

Padmanabhaswamy Temple Verdict & Implications: RSTV- Big Picture

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What's in the news?

- The Supreme Court has upheld the right of the Travancore royal family in the administration of the historic Sree Padmanabhaswamy Temple in Kerala.
- The SC has set aside a Jan 31, 2011 verdict of the Kerala HC which had asked the state government to set up a trust to take control of the temple.
- The SC has also ordered the setting up of an administrative committee with the Thiruvananthapuram District Judge as its chairperson, for transparent administration of temple affairs in the future.
- The controversy over the administration and management of the historic temple has been pending in the apex court for the last nine years in the wake of charges of alleged financial irregularities.

Background

- The Padmanabhaswamy temple is a Hindu temple situated in Thiruvananthapuram, Kerala. It dates back to the eighth century and depicts the Chera style of architecture.
- The administration of the Padmanabhaswamy Temple was being done by a trust under the royal family of Travancore.
- In 1991, when the last ruler of Travancore, Chithira Thirunal Balarama Varma, passed away, his brother Uthradam Thirunal Marthanda Varma took over the temple management, creating controversy over rights of temple management.
- However, the royal family continued to manage the affairs of Sree Padmanabhaswamy Temple till the Kerala High Court in 2011 ruled that the family cannot continue to exercise its shebait rights citing the 26th Amendment to the Constitution of India in 1971, which abolishes 'privy purses'.

The question before the Court

- The central legal question was whether Uthradam Thirunal Marthanda Varma, the younger brother of Chithira Thirunal Balarama Varma (the last Ruler of Travancore), could claim to be the "Ruler of Travancore" after the death of the ruler in 1991.

Is the temple the property of the royal family?

- No. The character of the temple was always recognised as a public institution governed by a statute.
- The argument of the royal family was that the temple management would vest with them for perpetuity, as per custom.

The key aspects of the verdict by the SC

- The SC has recognised that the relationship of the Travancore family & the temple is in line with the endorsement of Article 8 of the agreement signed between the Travancore princely state and the Indian Union in May 1949.
- The interpretation of SHEBAIT in the verdict:

WHO IS A SHEBAIT?

Shebait is any person who serves and supports the deity and manages properties like the temple or land which is vested with the deity.

- The expression “shebait” (Commonly used in Bengal) is derived from “sewa” which means “service”.
- Shebait, in a literal sense, means one who renders sewa to the idol or the deity.
- **The Constitution 26th Amendment Act, 1971, has abolished the privy purse and royal titles. Despite this, the SC observed that the abolition of privy purses has nothing to do with the inheritance of rights of shebaitship.**
- The Supreme Court has laid down that the shebaitship is vested in the founder and unless the founder himself has disposed of the shebaitship in a particular manner or there is some usage or custom or circumstances showing a different mode of devolution, the shebaitship, like any other species of heritable property follows the line of inheritance from the founder, and it is not open to the court to lay down a new rule of succession or alter the rule of succession.
- The SC has recognised the Travancore family to be the earthly representative and custodian of the deity, Lord Padmanabhaswamy.

How has the SC reverted the ruling of the Kerala High Court?

- The High Court (HC) had ruled that the successor to the erstwhile royals could not claim to be in control of the Sree Padmanabhaswamy Temple as per the amendment of the definition of ‘Ruler’ in Article 366 (22).
- The SC has given a ruling which is in line with **Chapter 3 of the Travancore-Cochin Hindu Religious Institutions Act (TC Act) 1950**, which exclusively deals with the affairs of the Padmanabhaswamy temple.
- The SC has held that, for the purpose of shebait rights, the definition of Ruler would apply and would transfer to the successor of the royal family of Travancore.
- However, the SC accepted the royal family’s claim that it no longer considered the temple as its private property, and that it only sought shebaitship.

The SC also directed setting up of two committees:

- **Administrative Committee**
 - Chairperson - Thiruvananthapuram District Judge
 - Other members of the Committee:
 - a nominee of the trustee (royal family),
 - the chief thanthri (priest) of the temple,
 - a nominee of the State and
 - a member nominated by the Union Ministry of Culture.
- **Advisory Committee**
 - It will be headed by a former high court judge nominated by the Chief Justice of the Kerala High Court,
 - a chartered accountant and
 - a nominee of the royal family.

- The administrative and the advisory committees do not prevail over the exclusive rights of the ruler as per the provisions of **Section 18 (2)** of the **Travancore-Cochin Hindu Religious Institutions Act (TC Act) 1950**.
- The decision on the opening of vaults, especially the Kallara B, would be taken by the administrative committees.
 - **Kallar**as mean vaults. Six vaults were discovered in the Padmanabhaswamy temple in 2011, which were named A, B, C, D, E and F.
- The property of the temple belongs only to the deity and the shebait is only a slave of the deity, popularly known as "Padmanabha- das". The royal family is only a trustee and doesn't have a right over the temple property. The property is to be administered by the 2 committees through an executive officer to be appointed by the trustee.
- The SC has not upheld any allegations of financial impropriety that had been put against the royal family members.

Will this judgement have an implication on temple control in general?

- Padmanabhaswamy temple is a unique temple with exclusive traditions that involve examination of the covenant relationship, which all temples do not have. Any judgement on this particular issue has a limited application to the question of temple freedom.
- In this case, the SC has only focussed upon two things - The TC Act of 1950 and Article 8 of the Covenant between the Travancore princely state & Indian Union.
- No law of general applicability has been laid down in this case.
- The courts will have a situation-specific approach in other similar cases keeping in mind the Articles 25(2)(a) and 26 of the Indian Constitution which circumscribes economic, financial and political restrictions within which the state can interfere in the activities of any religious institution.

Way forward

- The Central Government should invoke its powers under entry 28 of the concurrent list which relates to matters of endowments. [28. Charities and charitable institutions, charitable and religious endowments and religious institutions.]
 - It needs to create a model legislation or law on minimalistic intervention with respect to religious matters.
- The Government needs a uniform policy under which the money belonging to the temples can be utilised for educational or medical welfare of socially and economically weaker sections of society.

