Faulkner, 1967). These illustrations demonstrate that such concerns have existed and continue to persist for decades, and in the meantime irreparable damages are being meted out, necessitating an immediate and appropriate response to arrest this entropy.

Temples are major destinations for domestic tourism. Domestic tourism brings significant revenue in terms of travel, hospitality, gifts, donations, general purchases, etc. These temples act as growth drivers of the neighbouring regions generating investments and employment. These in turn fetch tax revenues to both local and state government. The domestic tourism in terms of pilgrimage still happens but the towns suffer from inadequate infrastructure. One rarely hears of temple towns being taken for upgradation like it is being done under smart cities projects. The city of Varanasi in Uttar Pradesh has now undertaken a massive development programme under smart city and also dovetailing it with the main Kashi Vishwanath temple. A huge potential for tourism, regional development and employment is being lost due to lacklustre attention given to temple towns.



## 5. Findings and Suggested Framework

### 5.1 Introduction

This section summarizes the analysis of the previous sections, and provides overall framework for temple management.

*This Report seeks to provide macro framework for:*

- *State level Governance structure for temple management;*
- *Structure of inter-temples network, and intra-temple organizational design and administration;*
- *Financing, audit and control system.*

This framework provides the architecture for overall governance and organizing of temples network and management. This does not discuss the legal ramifications which should less complex once a consensus is reached on the conception of the system. The framework should be such that it provides a design that would enable the temples to bestow the cherished purpose of providing spiritual solace, and enabling socio-economic and cultural goals. From the previous sections, it is seen that since independence the Governments have continued the policy of the British of exercising complete control of temples and their administration. The endowment department plays the multiple roles of policy making, regulation, operating and controlling temple administration which entail inbuilt conflict of interest. The government's control over years has permeated all areas of temple administration including spiritual domain and cultural domain.

In the previous sections we saw how the all-pervasive administration by government has led to erosion of autonomy in multiple areas, as pointed out by several studies, audits, and court rulings. The state control has manifested as:

- Political control and bureaucratization of temple administration.
- Complete erosion of Operational and Financial Autonomy due to micro management by the Government.
- The committees memberships and appointments of executive officers are beset with political appointments and spoil the system.
- Dismal record in maintaining the archaeological nature of the structures.
- Poor record of protecting and managing lands and other assets.
- Revenue leakages from the systemic mismanagement of revenue assessment and collection.
- Taxes and fund transfers to Government when these could have gone to supporting temples towns and smaller temples. Even if this would not have been the case, if full revenue potential is realized.

- Temples have huge potential for regional and tourism development, and these have been grossly under exploited due to lukewarm attention given to infrastructural development, and nurturing of cultural capital.

## **5.2 Erosion of Temple Eco System**

Certain common threads run through various studies and reports which we have been discussing and we provide snapshot of these in key areas to provide the context for the suggested framework.

### **5.2.1 Undermining of Socio Economic Eco System**

- Temples are a fulcrum of the Nation's socio economic ecosystem and are completely intertwined with State in the history. Temples are a hall mark of economic and cultural development in the past and indicate rich economic and cultural heritage that the Nation and society enjoyed till British intervened upon these. The temples used to be self-dependent and self-contained with its own resources, like farm lands, water sources, corpus, gathering points, etc. These were sustained by a support system which in turn depended on these. The temples are testimony to the state of architectural development of the past, building technology, and sculpturing. The temples also supported social development through education. Temples promoted and were the central to the development of culture, music, paintings, dance, etc. The annual festivals also helped tourism and trading around the temple region. Temples thus generated huge external economies in terms of investments, trading, employment, and services. In the recent decades post-independence, temples have grown enormously in scale in attracting crowd, trading, hospitality, township development, but these have been on the whole haphazard and self-driven.

The examples of temple based townships are Tanjore, Kanchipuram, Srirangam, Chidambaram, Kumbakonam, Rameswaram, Tiruttani, etc. There is hardly any evidence of planned development of these towns by the governments over decades. There are many temple townships which should have grown as urban centers bustling with activities but lost its importance to other emerging urban centers. Domestic tourism is happening on its own but neither does it gets encouraged nor does it get valued for its revenue potential. These destinations suffer from poor infrastructure and facilities, and these are not destinations sought by general tourists other than pilgrims. These have remained by and large as pilgrim centers than tourist centers. Huge potential exists in exploiting the scope for socio - economic development of temple towns but are not seen so by state governments. The endowment departments are so engrossed in operational issues that they have let the opportunity pass.

## 5.2.2 Wilting of Principle of Trusteeship

- Temples were under the management of Trustees and they were truly representative of the trusteeship based governance that Gandhi advocated for corporates. Historically, there was nothing to suggest that the temples were badly managed, excepting probably a few temples. In fact, there were many leading temples which were thriving well before these were taken over, and had Trustees and Patrons who were committed and they contributed their own might to these. They had a sense of ownership for the welfare of the temple, were committed to developing these and temples thrived under them. The Trustees were in fact patrons and also contributed to the resources of the temples. They saw prestige in managing these. The trustees managed these along with others through committee system and went by consensus. On the contrary, under the stranglehold of Government, the Governance structure started wilting. Government appointed Trustees and Committee Members lacked vision and were appointed without consideration for their commitment to religiosity and maintaining the legacies of temples, and capacities to manage. If the appointments were judicious and if the appointees were committed probably it might have served the purpose, but the design of the system of appointment and management are themselves flawed. So, there is no way the system could have delivered.

*The long term replacement of the old system with the present system of patronage and spoils have led to a void making it difficult to recreate the traditional governance and spirit. It is now a fait accompli and is now projected as there is no viable alternative. The post-independence government instead of building on the strengths of the old system sought to completely override the system, and in the process completely undermined and eroded it.*

Probably some village level temples and smaller temples might have suffered from inadequate resources, but there were enough patrons in pre-takeover days to support even these. These worked on sustenance basis and the neighbourhood people took responsibility for the upkeep of these temples and supported the archakas also. These were treated as community assets and common good. The moment these came under Government, the people lost sense of ownership for these. *The challenge now is in creating the ownership among the pilgrims and devotees who have completely distanced themselves in spirit from their kula daivams. .*

## 5.2.3 Erosion of Spiritual Ambience

- Temple functions can be broadly divided into two categories: 1. *Spiritual and all spiritual routines related.* 2. *development and operation related administration.* Stated this way, a temple is similar to managing sports or hospitals or theatre or any public good of any socio cultural activity from a management perspective. But, a

temple is more than a public good. It is intertwined with the faiths and beliefs of the people. How does it make it complex? For example, a sports can be a national game and a sports star may be a national icon which means the rights and personalities are priceless. But, there is still a market operating and can be converted into exchange based transaction market. Temples and spiritual functions can never be reduced to this. It will remain a common good and common property even under private ownership (those that are managed by private players but worshipped by general public) or trusts.

- The spiritual activities are the daily, periodic, and annual routines of pujas, penance, offerings, and maintenance of customs and traditions relating to spiritualities. These are governed by agamas, scriptures, faiths, beliefs, and even local customs. Even in the spiritual sphere, at operational levels there are certain related procedures like hereditary rights over certain tasks, assignment of duties, timings, even SOPs for pujas, etc. These also should be considered as sacred and not for administrative control. The spiritual services are invaluable and immeasurable service and cannot be subjected to pricing or control or evaluations. *The only proof of proper and fit management in the domain of spirituality are the rigour with which the rituals are adhered to, the patronage of devotees, and how much resources it is able to mobilize.* However, the success in the spiritual area is a function of both spiritual services rendered and effectiveness of administration and support system of the temple. It should be mentioned here that like the performance of a doctor in OT and OPD is determined by the performance of the overall administrative efficiency as much on the physician, performance of archakas or gurukkals are influenced by the overall administrative ambience of the temple. In this aspect, the temple administration has by and large proved to be inadequate to the task. The administration tries to be overbearing and intrusive even in the area of spiritual domain. We mentioned that there are certain operational matters relating to spiritual domain which are best left to be managed by the archakas themselves with the consent of the temple committee. Similarly, even the administrative activities will have religious content. For example, in the aspect of construction of temples, it is not just civil architecture which determines the structure and style but also the traditional ways called as agama rules. These are given a go by in temple construction these days which are viewed as diluting the vibration of a temple.
- *The administration of temples are headed by JCs, DCs or ACs as we described, but ironically in administrative parlance the temples are called JC Temple, DC Temple than known by the deities!* Such is the penetration of the administration. The administrators below Commissioners are from the state civil service and committee members are appointed from various walks of life based on certain criteria as spelt in a GO but more often as a spoil system. There are complaints that in all the southern states and especially in Tamil Nadu and Kerala, the temple administrators and committee may not even share spiritual beliefs. This is where temple management is more complex than other sectors like education or health care, where one may not

have specialization or commitment to one's duty. Only recently the High Court of Madras ruled that the functionaries in HR & CE department should aver their faith in the Hindu religion which has been implemented.

- Temple administration has several roles as we have been stressing. In the ancient days, temples performed multiple functions of spiritual, spiritual and social development . Its core administrative (secular) activities are:
  1. Temple maintenance and upgradations including conducting kumbabishekam.
  2. Asset management of all categories like lands, jewellery, idols, sculptures, movable assets and cash.
  3. Management of religious Personnel like archakas.
  4. Financial and accounts management, especially accounting for hundial and other donations.
  5. Estate and facilities management.
  6. Procurement management.
  7. Security and safety.

It has the obligation of also ensuring and enabling related spiritual and social developmental functions such as:

8. Programmes for promoting ancient studies, education and training, research, literature, spiritual activities, and temple heritage
  9. Promoting spiritual and temple tourism
  10. Facilitating neighbourhood and township infrastructure
  11. Promoting and supporting social institutions like hospitals and schools.
- The temple administration has been inadequate in managing core functions and has been dismal in developmental functions. It can be observed that even minimum maintenance is not undertaken in most of the temples. The temples though are charity organizations, need not be managed like no body's business. Swachh and hygiene are given a go by. The contrast is evident when we compare with Mutts and Trusts maintained temples which are better maintained. Archakas, the key persons are poorly compensated excepting in large temples, and are uniformly demotivated. On the contrary, the administrative officers, support staff, and accounts staff are better compensated as they are governed by Government rules. The contrast is glaring.
  - In the area of developmental activities excepting few large devasthanam run temples like Tirupati, Shirdi, to name a few, the departments of various states as well as the administration at temple level have been lacklustre. There is no particular state that comes out better in promoting research, documentation, and study materials on temples or scriptures or in training or developing scholars or archakas. If these are happening, these are happening at individual initiatives in the society. The administration in none of the states took any initiatives to promote tourism around

these temples. These temple towns attract lakhs of devotees but are poorly planned and managed. There are lukewarm attempts to develop the township into attractive tourist destination. The larger temples are found wanting in supporting less endowed temples. Some temples support schools and health care, but excepting those managed by TTD and Shirdi none of these are known for scale or quality.

- The performance of administration in protecting the assets of the temples, like land, jewellery, and collections of high antique values, have been dismal. There have been many complaints and cases, court cases and criminal investigations. The temples lost large tracks of land due to neglect and weak administration. The temples do not even have proper records of the lands and in innumerable cases these have been encroached and over time taken over by private parties. These include even urban land in cities and towns, not to mention 1000s of acres of farmland lost in rural areas.

The State took over temple administration proclaiming these need support and are mismanaged. However, overtime it has failed to deliver on the avowed purposes and expectations.

*In summary, the non-government trustees based system was supposed to have failed in delivering on avowed objectives of temples, and was substituted by Government control which has turned out to be a poorer remedy. Continued long term possession of temples with State has eroded the system of Trusts and trusteeship making it look there is no other alternative. It is a big challenge to recreate the traditional value driven trusteeship institutions.*

### **5.3 Needs Comprehensive Reinvention and Revitalization**

The situation can be described as the Agency failure in the Principal Agency framework. There is severe failure of Goal Alignment between pilgrims and devotees, and Government; between Government and temple Administrators. The Institutional design for temple management is severely flawed for reasons discussed so far.

*The need of the hour is in creating a Governance and management eco system that ensures better ethical standards, accountability and management of temples; maintenance of their assets and strengthening the cultural capital. While the State will be owning the assets on the behalf of the community, government should seek to hand over the administration to trusts of the society, with the state regulating and overseeing these. **Temple administration has seen least transformation in public management, and lags behind even its own sister departments. The system is same as it was fifty years back. The challenge today is what can be the Governance, Institutional, and Organizational Architecture that can create the eco system for functional and effective administration of Temples, while the assets remain with the State.***



*Such a framework should prescribe a financial system also as that would ensure the institutional autonomy and effectiveness. Such a framework should also encompass and create a sense of ownership with trustees and devotees for the wellbeing of the temples.*

#### **5.4 Governing Principles for Suggested Framework**

We suggest here certain principles that can govern the governance framework that is being proposed. This can guide the governments when they try to frame the design and laws. These principles cover the general aspects of governance and organizational structuring.

*Governance architecture generally constitutes:*

- *principles governing selection of Chairman and MD, and their tenure;*
- *composition of boards including independent and professional members, representation of stakeholders;*
- *constitution and composition of board level committees; and*
- *regulation, reporting, and audit functions.*

In the following pages we seek to provide board(broad?) contours of such a system.

- There should be clear *separation of power* in operations relating to spiritual (religious) domain and to administrative (secular) domain. This separation has to be maintained from state level Board to grassroot temple level. The spiritual activities should be overseen by Independent members of the society, religious minded personalities and professionals from concerned fields rather than by the administrative functionaries. *A glass wall has to be maintained between spiritual and administrative domains. The administration will play more supporting and enabling role than supervisory and regulatory role.*
- *The governing principle should be one of maximum restraint by Government and building societal institutions to manage spiritual and administrative functions internally.* The remedy to mismanagement by non-government sector trustees lies in building and strengthening institutions internally and not in taking over the control. External administrative control should be by default than as norm, and restricted to ensuring proper retention and management of temple assets.
- The key to ensuring State level governance will be having an apex Board with committed people with spiritual bent of mind who are Hindus. They should be men of repute. The good governance principles state that for board to be autonomous, it should have independent, professional and diverse members. The Temple Board which we are proposing below should have members representing various ecosystem of temples, like mutts, trustees, agama specialists, researchers and academicians, and professionals like CAs and lawyers. It should also have representation from women,

Dalits and even NRIs. The Government can consider having a Search Committee to identify and propose members for Boards and other trustees.

- The HR & CE Department needs to be repositioned in its role. The department will play developmental and enabling role than doing remote micro management of temples. It will play a supportive role to the Board which is proposed, and a supervisory role. The operational roles will be completely divested to the trusts of the temples. The structure will be lean, functional and skeletal, and not bloated as it is now. Regarding developmental role, a SPV is being proposed which will operate on corporate lines.
- The temple properties and assets are ultimately public properties and will be in the control of Government. The concept of Devaswom in Kerala is an interesting one. It literally means property of God and the assets resides with the State or Board on behalf of the God. This is the principle which has to be followed. It has to be mentioned that temple properties and revenues are owned by the temple and have to be spent on temple related and religious related operations.
- It should be mentioned that without financial autonomy there can be no administrative autonomy in public management. The top tier and middle tier temples should seek to mobilize adequate resources to remain autonomous. *The overall finances of the temple ecosystem of all temples put together should be such that the sector is self-sustaining and can also support temples which live on sustenance.* The more endowed temples with surplus funds will support less endowed and weaker temples. The temples will support only the spiritual related and temple related expenses. Bigger and more endowed temples can support schools and colleges but it is best the focus of temples remain on promoting spiritual related research and studies, documentation and publicity, training and capacity building, etc. Infrastructural and tourism related activities are the duty of the government to build which they should be reaping through taxes. Temples are pride of a state and the governments should see temples as development agenda, and promote tourism and hospitality. As mentioned earlier, the temple tourism do generate huge revenue and act as growth driver of their neighbouring region.
- A study of the temple shows that ultimately top revenue earning temples are less than 3% of total temples in Tamil Nadu. Rest 97% are small neighbourhood temples and village temples. Paradoxically, the rules and regulations made for 3% apply to the rest of 97% also. If the smaller village and neighbourhood level temples are handed over, the huge force of officers and staff that HR& CE maintains will become partially redundant who can be productively engaged. They can be fruitfully redeployed in developmental role or transferred to other departments. It is important the smaller temples are freed of all controls and scheme devised to make these self-sufficient.

#### 5.4.1. Inter Temples Network Structure

- We recommend to club temples on the basis of hub and spoke model in which larger and administratively strong temples support smaller temples in the region. This is in some form already in place but the emphasis is more on administrative control than for spiritual or professional support. More than the financial support, the larger temples can develop network with these temples for tourism, quality control of rituals, and audit. It will be unviable for smaller temples to undertake any promotion on its own. It can also provide training in rituals and agamas to the archakas of smaller temples. The larger ones can make plans for cluster of temples.
- We can group temples at three levels:
  - (i) *State level* temples which are large or historic or heritage temples with significant resources and surplus. These temples are famous throughout India and Tamil Nadu and have huge tourist traffic and potential. These are the main resource generators in the temple sector but these will not be more than dozen in each state. In TN these could be Madurai, Palani, Tanjore, Rameshwaram, Kanchipruam, Tiruchendur, Thirunnalar, Srirangam, etc.
  - (ii) Sub - *Regional level* temples which are popular not just in their respective district but at regional level, and command resources that can sustain themselves but do not enjoy large surplus. These temples can be like, Parthasarathy, Srivilliputthur, and Navagraha temples in Tanjore, temples of Murugan, Vaitheeswaran, etc. These are temples with potential but underleveraged. The proposed restructuring should help to unleash these temples.
  - (i) *Village level and neighbourhood* temples which can barely sustain themselves, and are managed with local support. TN Government has designed various schemes to support these temples which gives it handle to control these temples. These schemes can be continued and handed over to local trusts which would be managing these. In fact, Government can put a condition to the trusts that they should make is self-sufficient in three years if they want to manage these.

This covers all HR & CE temples and regarding temples run by Denominational groups, mutts, and hereditary families or trusts, we propose a different system. Regarding temples run by Mutts and Denominations there is need for coming with better framework for systems and regulation. Regarding temples run by hereditary rights, a performance audit of all the temples administrated by them, should be undertaken in terms of asset maintenance, commitment and quality of the trusts, and governance of the trust. Those performing well can be handed back to the Trusts with hereditary rights. Those which are poorly managed should be handed over to Public Trust which would include members of the old trust, or family or community. They have no automatic rights if there have been cases of misdemeanour, or bad governance or poor commitment. In those cases these will be managed like any other HR & CE temples as proposed in this Chapter.

Unfortunately, laws are made for these large state level temples which end up trampling smaller temples with tight centralized administrative control. The structure should try to untangle this knot and make it what is called ‘loosely coupled structures’ in management, so that these are autonomous enough to realize their potential.

#### **5.4.2 Governance Structure**

- *The Governance structure generally sets the ethical standard and professional ambience of an organization or any system. A strong governance structure and mechanism is essential for delivering complex services which temples provide like fulfilling spiritual desires of devotees, and enshrining traditional and cultural practices. These are highly invaluable, intangible, immeasurable, and highly personalized services. It is difficult to standardize delivery and subject it to control and performance evaluation. In these circumstances, only way is to establish an enabling and invigorating environment. The administration should be as invisible as possible. The pilgrims and devotees should get unhindered and satisfying experience. This is possible only if the management of temples is self-driven and managed by people who are committed to the task. It is equally incumbent on the archakas to remain true to their profession so that the spiritual practices are adhered to true to the spirit. The governing force of effective administration is the governance structure.*
- It has been stated that a key principle of governance will be separation of spiritual (religious) and administrative (secular) activities, and having parallel systems for both. Spiritual functions will be self-managed by specialists from the field. We are proposing a temple level structure which will help the temple organization build internal capabilities and systems.

#### **Reinvention Paradigm**

- *In public administration, there is a general trend globally as well as in India that public systems should be managed by professionals and not by administrators under the paradigm of reinvention in Government. This principle advocates minimalistic principle. The general principle is that hospitals should be managed by doctors, education and universities by educationists, etc. The professionals bring certain contextual specialization to the operations and professional standards to the operations. The administrators bring certain execution skills and processes but which when applied excessively becomes counterproductive. In a democratic country and in traditional sector like temples, people prefer community ownership which is driven by missionary zeal and are self-regulated systems. These days even management of hospitals and schools are handed over to society to manage under reinvention transformation in Government.*

*We propose Public – Public Partnership which is also another version of PPP.*

- From public management perspective, minimum administration is the order of the day and the dictum is that local resources are best left to the users and community to manage. However, control under community has also come under criticism. In India sense of public ownership of facilities and assets like parks, playgrounds, public facilities is dismal. In Temples also in the past there have been complaints of negligence and nepotism. There were also allegations of mis-management by temple committees . The way out is to design a structure which balances between government and society with representation from Government on one side, and various stakeholders of the Society, namely, priests, patrons, industrialists, professionals, academicians, and spiritual minded people. *The balanced composition of Board will ensure that no particular segment dominates and independent voices are heard.* The composition should ensure engagement of multiple stakeholders and to be heard they should be men of repute. This will ensure balance of power and multiple perspectives.
- The amended Hindu Religious and Charitable Endowment Act, 1991 (Act 46/1991) which took effect from 13.12.1991 provides for a Temples Administration Board. In Kerala these are called Devoswam Board and there are five of these, and in Karnataka there is an Apex Board. We propose the TN Temple Administration Board (herein after called TN-TAB) will be the apex governing body of the affairs of temples in Tami Nadu. This Board will be assisted by the TN Temple Management Committee (TN-TMC) which will be Committee of the Board. This will help in executing the policy and all directions of the Board. We also propose a new Tamil Nadu Temple Development and Promotion Corporation (TN-TDPC) which will undertake all development work of all temples relating to tourism, networking of temples, promote research and publication, IT, training and capacity building, etc. The temples will be administered by Temple Level Trusts and temple specific administration. The smaller temples can even be managed by contract workers and volunteers for managing accounts, maintenance, etc.

#### **5.4.3 TNTAB: Board**

- The Board will be the Apex Committee, with the Chief Minister as the Chairperson, Minister in-charge of Endowments as Vice Chairperson, ACS (endowments) Principal Secretary (endowment) as the Member (Secretary), and principal secretaries from related departments, 2 Thakkars of leading temples, 1 head of a mutt, 1 scholar each in temples and ancient literature, architects, experts in aagamas, 2 priests of leading temples, 2 academicians from engineering and management, 2 industrialists, and 1 professional each from CA and law. These are suggestive and obviously the legislature will be deciding on these. The 1991 Act of TN prescribed eight official and non-official members, and the first Board had these illustrious non official members like M.A.M. Ramasami, P.Sivanthi Adhithan, K. Parasaran, Allur Visvanathan Sivachariar, etc. This spirit has to be recreated. We propose that all

members should affirm faith in Hinduism, and in the designated Members, they can nominate their second if they belong to another faith.

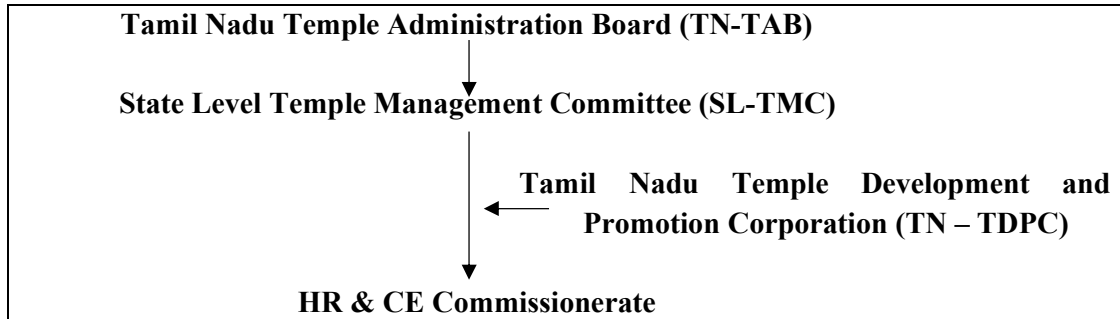
- The Board will make policies, plans, programmes, approve budgets, and oversee all matters relating to spiritual, religious, research, studies, training and capacity building, etc. This will set the policies, guidelines, and directions for the department and temples. This will also make important appointments of Thakkars, Committee members of large temples, and set guidelines for appointing Thakkars and committee members for medium sized temples. The Committees for smaller sized temples can be formed at district level itself. The tenure of the independent members will be for three years and can be extended by one more term of two years if there are no adverse remarks. Commissioner will be invited as permanent observer. The Board will meet once in two months or atleast once in a quarter.
- This Board exists even now. But under the proposed model its essentiality will become critical as many critical decisions will depend on it. It will become important as we are recommending that the HR&CE to be reduced to Secretariat level to mainly support the Board and the Committee which we propose below.
- The Board will have an Audit Committee headed by one of the members of the Board who will be a CA.

#### **5.4.4 Tamil Nadu Temple Management Committee of the Board**

- The Board will be assisted by a TN Temple Management Committee (TN-TMC) which will have members from the Board and other independent members. Its Chairperson will be CS or ACS (Endowment) and will have PSs of related departments, with Commissioner as the MS. It will be a smaller Committee with members representing scholars in temple architecture and aagamas, archakas, 1 Thakkar, 1 each CA and lawyer. TMC will approve plans to execute the vision and targets set by the Board, approve budget of large and medium temples, approve plan for capex, and township and infra building, make appointments to takkars and committee members of medium sized temples, and review performance. The CEO of the Temple Development and Promotion Corporation (TN-TDPC) will be its member. The TMC will approve its plans, budget, action plan and review its performance. Its independent members will have a tenure of three years extendable by 2 years if there are no adverse remarks. The Committee will meet once a month. We propose that all members should affirm faith in Hinduism, and in the designated Members, they can nominate their second if they belong to another faith.
- The foremost responsibility of TN - TMC will be to ensure identification, inventorying, and protection of all assets of temples, maintenance and management of assets, and introducing technology to keep tab on assets. It has to ensure such systems exists which will ensure these. All assets will belong to the concerned temples and in

turn to the State. All assets will be audited and certified every year by auditors commissioned by the administration.

**Fig 5.1 Overall Governance Structure**



### 5.5 Temple Development and Promotion Corporation

- Another important Governance intervention proposed is TN Temple Development and Promotion Corporation (TN-TDPC) which will be a SPV set up by Department like Chennai Metro or smart cities. It will have a CEO who will be recruited from the market, and its own Management Board with ACS / PS (HR & CE) as Chairman, Commissioner (HR &CE) as Member, and CEO as MS. The Board will have its own independent members. Its activities will be to:
  - make plans and operationalize development of temple townships like smart cities, coordinate with other departments to develop plans for infrastructure development, undertake promotional plans for network of temples, develop tourism, develop IT infrastructure common to all temples and undertake digital marketing, help the departments organize research programmes, training programmes and capacity building. *An important function will be developing a centralized cloud based accounting system on which all temples will operate, and which would track performance of all temples electronically and report to the departments and to TMC.*

It can engage technical and management consultants to advise and support temple management committees. It will draw plans for resource mobilization and execute the plan. The fund will go to designated activities of temple development fund. It will have verticals like Temple Tourism, Temple Township and Architecture, Knowledge Management, IT and Digital Marketing, and Operations Management. It will have corporate structure like VPs, and Manager to man these roles unlike the Commissionerate structure. It should have majority of posts recruited from market and can also take persons on deputation from the HR & CE department in specialised areas. We give below a list of key functions that this body would serve and this is not an exhaustive list. A perusal of the list will show that the department has not given enough attention to many of these areas:

- Building capacity of the temples in management and internal control.
- Ensure tourism development around leading temples and network of temples or temple grid.
- Coordination with other departments to facilitate infrastructure development of the towns in which leading temples are located including transportation facilities.
- Mobilizing resource and arranging corporate tie ups.
- Promoting cultural, music, architecture related programmes.
- Organizing research, studies, documentation, and publications.
- Exploiting technologies for managing assets as well as IT for automation and control.
- Designing and operating a system to supervise, control and audit temples.

The Corporation will coordinate with the Commissionerate and report to the TMC.

- The SPV will have its own budget and will be subject to government audit and control through the Apex Committee and endowment department. The advantage of this structure will be that it can raise funds, attract sponsorships and can partner with private enterprises. TDMC should operate with skeletal structure and should not undertake empire building.

## **5.6 Design of Organizational Structure**

We discussed the proposed Governance structure and we propose an Organizational Design which would carry forward the spirit of the governance framework. The organization design is discussed at two levels, i. HR & CE department level and ii. temple level. At temple level we are proposing one design for larger and medium temples, and another for the smaller ones (Fig 5.2) below.

### **5.6.1 Design for HR & CE Department**

The present structure of HR & CE department of TN has been described in Section 2. It is headed by a Commissioner who is from IAS who heads a team of JCs, DCs and ACs and EOs who help manage the headquarters and temples. Commissionerate is the implementation arm of Department in ensuring operations of the plans and temples. The officers of the Commissionerate are posted in the temples to ensure smooth operation of the temples and they are the eyes and ears of the head office. They are posted within the premises of the temples wherever there is space and their administration is quite intrusive. They play a role virtually in every aspect of temple management. Each temple, large and small have a Committee headed by a Thakkar appointed by the Government. They are from outside the Government and they are chosen to represent the general public, devotees and other stakeholders of temples like archakas. It is this Committee Structure that we propose to make the effective governing arm of the temples and not the Takkars or EOs. *There will be no need for JCs or DCs or EOs to look after temples in the new schema for temple level management. After all there are many temples which are denominational or hereditary temples managed*



*without EOs. What is required is strengthening them through better systems, control and regulation than direct micro management.*

Under the proposed schema, there will not be need for HR & CE Commissionerate and it will be like any other department of Government supporting the TAB Board and Committee of TMC. Its role will be restricted to playing these few critical roles:

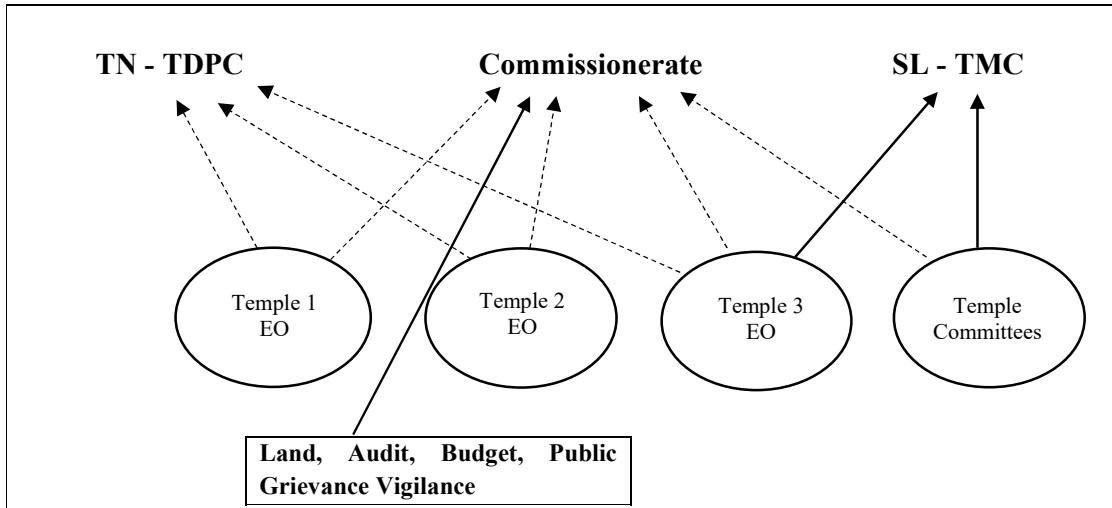
- Secretariat Role: HR & CE will collate budgets from the temples and get these approved by TMC, track and monitor performance of temples and place it with the TMC. It will play the role of risk advisory services. It will enable and ensure audit of all the temples appropriately. It will ensure that temples engage the services of CA firms from among the list prepared by the C &AG or ICAI; and can also conduct audit of temples especially larger ones. All temples can be brought under one automated ERP system for temple management including accounts, HR and cash management which will be developed and implemented by the SPV. HR&CE will be facilitating its implementation. TMC will have an audit committee which will review the reports.
- Role in Appointments and Postings: It will facilitate the TMB and TMC to make appointments to important committees by making available a suitable panel of experts and keeping a record of the tenures. It will also undertake postings and transfers of its officers. It will lay down rules of appointments by the temple committees and these rules will be approved by the TMC.
- Control Role: It will handle Vigilance, Public Grievances and complaints of general public, employees, harassments, and pilgrims. The TMC will have its own Vigilance Committee which would be the authority for appeals.
- There will be no need for JCs nor DCs to administer temples or regions in the proposed scheme for things. They will be at the Head Quarters playing Secretariat Role like Risk Management, Appointments, Audit, Property, etc in the capacity of supporting the TMC. The EOs of the temples will be appointed by the respective Temple Committees from market. At the most in few places like Tanjore, Madurai, and Trichy there can be JC / DC level officers for administrative coordination. The SPV will in fact need regional offices as now this will perform most development functions.
- It will continue to perform its minimalistic role it is expected to play with reference to Mutts, and private trusts outside the control of HR&CE.

### **5.6.2 Temple Organizational Design**

- At temple level, it is proposed that the temples be categorized at three levels depending on their size, heritage tag, and importance as discussed before. At the highest level are the large temples like Palani, Madurai, Rameshwaram, Tanjore, etc. At the bottom layer are the village temples and smaller temples in urban centers which are mostly one man show and sustenance basis which constitute 1000s of

temples. In between, there are medium sized temples which are few hundreds and are not large but fairly large enough and can be self-sustaining.

**Fig 5.2 Temple Organizational Design**



- In Tamil Nadu, for example, out of 44121 temples hardly about 330 temples make Rs. 10 lakhs and above annually, which is less than 1 % of total temples. About 99% temples make below Rs.1 lakh per annum. The State does not need huge apparatus and paraphernalia of JCs, DCs, ACs, and EOs to manage if we apply 80:20 rule.
- ***We propose that in one stroke of pen these smaller temples to be handed over to appropriate Trusts to be formed with respective Boards. This will free up 1000s of temples and also officers and staff which is high cost administrative structure.*** Its structure is discussed below. The smaller temples can very well self-manage with some system of local governance, and counting and audit system, asset registers, and IT and IT based security. These can be supplemented with some public participation. We propose three tier structures to manage these three categories of temples. The top tier category of temples with more than Rs. 1 crores annual turnaround which will not be more than a dozen.
- The large and medium temples (Tier 1 and 2) will come under independent Trusts and will be governed by respective Temple Development and Operations Board (TDOB) headed by a Chairman who will be a public profile from the State or district. He will be heading the Board and will be assisted by Committee structure. This person should be apolitical with spiritual bent of mind. He should be familiar with the agama rules of the temple. The Committee will have members from main devotees, political representatives, and scholars on traditional literature, professionals like Lawyers or CAs, with a maximum of 9 to 11 members. The Committee will be assisted by a Management Committee which will be headed by a temple committee member but who can devote more time. It will also have an Audit Committee which will be

headed by a Member who is CA. They will meet more periodically and facilitate decision making and operations.

- The respective Temple Board will appoint an Executive Officer who will be the Member Secretary of Temple board. This person preferably can be appointed from market. The Committee can ask for some key persons from the department like engineers on and off. Tier 1 large temples can have a representative of Government of JS level officer from any department and need not be only from HR & CE department.

At the outset, it should be mentioned that **decisions should lie where operations happen**. If the capacity does not exist, capacities should be built. The operational people should be empowered to take decisions and operate within certain restrictions. EO of the temple will be like the COO of the temple and each temple will have its own employees who will be directly recruited for the temple. *The EO will report to the Board and the Committee, and will have dotted line relationship with the department.* The Board and Committee also will have a dotted line relationship with the Commissioner. *They will be coming under the TN-TMC.* The administration should be pilgrim centric and spiritual centric, and administrative centric. The Board and EO will coordinate with the TN-TDPC to facilitate promotional and development activities. Rest of the works like maintenance, IT, accounts, security, etc can be outsourced. Generally, the towns where these temples are located are large and should be easily able to find engineering firms, CAs and IT professionals who can support. There will be a separate department at HQ which would play the supervisory and control role like audit, vigilance, etc.

*Regarding smaller temples (Tier 3) these are best managed by themselves. These will require only light touch regulation and support.* These can be managed by the villagers and neighbourhood people themselves with support from patrons. The department would facilitate formation of Trusts which would manage these. For administrative purposes these can be placed under a Tier 1 or 2 temples to which it is more closely connected. The larger temples will provide necessary professional and administrative support. The Management Committee of the Trust will have local representative from local public, professionals and may be scholars or bankers or even principal of a neighbouring school. This is for bringing self-regulation, oversight and exercise of control. These will have contract workers, and can be audited by empanelled CAs. Accounts department can audit these on sample basis by rotation; can be even automated. Every year the assets should be audited and certified by a locally available CA and approved by a select number of people from the neighbourhood. It is not necessary to complicate the management of these temples. Complicating the management of these temples is only leading to high cost structure and financial burden. In fact, the main task of the Committee will be to ensure that temple is able to maintain its regular spiritual operations and the archakas are paid.

## 5.7 Asset Management and Financial System

- Management of assets of the temple, especially land and building is a contentious issue. The Acts specifically say land cannot be alienated by the temples as these belong to the Deity. However, lands have been used for public purposes and have also been sold. There are restrictions on how it can be sold. We propose that concerned Temple Management Committee can come with proposals to sell lands which are unviable after following due process getting public consent, but should be finally approved by the TN-TAB and TNTMC depending on the category of the temples and size of property. The decision can include public consultation process of devotees like any takeover of land. However, the proceeds from the sale of land should go to concerned Temples as Corpus fund. Similarly, regarding gold and other ornaments. Gold and jewellery which are antique pieces are of course to be never parted with. But, donated gold and jewellery can be auctioned under public auction system which can be decided concerned Temple Management. There are well set procedures for it. In fact, the Tier 1 temples should aggregate the donated golds and do the auction and proportionately distribute the sale proceeds. This will ensure buyer power and better processes and price realization. The TMC will be required to report to the Commissioner and TMC for information. The processes and proceeds should be audited.
- We mentioned that the temples cannot be administratively autonomous unless they are financial autonomous. To be financially autonomous it is important for temples to be self-reliant and sustainable. The temples have huge potential for resource generation, but are under leveraged. At the same time it should be mentioned, Governments should not see temples as source of funds. If it collects fund through temples, it should be ploughed back into temple related development like tourism, development of township, etc. The Government can charge a levy of maximum 5% which can be used for maintaining the department and rest can be parked with the TNTDPC. TNTDPC would use this fund for developmental and promotional activities. *An important indicator of the success of the SPV would be the additional resources generated by it.* It should devise infrastructural programmes and marketing schemes for promoting specific temples for specific services. The thrust of the policy should be towards making most of the temples financially self-sustainable and independent. The Tier 1 and 2 temples should have planned revenue target and should look for avenues to raise resources. These should target to mobilize corpus fund and permanent avenues. The temples and department have been lacklustre in mobilizing funds for temples. Over years the temples have come to depend on department and this has given more leeway to the department to control tighter. The temples mostly mobilize fund targeted towards renovation and beautification. These should have fund mobilization as a routine activity. At the outset, under the proposed regime the fund mobilization should be atleast doubling from the recent past.

- The temples currently pay certain share of revenue collection as levy. The temples can continue to pay this but these should be placed with Temple Development Fund to be managed by the Corporation for temple related activities. The Government has to realize it gets revenue from the taxes collected through various avenues like tourism, shopping, property tax, etc., spent by the devotees when they travel.
- Regarding smaller temples, government can give the trustees the option of managing themselves with support from devotees in the village or neighbourhood. It can be on the model of Public - Public Partnership model. Here the regular devotees and patrons from the area are the Public part of PPP. As such each of these temples may be assigned to one larger temple from the district to support, and monitor and regulate. The organization structure will be akin to the hub and spoke model. The support would include financial as well as governance support from the expertise of the Committee. They can visit once in a way and act as guardians. May be some village temples which are of historic importance, or with some lands / assets or antique value may be placed under larger temples in the district and DC for more direct supervision.
- All temples follow similar accounting system having been under government. The departments should take efforts to automate the entire process and insist all the top tier and middle tier temples follow the system. TN-TDPC should make a lighter version which is mobile enabled for smaller temples which will have limited function. TN-TDPC can set up an Integrated Command and Control Center (ICCC) which can track real time operations of the temples, and to track the crowd, assets, revenue, maintenance, etc.

### **5.8. Transition Management**

The department can set up a Cell to handle transition management which would help set up Trusts, Committees, rules and procedures for handing over. It should also set up the SPV within two months of deciding the handing over. The first appointee can be an IAS officer who can help set up the vision, system, and build the team. The department should engage consultants for various operations like Chartered Accounts, Chartered Assessors, IT and Management Consultants for framing manuals and inventorying. The whole process can be completed in one year's time. Handing over the village level temples is a low hanging fruit and the respective district Collectors can be assigned this task of over overseeing this operations.

### **5.9. Conclusion**

- This a macro level (30,000 feet) report setting forth a set of recommendations that give broad contours for renewal of temple management systems which can go a long way in transforming temples and lifting these out of the morass. At the outset, it seeks

to free the temples from government direct control. It suggests all the assets will be with the Government but suggests a mechanism under which operations will be with the temple management under the overall supervision of an authority. This set of recommendations indicate governance structure, organizational structure, organization of temples, key operational etc. One of the key recommendations is suggestions for a separate temple management and promotion corporation which will have an arm's length relationship with government and help the department execute all its plans. The authors feel any change has to be comprehensive and piecemeal changes will only reinforce the status quo.

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Governance of temples has been a contentious issue from the days of British rule. Post independence, the State Governments have completely tightened the state control of temples. The take overs were originally enacted on the pretext of improving the management and controlling the mismanagement of temples. But, the whimsical political control and rigid bureaucratic system have made state control counter productive. It is now well received that the state control has failed to deliver. The questions that the policy makers and courts ask are, if the temples are to be handed over, to whom these temples are to be handed over? What should be their Governance structure and relationship with the Government. It is in this context, this Report presents the Governance and Organizational Design of the overall Temple Management architecture. This Report is primarily based on the system as it exists in Tamil Nadu, but is extendable to other Southern states which operate under similar policy and legal regime.