

News

The Kerala High Court demands that the rule prohibiting non-Hindus from entering temples be reviewed.



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In a recent ruling in *Sanil Narayanan Nampoothiri v. State of Kerala & ors*, the Kerala High Court noted that the law that forbids non-Hindus from entering Hindu temples might need to be reexamined in light of contemporary society and constitutional principles.

Justices Raja Vijayaraghavan V and KV Jayakumar, who make up the Division Bench,

issued a warning that legislation pertaining to places of worship shouldn't be used as a catalyst for social unrest or conflict. According to the Court, laws, rules, and regulations shouldn't be allowed to serve as tools for fostering animosity or strife among various communities, castes, subcastes, or religions.

During the ceremonies of Sreekrishna Jayanthi, the Court was considering a case against the admission of two Christian priests to the Adoor Sree Parthasarathi Temple.

The Court determined that neither the Kerala Hindu Places of Public Worship (Authorization of Entry) Act, 1965, nor the rules established under it were violated by their entry as invited guests with the Thanthri's consent. An admittance that is claimed as a matter of right is essentially different from one that is allowed by the Thanthri in the capacity of an Athithi (guest) or a special invitee. According to the Court, such a ceremonial and authorized admission cannot be interpreted as a breach of the Act's requirements, the Rules established under it, or the established rites, usages, and traditions governing the temple.

Additionally, Court determined that Rule 3(a) of the 1965 Rules, which forbids non-Hindus from entering temples altogether, seemed to be at odds with the parent statute and allowed the government to give it another look. Given this, the Government should decide whether to keep Rule 3(a) as is or modify it appropriately after consulting the Devaswom Board, Thanthris, religious experts, and other pertinent parties, the Court stated.

As part of the festivities on September 7, 2023, two Christian priests, including Dr. Zacharias Mar Aprem, attended a public event held within the grounds of the Sree Parthasarathi temple. Following the celebration, they received gifts and were led close to the inner sanctum sanctorum, or Sreekovil.

Later, a devotee went to the High Court to argue that the Christian priests shouldn't have been allowed inside the temple, particularly when they were wearing priestly robes. They were accused of entering in flagrant violation of the 1965 Act and Rules.

The request called for the Temple Advisory Committee to be disbanded and disciplinary action taken against temple officials for allowing such access. It also asked for instructions on how to do "curative rituals" on the temple grounds in order to preserve and repair its holiness.

The Thanthri, who has a key and authoritative role in the spiritual and ceremonial management of the temple, granted the Christian priests permission to visit the temple as invited guests, the Court said, rather than as regular members of the public.

The Court decided that such permissive entrances could not be regarded as a violation of the statutes or temple customs, clearly distinguishing between entry by permission and entry as a matter of right.

It further stated that although the Act was passed to guarantee that all Hindu castes and sections might access temples, it makes no mention of specifically forbidding non-Hindus from doing so.

Nonetheless, the Court recognized that the prohibition on non-Hindus was only mentioned in Rule 3(a), which is a subordinate law.

The Court held that subsidiary laws could not go beyond the parameters of the parent Act, citing Supreme Court precedents. There is no clause in the Act that forbids non-Hindus from entering. In the aforementioned rulings, the Apex Court unequivocally stated that a subordinate law could not surpass the parent Act's reach. The Court noted that the law is well-established that the parent Act will take precedence over the Rules adopted under it in the event of any discrepancy.

Advocate Krishna Raj represented the petitioner.

G Biju, the Travancore Devaswom Board's Standing Counsel, represented the organization.

Renjith R, an advocate, represented the Temple Advisory Committee.

Advocate Jacob P. Alex and senior attorney Krishnanunni provided amicus curiae assistance to the court.