



Administration of Hindu Temples: Analysing the Genealogies and Post-Colonial Trajectories of State-Religion Interactions in the Former Princely States of Kullu and Travancore

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Introduction

Within the extant scholarship on the history of princely states of India, there exists serious attention to the political and administrative histories of larger and historically stronger regions, which were even able to protect their internal administration and sovereignty from the attacks of foreign rulers and established connections. They were able to build an alliance with East India Company given their strategic locations destined for intense trade activities. The princely states of Travancore and Hyderabad in the South and of Rajasthan in the North, Bhopal in Central India, occupy an important place in the study of princely states. However, not all states were governed by powerful rulers, had abundance of resources as well as strategic locations and therefore on the political and economic agenda of East India Company officials. These were the territories, which have received less attention from the point of the importance of the regional histories and their development.

The concept of sovereignty and the resistance to join the Indian Union soon after India attained independence is seldom discussed in the context of these smaller princely states. Particularly, the settlements of the



Himalayan regions of north India such as Himachal Pradesh and Uttarakhand have not been discussed enough to highlight their role in the historical processes of the integration of princely states into the Indian Union. Their political dynamics receive only attention at the regional level while in the general discussion on princely states they are often seen as mere administrative seats of the Empire, the so-called hill-stations, which they built to escape the heat in the plains of North India.

However, it is crucial to highlight the importance of these smaller princely states to gain a better understanding of certain issues such as the conflict over ownership of temples and its resources—the central theme of this paper. One of the useful strategies to highlight the importance of these Himalayan princely states is to compare them with the more historically stronger regions of the south such Travancore. To shed some more light on this forgotten aspect of history, the paper provides case studies of two Hindu temples located in a northern and a southern princely state of British India and the role of their rulers in the Indian Union.

As this paper is a work under progress for a larger research project, it only briefly discusses temple related disputes in different parts of India and mainly focuses on examples of such debates and controversies from the former princely states of India. This paper explores the histories of two princely states from the perspective of Hindu temples, which were the centres of political power through which the ruling elites governed their territories on behalf of the supreme deity of the region. In the southern parts of India enormous amount of wealth in the form of donations were for the most part made to temples that were already in existence. In contrast, in north India new temples, or resthouses, were frequently founded, some of which seemed to have had a more “private” character as family shrines or were destined for the use of a particular section of the Hindu community (Orr 2011, 153).

It will be argued in this chapter that different controversies which involve high profile Hindu temples of India are connected to individual and unique regional histories of these princely states which maintained the ownership of temples autonomously until the East India Company’s and in particular the Indian Union’s bureaucratic, judicial, and political intervention after independence. In important ways, tensions related to ownership of Hindu temples have unfolded differently in different regions based on different historical factors such as encounters with the colonial administration, political control over administered territories, wealth associated with temples and their size etc.

Additionally, preliminary research suggests that judicial intervention confronts regionally specific circumstances in quite different ways. It



also suggests that in the northern former princely states, government interaction with temples is more ambiguous than in regions incorporated early into the British colonial state, as well in the larger southern princely states subject to earlier processes of modern state-building. The paper while broadly focusing on a comparative analysis of smaller and bigger princely states, mainly brings into light two legal controversies involving temples, which are connected to historically relevant events in the Himalayas of North India and southern states.

'Temple Security' - A subject of state intervention in the administration of Hindu temples

In contemporary India the management of Hindu temples is increasingly discussed in the offices of Government of India and in Indian law courts. The ambiguities surrounding who should take over the administration of temple affairs such as endowments, distribution, appointment of temple officials, continue to develop and take new forms in different regions of India. Historically, regional kings constructed/ established, and managed Hindu temples as patrons and endowed them with wealth while maintaining a personal relationship with the presiding deity as well as often ruling on behalf of the deity as their servants or custodians (Berti 2006, 40)

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This continued until any foreign ruler/s introduced new modes of administration by disrupting the already existing ones such as the encounters with the Mughal rulers and colonial administrators. An important example of this disruption in the Indian context is the interference of the colonial administrators in managing the funds/ endowments of religious institutions who saw them as trusts. For example, during the eighteenth century, the East India Company gradually introduced a centralised bureaucratic department in the Madras presidency to supervise the administration of Hindu temples. Subsequently, similar measures were implemented in other parts of south India where a majority of Hindu temples had already come under the jurisdiction of the British Raj's institutions before India attained Independence in 1947 (Appadurai 1981, 71,114; Das Acevedo 2016, 6)

After Independence, the rest of India incorporated these changes at different time-periods and with varying intensities. Most temples in contemporary India are still undergoing the process of deciding the 'true owner' of its property and its management. It is a general understanding among regions, which are ruled by territorial deities and a supreme deity that the wealth endowed to a deity, or the temple belongs to the deity itself and they are the owner of it. It was later legalised by the English law courts who also assigned these deities a juristic personality capable



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of suing and be sued for their property rights. Often citing temple security and protection of its resources as a common reason for the state to intervene in its administration, the law courts continue to determine the private and public ownership of the temple and the extent to which royal families will be included in the management as well as ownership of temple resources.

Historically, the administrative posts within a temple were hereditary and only involved the elite members of the society such as Brahmin and Rajput families who lead the religious procession and had sole rights of participating in temple activities. However, after Independence and during encounters with the officials of the East India Company, members of royal families while continued to perform ritualistic functions had either lost free access to temple resources or they were under scrutiny of the state bodies. This could one of the reasons why several temples which were earlier under the "private ownership" of Brahmin families or of royal families underwent the transformation of these temples as 'public' temples (Moodie 2018, 71). This process of transformation could be linked to the increased role of bureaucratic and judicial departments in regulating temple affairs. Thus, what is commonly referred to as 'bureaucratization and judicialization of Hinduism' in the recent academic discourse on law and religion in India points toward the increased role of Indian judiciary and bureaucracy in religious matters (Künkler 2018, 193; Berti 2016, 72).

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One of the arguments of this article is that the processes of bureaucratisation and judicialisation are complex in the case of former princely states. Possibly because the religious matters were not subject to state control and locally formed councils maintained the rights to administer the activities in a temple. Scholarship on the issues of temple administration and management is well established in the context of Tamil Nadu (The Madras Presidency under the colonial administration), which suggests that already existing temple-state relations were disturbed by the officials of East India Company by introducing centralised bureaucratic departments as well as judicial intervention in Hindu temples (Appadurai 1981, 63; Presler 1987, 62). In addition, the paper maintains that regionally distinct experiences with crucial historical factors play/ed an important role in the variations of religion-state relations in colonial and independent India. This suggests that even though the histories of the former princely states are connected with each other in terms of experiencing the key moments of Indian history, they maintain unique trajectories of development owing to specific regional factors.

Apart from security of financial resources as a common cause for expanding state control over Hindu temples there are several examples



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from contemporary India involving some of the popular and high-profile temples that have been subject to legal rulings over appointment of temple officials, equal distribution of donations and rules regarding entry into temples. The first example in this context comes from Sabarimala Temple in Kerala. The recent debate on the Supreme Court's verdict¹ for allowing women between the ages of 10 and 50 years old into the Sabarimala Temple in Kerala has led to protests from the devotees of Ayyappan. The presiding deity of the Sabarimala temple, Lord Ayyappan, is locally known as a celibate deity, and does not allow entry of 'fertile women' (Das Acevedo, 2016, 102).²

However, as the Supreme Court judgment mentions a writ petition was filed by group of lawyers on the ground of gender discrimination against women of a certain age arguing, that interdicting access to the temple violates the constitutional rights of religious freedom. In contrast, the petitioner on behalf of the Travancore Devaswom Board argued in support of the 'personhood of the deity.' They argued that as the deity practices the 'severest form of celibacy', pilgrimage to the temple requires forty-one days of fasting and basic requirement of the fasting is to withdraw from the materialistic world; the pilgrim separates himself from the women in the house, including his wife, daughter, or other female members in the family. As a part of this practice and rule of celibacy, women between the ages of 10 to 50 years should not undertake this pilgrimage due to their menstrual age, who, therefore, are considered 'fertile', and could hence disturb the celibacy of the deity.

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It was further argued that this was not a case of gender-based discrimination because women only of a particular age are prohibited from entering the temple during pilgrimage season. Also, it was argued that there are other Lord Ayyappan temples where he is not present as a celibate but in another form hence allowing women the entry. The Supreme Court of India, however, rejected these claims and passed a verdict that as the customary rule violates fundamental rights in the Indian Constitution and it is not an 'essential practice'³ of Hindu religion therefore it must be abolished. Following this verdict, thousands of Ayyappan devotees protested on the streets and refused to follow the court order. The main concern of the group of lawyers who filed the petition was that the customary practice of not allowing women of certain age inside the temple premises was violation of constitutional rights which allows freedom to practice religion while those involved in the management of the deity's affairs opposed such claims on grounds of the celibate personality of lord Ayyapan.

Similarly, the case of the Kalighat temple located in Kolkata which came under legal scrutiny in 1937, when a temple manager approached



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the district court on behalf⁴ of the goddess Kali. The appellant accused the other temple officials of misappropriating funds; stealing wealth, jewels, and land that belonged to the goddess. He argued that temple officials are not supposed to enjoy the profits earned through donations made to the deity. Such conflict and debates over the “fair” usage of temple wealth were common even before British officials centralised the supervision and regulated temple activities by legal, juridical and bureaucratic means (Moodie 2018, 121). In the Kalighat temple case, the temple manager appealed in district court to appoint government officials to ensure that the temple officials did not abuse resources that belonged to the goddess Kali. In return, the defendants argued that their inherited role meant that the goddess Kali had entrusted them with the authority to access and take care of the wealth donated to her.

The district judge in 1941 passed a ruling that a body of management consisting of government officials must be formed to manage the resources of the temple. The judge also stated that Kalighat temple was a public temple and can no more be managed by a single Brahmin family. Further appeals were made in the high court of Bengal and the Supreme Court of India against the ruling of Kalighat temple as a public institution and to include temple officials in the committee instead of government appointed officers. In 1961, the Supreme Court of India agreed with the decisions of the lower courts and ruled that the temple committee would consist of public representatives as well as temple officials thereby denying the hereditary rights in the temple. The dispute which began in colonial India was resolved after Independence in the Supreme Court of India and followed the same understanding of the dispute as laid down by the courts set up with by the British. Another recently resolved dispute makes reference to the legal principles established under the colonial administration, yet the trajectory this case adopts is quite differs.

Highly interesting is a recent decision by the Supreme Court of India for now settling the dispute over the famous-infamous Ayodhya case. In November 2019 the Supreme Court of India reversed the decision of the provincial court of Allahabad (of 2010)⁵ to declare the disputed site in Ayodhya the birthplace of lord Rama whose temple is to be constructed. Hindu organisations argued that on this site existed an ancient Hindu temple of Rama, which was demolished by a Mughal emperor to construct the Babri mosque. Amidst the political climate in north India in the nineties the mosque was demolished in 1992 followed by series of violent riots between Hindu and Muslim communities. While the High court of Allahabad acknowledged the evidence submitted in the court and issued a judgment that equally divided the property between Hindu organisations and the Muslim board, the Supreme Court of India



interpreted it differently. It handed over the land to a Hindu trust for the construction of a Hindu temple. Whereas the Muslim litigants were assigned a piece of land somewhere else in Ayodhya for the construction of a mosque.

One of the most crucial aspects of this case was the principle of judicial personality of a Hindu deity in this case of lord Rama, who was treated by the appellants as a minor who needed protection from his devotees. Introduced under the colonial administration the law of juristic personality of Hindu deities has been interpreted differently in law courts as well as by devotees. Arjun Appadurai argues that one of the principal reasons for the legal categorisation of Hindu deities as juridical persons was the implementation of English model of charitable trusts to the endowments made to Hindu temples. Wherein the endowed property vested in a trustee and was used for the benefits of others. This understanding was contrary to the functioning of a Hindu temple wherein the donations/endowments vested in the idol and were only managed by its managers. Thus, this difference between English and Hindu conceptions led to a framework which created and continues to create ambiguities over religious matters that are resolved in the courts of law (Appadurai 1981, 173-175).

The above-mentioned case studies of legal disputes involving Hindu temples represent the diversity of themes Indian courts have been dealing with. They showcase how various regions of India differ with respect to how temple controversies are triggered and adjudicated. These differences reflect in part the varied timing and duration of exposure to bureaucratization and judicialization of government interaction with religious institutions in the colonial and post-colonial periods.

While the administration of Hindu temples is central to this article it also brings into discussion the issues sovereignty of royal families in independent India. As this is a preliminary investigation of the variations in the state-religion relationships, the purpose here is to lay the groundwork for a larger project for future research. The aim is to use this paper as a starting point in order to examine the historical dynamics in the princely states across India and to develop a more specific framework to interpret the ambiguity of the state-religion nexus. In particular, I will explore the understudied subject of the unique historical trajectories of these formerly princely states which are relatively less exposed to the political and legal dynamics that affected the regions which were under the direct control of British administration. This paper, through a preliminary examination of the temple-state relationships in independent India will elaborate on the continuing messiness of Indian secularism at the national macro level.



The article brings into discussion the study of Indian princely states followed by an elaborate analysis of two recent legal disputes involving two temples from North and South India: the Raghunath temple in Kullu, Himachal Pradesh and the Sree Padmanabhaswamy temple in Thiruvananthapuram, Kerala. It highlights the differences in how the private and public ownership of temples are discussed in the court rooms and the extent to which state involvement is recommended/allowed often based on security of temple wealth and protection of devotees' rights which are then linked to fundamental rights any Indian citizen is entitled to constitutionally. The following section of the article explains how the connected histories of the former princely states of India also maintain distinct and unique experiences based on individual regional factors. The section concludes with a discussion on how temple laws were formed/introduced and implemented under colonial administration in South India and how they were eventually incorporated in the Indian legal system and continue to be followed in independent India.

Another important argument of this that the analysis of the histories of princely states must also be looked at from the point of regionally located factors, which suggest that influence of colonial administration was not a sole dominant factor in the development of the histories of these princely states. For instance, in the western Himalayan region of Himachal Pradesh the role of Sikh empire of undivided India had significant role to play particularly in the district of Kullu. The purpose here is not to discard the influence of exploitative policies of colonialism but to focus on the internal regional factors that played a key role in developing certain ideas that cannot be solely seen as resulting from the control of colonial policies and ideas. It emphasises on the role of regional and local factors in formation of the formation of a state, which more often was formed by integrating several independent princely states. Specifically, it talks about how the relations between Indian rulers and Hindu temples were conceived through oral histories and archival records.

Scholars such as Chitrlekha Zutshi working on the historiography of princely states which tend to divide the history of India particularly under the colonial rules into British India and princely states of India. She suggests that the history of princely states must not simply be revised as the 'counterpoints' to British India, instead it must be studied as 'entities that participated in more complex and far broader social, political, and economic networks' (Zutshi 2009, 302). She argues that the studies of the princely states must analyse them in the context of local conditions as well as link to broader regional, imperial, and global contexts. According to her the studies on princely states could be



broadly identified into two broad categories of scholarship, one that focuses on analysing the development of politics in a state and following to the process of state formation to understand the national level politics, and themes such as nationalism and communism.

Similarly, in the collective volume on princely states of India, it is argued that as each area of the subcontinent had its own history of regional and cultural diversity and interaction within the expanding British Empire (Ernst & Pati 2007, 1). Therefore, it would be incorrect to present a general analysis of these encounters and the ways the rulers of over 500 Indian states negotiated their political and geographical boundaries at different periods. Challenging the 'hegemonic accounts' on the histories of princely states scholars insist that it is important to consider the extent to which the Indian states were autonomous and sovereign entities (ibid., 3). Supporting recent writings which emphasize the importance of regional studies they suggest that princely states were not simply 'puppet regimes', or 'hollow crowns', instead they often maintained considerable autonomy and preserved existing social formations or modified them to fit in better with new political ideas, and economic rationales (ibid.).

These debates around variations in the extent of autonomy that princely states maintained during their encounters with the foreign rule is central to my research and to this article. By highlighting the importance of how regional factors contributed to different patterns of historical developments, which are unique and, in many ways, connect the histories of former princely states. Additionally, the emphasis of my research on the distinct nature of regional histories in the analysis of temple controversies contributes to the overall theme of this volume.

Whether the former princely states were simply taking order from the British empire or where they actively engaged with the British empire in the making and remaking of history, administrative changes or even in the production of new forms of knowledge? Norbert Peabody suggests that the new forms of knowledge that emerged under the colonial rule were created in collaboration of Indian groups and the people involved were able to 'harness, redirect, and shape aspects of the emergent forms of knowledge' (Peabody 2012, 76). Highlighting the importance of the native's 'agency', he argues that the role of indigenous actors, agendas, and ways of knowing in the construction of the knowledge have not received adequate attention in the studies of princely states and their interactions with the British empire. Thus he suggests exploring the agency of native actors in the study of the histories of princely states particularly when examining the impact of colonialism in these regions. Arik Moran provides a rich account of Himalayan kingdoms and traces



the formation of these polities before and during colonial encounters. In his work, he challenges many scholarly perceptions of 'Rajaputisation' and provides an elaborate account on the arrival of kingship in the Himalayas and the understudied role of queens/ranis of Himalayan kingdoms and principalities. Additionally, using ethnographic material is also looks at the local sources of oral histories and archival materials to deconstruct the ideas of kingship and sovereignty in the former kingdoms of what today is identified as Himachal Pradesh (Moran 2019, 15-16).

Similarly, Pamela Price examines the question of sovereignty in the former Madras presidency by analysing the encounters between the *Mathas* (Hindu monasteries) and the colonial administrators. In the nineteenth century when the colonial administrators were involved in regulating and protecting the property and resources attached to the Hindu religious institutions, they faced the challenge of dividing the religious from the non-religious matters. For instance, maintaining the position of the head of a Hindu religious institution and at the same time redistributing its resources as per the courts of law mixed the religious with the law courts. Due to which the Anglo-Indian legal system disregarded the sovereign influence of heads of Indian Mathas, which was presented as if to serve the social needs by criticising the role of Mathas in the Indian society (Price 2019, 40). This is clearly reflected in how the law courts in contemporary India adjudicate the religious matters while complicating the principle of "religious neutrality"⁶ which was not practiced when it was introduced during the colonial administration.

In addition to this, an important aspect in the study on the princely states is their integration to the Indian Union from 1947 to 1950s. Soon after India attained Independence the Indian National Congress, soon to be simply called the Congress Party, argued that individual administrative units had no future and to maintain efficient administration smaller states must be merged with other states to maintain efficient administration. For example, the smaller kingdoms of Gujarat were merged with Bombay, and the Panjab hill states became a part of centrally administered Himachal Pradesh. Similarly, the previously independent units of Udaipur, Jaipur, Jodhpur, Jaisalmer, and Bikaner were integrated to the state of Rajasthan to be administered by the government of India. However, until 1949 only six states agreed to join the Indian union whereas states such as Hyderabad, Mysore, Bhopal, Tripura, Manipur, Cooch Behar maintained their old independent administration and geographical boundaries. The states of Travancore, Hyderabad and Punjab hill states opted for resistance against the integration (Copland 1995, 136). This suggests that the process of integration of



princely states into the Indian was neither smooth nor linear.

Thus, the refusal to join to join the Indian union was not peaceful across India and government built the pressure on regional rulers and even “threatened” them for internal security if they did not sign the papers of accession against their will to continue as sovereign states under regional heads. Additionally, the impact and response to the policy of integration varied across India based on different factors such the caste structure played a major role in Rajput or high caste dominated states wherein the oppressed class wanted a shift in political power, the economic resources of the state, and the relations between the king and the local population. Thus, the processes of bureaucratisation and judicialisation, which developed under British administration, had an added impact of the processes of integration of princely states and democratisation in independent India.

The following legal case study from the Western Himalayas in North India explains a tussle over ownership of Raghunath temple in Kullu district of Himachal Pradesh. It demonstrates the impact of colonial legal policies as well as the relevance/agency of regional components which makes the case different other disputes over ownership of temples in India.

Raghunath Temple and the royal family of Kullu

In September 2016, the regional king of Kullu valley, Maheshwar Singh, accused the state government of taking over the Raghunath temple for political reasons. Located near the Rupi Palace, the temple caught the attention of the state authorities in 2014, after two consecutive thefts of cash and idols kept inside the temple had drawn attention on the site. The plaintiff in the court, however, argued that it was the private property of the royal family of Kullu, and the idol of the presiding deity Raghunathji was established for personal purposes. He added that state control was not justified, and it was done out of political rivalry between political parties and with the royal family members. The origin of this temple dates to the sixteenth century under Raja Jagat Singh who constructed the temple and established the idol. According to the local narrative, during his reign, the king was advised to go to Ayodhya to bring back an idol of Rama and his wife Sita to get rid of the sin he had incurred for killing a brahmin. After installing the idols of these two Hindu deities, Raja Jagat Singh declared himself a custodian/servant (Chhari-bardar) of Raghunath, with only his eldest son given hereditary rights over the temple (Maheshwar Singh vs. State of Himachal Pradesh 2017).

In contrast, the arguments presented by respondents rejected such claims and argued that the Hindu Public Institution and Charitable



Endowments Act 1984, provides that the government can take over the administration of a private temple for the interests of general public. They also argued even if the temple has been historically private property, it can still be turned into a public institution. Additionally, since the nature of rituals and festivals attached to this temple are public it is public property and not a private temple. After hearing the rival claims over the temple, the High Court upheld the state control over the temple. However, sensing it a case of political rivalry, Maheshwar Singh filed a lawsuit against the order of the high court in the Supreme Court of India after which Lord Raghunath was declared a family deity and his temple, a private religious institution (ibid.).

While the High Court of Shimla in the above discussed lawsuit rejected the claims of the head of the royal family of Kullu and supported the argument made by the state officials on behalf of the interests of the general public, the Supreme Court of India upheld the royal claims given their historical connections with the deity and the temple. But do the royal families have the same authority and status as they enjoyed before their integration into the India Union? Can the law courts assess the validity of these claims based on historical evidence? The following case from the former princely state of Travancore elaborates on this issue.

Padmanabhaswamy Temple and the royal family of Travancore

The case of Sree Padmanabhaswamy temple has a different 'career' owing to the history of the powerful kingdom of Travancore in present-day Kerala. In 2011, debates about who owns the assets of Sree Padmanabhaswamy temple reached the High Court of Kerala. Two of the six vaults containing wealth amounting to 20 billion US dollars prompted a discussion on who owns the temple resources and its administration. The head of the royal family stated that the wealth of the temple had been accumulated by the royals of Travancore and that they had the right to access and protect it. The petitioner, an ex-police officer, lawyer and a devotee of lord Padmanabhaswamy, argued that the temple's managing trust was incapable of protecting the wealth kept under the temple's vaults and, therefore, requested a government body to take over. He also argued that the current head of the royal family was not a ruler in present-day India and was hence unlawfully claiming the authority of the temple. In opposition, the royal family argued that a takeover of the temple administration was a breach of the contract signed between the princely states and the Indian Union during the accession that vested the administration of Hindu temples in the hereditary rulers of Travancore (Sri. Marthanda Varma (D) Th. Lrs. & Anr. Petitioners v. State of Kerala & Ors. 2020).



Addressing both the appeals, the high court pronounced that Sree Padmanabhaswamy temple was not the family property of the royals and ordered the state government of Kerala to create a trust and special security to protect the temple valuables. The court also held that Uthradam Thirunal was not a ruler of Travancore and that the rights of the royal family in temple administration ended with the demise of the previous ruler in 1991. However, when this matter was resolved in July 2020 by the Supreme Court of India, it issued a verdict stating that even though Sree Padmanabhaswamy temple is a public institution, its management is owned by the royal family of Travancore. The court also ruled that the present head of the Travancore royal family is qualified to succeed the control of the temple and that the death of the last Ruler of the erstwhile State of Travancore did not have any bearing on his management rights of the temple. In doing so, the Supreme Court overturned the High court judgment, which claimed that the office of the 'manager' of deity Padmanabhaswamy was a public position (ibid.).

Although there are similarities in both the legal cases, each temple speaks of its regionally distinct historical context. The private ownership of Raghunath temple is reflected throughout the procedure and claims made in the provincial court of Shimla. Maheshwar Singh's constant efforts to highlight the private nature of the temple and its origin was at the core of the legal proceedings. There were constant efforts to focus on how the members of the Kullu royal family have historically been associated with the temple and have also sacrificed their personal lives in the maintenance of their role as a *chharibardar* (stick bearer/ caretaker/watchman) of the deity and its temple. The concept of Chhari-bardar in Kullu refers to the person who carries a stick or when the rath is taken out during procession or any other religious event. Despite being a hereditary role, it does not often used to refer to the ownership of temple resources.⁷ They opposed any kind of interference, which was not historically present, that is, of state government and officers of the government of India. The state too, did not over-emphasise the public nature of the temple and focused on discussing the role of the general public in the performance of religious rituals and their participation in festivals organised in the temple.

On the other hand, the management of Padmanabhaswamy temple, which is co-administered by the head of the royal family of Travancore, an administrative committee and an advisory committee consisting of retired government officials and professors, did not argue for the private ownership of the institution. In fact, the *Amicus Curiae* suggested a total of 77 points that must be considered to improve the administration of Padmanabhaswamy temple. These points include an involvement in



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issues, which were not brought up in the Raghunath temple dispute. Among the many issues was the cleanliness of the temple officials and of important areas such as the kitchen, as well as the sort of garments that the temple priests should wear, how to dress up the deity, which kind of thread was to be used to make flower garlands for the deities. Also, monthly publication to highlight the daily activities of the temple, the creation of a platform for online worship and donations to the temple, relationships between the temple administration and the temple staff, salaries of the temple's employees, etc. (Sri. Marthanda Varma (D) Th. Lrs. & Anr. Petitioners v. State of Kerala & Ors. 2020)

A key point that comes out of these suggestions made in the Supreme Court of India is the extent of bureaucratic and judicial involvement in the temple, which has not been implemented in the case of Raghunath temple. Even though the head of the Travancore royal family still plays a central role in the performance of religious rituals and festivals that take place in the region, the administrative and advisory bodies also work as co-managers to look after the temple affairs.

This is in complete contrast to how temples function in the Kullu valley which may be similar in other parts of Himachal Pradesh. Here, any temple is managed by locally formed (through hereditary means) and chosen (by different village deities) officials which vary from 10-12 in number. This is considered a historical and traditional office of a deity that manages every matter that is related to them including their temples. During the interviews with the concerned officials, it was discussed in detail how an "office" of the deity works and if the government officials could perform the same role. A majority of these officials argued that the affairs of the concerned deity and the temple are best managed by traditional means instead of state officials. The involvement of state officials according to them will make the running of a temple like a government office for which permission will be required in a written form that will disregard the religious nature of the activities in any temple. This suggests that in Kullu state involvement is not preferred in the place of already existing system. Hence, there are multiple instances of confrontations and negotiations between temple officials and state administrators.

The case of Raghunath temple presents different aspects of regional dynamics and one of the crucial factors is its status as a former princely state that included independently governed territories under different political powers including the Gorkhas, Sikh rulers and the East India Company. Its varying encounters with colonial rulers within the western Himalayas differed in timing and intensity (than those of the kingdoms in South India) leading to different responses and dynamics with foreign



rule. Focusing on the early exchanges between Pahari Rajput leaders and British administrators Arik Moran's work brings into discussion formation and reformulations of ideas about sovereignty and kingship that became a part of Himalayan historiography. Examining the regional histories and interrelations of Bilaspur, Kangra, and Sirmaur districts in present-day Himachal, he looks at the emergence of Rajput kingship in the Himalayan regions. Historically these three regions were some of the largest kingdoms of Himachal Pradesh, Kangra and Bilaspur were immediate threat for the rival kingdoms of the mountains (Moran 2019, 29).

It was the Battle of Chinjhar in 1795 that changed the regional dynamics between the rulers. Additionally, their incorporation into powerful imperial structures affected them differently. For instance, the largest and historically strong kingdom of Kangra became subordinate to the Sikh realm; Sirmaur transformed into a 'model princely state' under the British rulers; and Bilaspur's division between the two powers invited controversies. The Anglo-Gorkha War (1814-16) also initiated a reorganisation of the political culture, which was hitherto untouched by foreign rulers. Having defeated the Sikh armies in 1846, the British took over the Kullu district as well. An Assistant Commissioner, subordinate to the Deputy Commissioner in Kangra, was appointed in Kullu. Thakur Singh, the raja of Kullu at the time (1841-52), retained his title and was allowed to exercise sovereign powers within his territories. After Independence, Kullu remained a subdivision of the Kangra district until 1963, when it was made a separate district. In 1966 it was merged with the Himachal Pradesh Union Territory, which became a state in 1971 (ibid., 61).

There is not much evidence which shows the impact of colonial administration on Hindu temples in Himachal Pradesh. What is available instead are the records of frequent disputes and negotiations with state institutions in post-colonial Himachal. This is evidently present in the Raghunath temple dispute. In addition, the developments in this matter are not only influenced by the history of temple administration in Himachal Pradesh but also by its regional politics. For instance, as a chief petitioner in the Raghunath temple lawsuit (and in majority of cases from Kullu) Maheshwar Singh apart from being the head of the royal family, who actively participates in the performance of religious rituals, is also a BJP politician. While he is still referred to as 'raja sahab' by the local populace, his political affiliation to the Congress Party is often cited by local newspapers as a major reason for the legal dispute. Head of the Kullu royal family blamed political rivalry with the ex-chief minister of the state, Virbhadra Singh (also a member of royal family of the erstwhile kingdom of Bushahar) belonging to a rival political party was behind the state takeover of the temple.⁸



Additionally, the uneven integration of Himachal Pradesh as a centrally administered territory by merging smaller principalities as well as into the larger project of India as a secular state brought with it many changes to the religious and political life. Annual festivals and religious rituals came under the scrutiny of the state, alongside land reforms that re-assigned major land holdings previously registered under the name of local gods. This transition began in 1948 and concluded in 1971, when thirty princely states of the Panjab province known as the "Hill States" were integrated into Himachal Pradesh as a federally administered territory. During this period, federal efforts to integrate Himachal Pradesh with the Panjab were opposed within Himachal on the grounds of its cultural, linguistic, and religious distinctiveness. It was argued that the culture of the western Himalayas was different from that of the plains, and so in 1971 Himachal Pradesh was granted the status of a state (Elmore 2016, 51).

Thus, the collective identity based on language, culture, and religion played an important role in the formation process. This transition posed a challenge to the traditional authority of regional kings. Consequently, the main strategy adopted by the royal family was to participate as a head of the state in religious state level festivals and play a dominant role in the rituals. Recent ethnographic work on Himachal Pradesh by Mark Elmore significantly enhances our understanding of the transformative nature of religious practices and beliefs vis-a-vis the complex relationship of religion and the state. The shifting power dynamics directly affect the practice of religion which is crucial to understanding the transformative nature of power relations in the region (*ibid.*, 13).

In the historical Himachal region, the boundaries between religion and state administration were not clearly defined and the regional kings and village deities were responsible for the creation and maintenance of religious, political, and social order. In contemporary Himachal, locals are still shaping and reshaping the religious activities according to the circumstances to connect the state administration with the regional kings and local deities. In contrast, the case of Padmanabhaswamy temple in present-day Kerala reveals the history of bureaucratic and legal control over Hindu temples that was introduced through early encounters with the colonial rule. Historically, the city of Thiruvananthapuram where Padmanabhaswamy temple is located was under the control of the Maharaja of Travancore who ruled a politically strong and wealthy kingdom and also controlled endowed properties of temples.

Present-day Kerala was historically famous for its temples that were rich, numerous and heavily patronised by Malayali rulers. It was during the eighteenth century that the kingdoms of Travancore and Cochin



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underwent a lot of changes in the administrative and military structure under the rulership of Raja Marthanda Varma (1729-58) and his successor Rama Varma (1758-98). Employing new strategies of state building Marthanda Varma defeated the Dutch east India Company and reformed its military organization by using European weapons and techniques and by recruiting Syrian Christians as traders to counter the rise of colonial powers in Southern India. The incorporation of Syrian Christians in Kerala changed its political order in the eighteenth century, which eventually disintegrated in the nineteenth century when the British supremacy took over the entire region. They not only brought centralisation of power back into practice, which was lacking in the old political structure, but also helped improve the financial conditions of the Padmanabhaswamy temple eventually serving as savants (vice regents) to lord Padmana⁹.

Even though Travancore remained nominally independent until its accession to India in 1949, the relation between Hindu temples and the state began to imitate developments in the former Madras presidency. Eventually, Padmanabhaswamy temple was also drawn into processes of bureaucratic centralisation that began in the early nineteenth century. And in 1811 Travancore's powerful diwan/Resident persuaded its queen regnant to centralise the administration of hundreds of temples, their assets, and their daily management which shaped the current dynamics of administration of Hindu temples between royal families, temple committees, political interests, bureaucracy, and the judiciary. As the bureaucratic and judicial control over temples strengthened under the colonial administration, certain policies were framed that were against how the royal family established its relations with the temples and the deity.

Das Acevedo argues that the ongoing tensions over the control of Hindu temples in Kerala are grounded in its regional developments. For example, in the case of Padmanabhaswamy temple different groups stepped into the debate. Some argued for the public status of the temple, therefore, its wealth belonged to universities, museums, and local infrastructure. While others maintained that the wealth belonged to the deity as per the clause of legal status of the Hindu deities. Several others supported the royal claims and stated that as the royal family had protected the treasure for many decades it belonged to them (Das Acevedo 2016, 851-852). These different positions for the right to control temples and its resources can be attributed to regional factors including the role of Christian missionary activities under the colonial administration that promoted mass education across the state leading to higher literacy rates. As a result, when there was a debate regarding



the resources of temples, a set of arguments suggested that the money must be used for the welfare of general public and must be invested in educational institutes and universities.

Scholars such as Arjun Appadurai and Franklin Presler demonstrate that the evolution of bureaucracy and judiciary under colonial administration is closely tied to the state control of temples in India. By introducing the Regulation VII of 1817, colonial administration allowed regional bureaucrats to supervise the everyday activities of Hindu temples. The temple authorities lost complete autonomy in managing their affairs as the government officials took the role of supervisors and appointers of temple trustees (Presler 1987, 19). This meant that trustees who previously acquired office through hereditary rights were now appointed by a district collector, who was also authorised to take over the temple completely if they noticed any misuse of funds.

The regulation of 1817 operated for more than 20 years, and from 1839 onwards, the British policy concerning the control and supervision of temples changed, owing to the decision of the British Court of directors to withdraw the control of the British bureaucracy and instead support native leadership (Mudaliar 1979, 15). This led to the Religious Endowment Act of 1863 (Act XX of 1863). Through this Act, the jurisdiction of the Board of Revenue was eliminated, and the new Act suggested that only the court of law could intervene in temple conflicts and disputes (Mudaliar 1979, 15).

Conclusion

The transition from self-regulating institutions and religious practices to bureaucratic and judicial control was neither immediate nor smooth. And as a result, interactions between bureaucratic departments and local autonomy often led to conflicting situations because the interference was seen as the control of not only religious institutions but of the relationship between people and their religion. Additionally, by treating Hindu temples as English trusts, the Company officials tried to separate religious and secular spheres of life and justified state supervision of endowments that belonged to Hindu deities who were assigned a legal status in the courts of law. These ambiguities are clearly manifested in the disputes that are resolved in the Indian law courts. This judicial intervention and the frequent interactions between temples and law courts continued to intensify the tensions between Hindu temples and Anglo-Indian judicial systems. The growth of the judicial system in the mid to late nineteenth century led to the judicialization of religions and frequent conflicts between temple officials and the judiciary (Das Acevedo 2013, 256).



To briefly look at the two cases the article has discussed, we see unique patterns of regional histories which support the argument that even within princely states there are different historical, i.e. colonial, arrangements, which manifest differently in the post-colonial of context. For example, as bureaucratic and judicial control of religions in Himachal Pradesh is relatively new, the usual cases of confrontation take place between the royal families and their claims over local deities and the state government claims over privately owned religious institutions. In contrast, in South India the bureaucratic and judicial involvement has a long history, and most temples are much more complex in infrastructure and riches that function under strict supervision of government officials but also involve political interests. Consequently, the cases are often related to continuing traditional forms of practicing religion, keeping control of the wealth accumulated at different time-periods.

My research suggests that these variations can be attributed to regionally distinct variables such as the political authority of the regional kings in former princely states, local political dynamics, wealth associated with religious institutions, the timing and intensity of the colonial administration, the introduction and implementation of colonial state policies. Of particular importance are the genealogies of the colonial politics showing different outcomes in north and south India, dependent on the erstwhile local and regional situation. It may be worthwhile to have a closer look at the pre-colonial times for drawing even longer timelines of continuation and ruptures. Such variations align well with the overall argument that secularism in India needs a more nuanced understanding than merely in terms of separation between state and religion or the interconnected nexus between state functioning and religious affairs at the national macro level.

Endnotes

¹ Indian Young Lawyers Association v State of Kerala (2018): WP(Civil) No 373 of 2006.

https://api.sci.gov.in/supremecourt/2006/18956/18956_2006_Judgement_28-Sep-2018.pdf.

² Acevedo in *Celibate Gods and 'Essential Practices' Jurisprudence at Sabarimala, 1991-2011* includes the definition of "fertile women", as aged between 10 and 50 years and their presence in the temple of the celibate deity lord Ayyapan is not welcomed.

³ The three judge bench asked, "Whether the practice of excluding such women constitutes an "essential religious practice" under Article 25 and whether a religious institution can assert a claim in that regard under the umbrella of right to manage its own affairs in the matters of religion?" and while referring to a previous judgment stated that , "what constitutes the essential part of a religion is primarily to be ascertained with reference to the doctrines of that religion itself".

⁴ Deonnie Moodie (2019) in her book provides a detailed account of the development of Kalighat temple in Kolkata.

⁵ In the supreme court of India civil appellate jurisdiction civil appeal no.s 10866-10867 of 2010.



⁶ The word “secular” was included in the Indian constitution in 1976 under the regime of Indian national congress party lead by then prime minister Jawahar Lal Nehru who envisioned independent India to be modern and secular. The Hindi translation of the word secular means religious neutrality that requires the state to be neutral to all religions that became a necessity after the violent partition between India and Pakistan in 1947. The aftermath of partition and Nehru’s vision for modern and secular India were at odds with the ideologies of the Hindu Mahasabha and the Rashtriya Swayamsevak Sangh that became the Bhartiya Janata Party and finally came to power in 1998.

⁷ This was recorded during an interview with devotees of several local deities of the Kullu valley on 18th October 2021.

⁸ Virbhadra Singh: Temple comment is contempt of court: Maheshwar to CM | Chandigarh News - Times of India (indiatimes.com).

⁹ Sri. Marthanda Varma (D) Th. Lrs. & Anr. Petitioners v. State of Kerala & Ors., 2020.

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