

THE SECULAR NORMS FOR ADMINISTRATION OF PLACES OF PUBLIC WORSHIP BILL

A bill to provide for the establishment of a course of study and lifestyle of sacerdotal sanctity geared to training persons for performing ‘pujas’ and other holy functions in all Hindu places of worship and hallowed shrines, and to give appointments to be performing priests to any successful Hindu trainee irrespective of caste differences and to allow access to persons regardless of their faith to all places of worship belonging to different religions, subject to solemn obligations consistent with the dignity, decorum, reverence and submission to the sublime conditions prescribed by respective religious authorities.

Be it enacted in the Fifty ninth Year of the Republic of India.

1. Short title, extent and commencement of the Act.

(1) This Act may be called the Secular Norms for Administration of Places of Public Worship Act.

(2) It shall extend to the whole of the State.

(3) It shall come into force on such date as the Government may notify in the Gazette.

2. Definitions.—

(a) ‘Board’ means the authority consisting of persons referred to in section 3 (2) of the Act.

(b) ‘Government’ means Government of Kerala.

(c) ‘Place of Public Worship’ means a place, by whatever name known, which is used as a place of public religious worship or which is dedicated generally to, or is used generally by, persons professing any religion or belonging to any religious denomination or any section thereof, for the performance of any religious service, or for offering prayers therein; and includes-

(i) all lands and subsidiary shrines appurtenant or attached to any such place;

(ii) a privately owned place of worship which is, in fact, allowed by the owner thereof to be used as a place of public worship, and

(iii) such land or subsidiary shrine appurtenant to such privately owned place of worship as is allowed by the owner thereof to be used as a place of public religious worship;

(d) ‘Purohithan’ means any person who has successfully completed the course of study conducted in any of the institutions established or allowed to be established by the Government or has successfully completed any course conducted in any institution

outside the State but recognized by the Government as equivalent to the course conducted by the institutions established in the State:

Provided that no person shall claim to be a Purohithan on the ground of family heritage, succession or other extraneous consideration. However, the Melsanthis, Keezsanthis and other assistants in service as on the date of commencement of this Act shall continue as such till the period of their appointment expires. It is also made clear that Thantris who are entitled to attend on special occasions and Festivals shall be entitled to continue to exercise their limited rights.

Provided that the lifestyle, cultural and dietary habits of persons seeking appointment as Purohit are consistently vegetarian and allergic to non-vegetarian food habits as well as total abstinence from alcoholism, drug addiction, smoking or other use of tobacco in any form over a period of not less than five years as well as absolute purity by way of celibacy or clean monogamous conjugal life and other sex nondeviances shall be imperative conditions for qualifying to be a priest.

Provided further that the candidate for appointment shall be free from gambling and other suspicious illicit financial antecedents or other misconduct.

(e) 'Prescribed' means prescribed by rules framed under the Act.

(f) 'Tribunal' means the Tribunal constituted under Section 8 of the Act.

3. Establishment of institutions for training in conducting poojas.—

(1) Government shall at least within one year from the date of commencement of this Act establish one or more institutions for giving training to lead a life of moral cleanliness, Hindu philosophy based on the Vedas, Upanishads and other great teachings of Hindu Theology and to perform poojas and other holy functions according to legally and spiritually accepted religious principles in all the places of public worship and hallowed shrines belonging to Hindus.

Provided that the Government shall adopt as the course of study any scheme or project prepared by the Board in this behalf.

(2) Government shall constitute a Board consisting of Chairman/Presidents of all the Devaswom Boards and three outstanding Hindu religious/personalities.

(3) The Government may frame Rules prescribing the minimum qualification for admission to the institutions duration of the course, syllabus to be followed for the course/courses, the qualification of the teaching staff to be appointed, the fees payable by the trainees admitted to the course, terms and conditions of service of the teaching and non-teaching staff and the form and contents of the certificate, diploma or degree to be awarded to the successful candidates and such other matters as the Government may

decide. In discharging this function, the Government shall have the concurrence of the Board mentioned in Section 3(1).

4. *Admissions to the course.*—Admission to the course shall be open to all Hindus satisfying the prescribed qualification for admission, irrespective of their caste with due representation to Hindu Dalit, conventionally considered Sudras and Andhyodhaya communities.

5. *Future appointment of purohithans can only be, of candidates trained in the institutions.*—On and after the completion of the first course of study and declaration of the result, only persons who have passed in the course be appointed as Purohithans in the vacancies in all Hindu public places of worship including Sabarimala temple and Guruvayoorappan temple. No fresh appointments other than as ‘purohitan’ shall be permitted in future.

6. *Appointments of Purohithans only through the Board.*—(1) Appointment of Purohithans after the commencement of this Act shall be made only through the Board from among applicants who have successfully completed the course conducted by the institution established under this Act.

(2) All Dakshinas and other presents given to purohithans shall be accountable to the Board which shall have the power to direct disposal thereof subject to emoluments due to the purohithan, for the purposes of improving the facilities of worshippers and other requirements of the temple or shrines.

(3) Against any decision of the Board under clause (1) an appeal shall lie to the District Court within whose jurisdiction the place of public worship is situated.

7. *Entry to places of public worship are open to all without religious differences.*—(1) It shall be the State policy to permit all persons to enter into all places of public worship irrespective religion, caste, sect or other differences subject to rules laid down by the authority in management of the place of worship and not opposed to law and intended to maintain public order, decency, morality or beliefs considered as essential attribute of the religion to which the concerned place of worship belongs and affirmation of reverence for the religious institutions concerned.

(2) It shall be the duty of the person or persons in charge of the administration of the place of public worship to see that the provisions in sub-clause (1) of Section 7 is strictly complied with and not violated by any of the staff under him or any other person with or without the knowledge of any of the staff functioning under him.

8. *Constitution of the Tribunal for places of public worship.*—(1) Government shall in consultation with Chief Justice nominate a judicial officer of the cadre of District Judge in each district as the Tribunal for exercising the functions conferred on the Tribunal under the Act.

(2) The Tribunal constituted under sub-section (1) shall have jurisdiction to entertain any complaint and to initiate appropriate proceedings for violation of the provisions contained in sections 4,5,6(2), 7 and to impose appropriate penalties including removal treating the acts of violation as failure to comply duties with or perform the functions cast under the Act upon the persons against whom the complaint is filed.

(3) Any person affected by the decision of the Tribunal may file a revision before the High Court and the decision of the High Court shall be final.

9. *Rule making power.*—The Government may frame rules found necessary for implementing the provisions of this Act effectively by publishing it in the official Gazette.

Statement of Objects and Reasons

Article 51 A of the Constitution provides that it shall be the duty of every citizen of India to promote harmony and spirit of brotherhood among all people transcending religious, linguistic, regional or sectarian diversities. As a matter of fact, there has been a steady deterioration of harmony and unity in the society. Communalism, religious orthodoxy, anti-secular and more recently, terrorist activities have been escalating beyond tolerable limits endangering the lives and sensibilities of people leading to violence and bloodshed. Salutory provisions have been made in the Bill imposing a duty on the State to take adequate measures to promote and build harmony among the people and at the same time to prevent Commission of acts amounting to disruption of peace in the society. As right has been given to the victim to claim compensation for the injury sustained as a result of anti-secular activities. The offender can be proceeded against and directed to pay compensation to the victims. In the opinion of the Commission a bill of this kind is a felt necessity and needs to be accepted and made into an enactment