

God's Wealth, Monetized Gold, and Cultural Policy: Insights from the Case of Sree Padmanabhaswamy Temple in Kerala, India

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Introduction

The idea of temple wealth and its ownership has recently been in public debate. The paper, as a consequence, is focused on the question of temple gold possession and its ownership; it inspects this question within the framework of a larger socio-legal debate on the ownership of temple wealth in India by specifically exploring the insights offered through the case of Sree Padmanabhaswamy temple in Kerala. In the context of the Gold Monetization Scheme of 2015, which aims at monetizing household and temple gold in India, the paper explores the implications of this economic policy in understanding the *cultural* and *legal* meanings of temple gold.¹ It does so by mapping the controversy and the legal battle over the control of the Sree Padmanabhaswamy temple's great gold possessions and closely reading the judgments that followed in both the High Court and the Supreme Court. The root of the controversy emerged from the dispute over the wealth housed in the six chambers of the temple's basement. The primary question was: Who did this wealth belong to - the deity of the temple Sree Padmanabhaswamy or the royal family who had proclaimed themselves as his servants (*dasas*) of the State several centuries earlier?

Since arguably the world's largest collection of temple gold and gems collection was brought to the public eye in 2009 through public interest litigation (PIL); the royal family, the State (the state government and the judiciary), and the temple trust have been embroiled in the struggle for possession and control over this temple gold. Briefly outlining the history of how such a significant possession of gold was collected and controlled, the paper traces the critical debates around the question of who is the rightful owner and the manager of this gold as pronounced. The article asks and answers the following questions: What is the implication for cultural policy

¹ The Government of India announced the Gold Monetization Scheme vide its Office Memorandum F.No.20/6/2015-FT dated September 15, 2015. The objective of the Scheme has been to mobilize gold held by households and institutions of the country and facilitate its use for productive purposes, and in the long run, to reduce country's reliance on the import of gold (<https://dea.gov.in/gms2015>).

when the courts decide whether precious material goods are to be defined as religious or non-religious objects? And how does one address the question of ownership of such temple treasure that embodies both sacrality and enormous economic value? These questions take on another dimension when the cultural goods in question are estimated at anywhere between 22 billion to one trillion dollars (and counting). The paper explores the complex question of ownership of God's gold as characterized by the tussle between state control, temple trusts, and the royal family's hereditary historical right over the wealth as the servants of the deity. It does so by mapping the critical public and legal discourse to comment on (a) the question of religious rights on material possession, (b) its implications for cultural policy, and (c) the issue of temple gold ownership and its monetization in a post-colonial democracy. Thereby, the paper shows how notions of religious duty, kingship, and kinship emerged as clinching evidence in managing and accessing this sacred wealth and its redesignation. The case makes one rethink the management of temple gold and its secular-sacred status in India.

To answer the question effectively, this paper is structured to offer a larger historical perspective on the question of how traditionally, gold itself has been considered a sacred metal and was in circulation within the temple economy alongside other resources. In the temple, it played a religious role as the deity's jewelry and as a medium of circulation within the temple economy. This is best illustrated by briefly looking at the temple as a socio-economic organization, which will help interpret the economic history of Sree Padmanabhaswamy temple and its nodal value as a collection center for vast amounts of wealth. Understanding these will help comprehend the complexity of the contestation that led to the legal battle at the District Courts, High Court, and the Supreme Court. This would help appreciate the judgment that allowed the management/governance of the sacred wealth within the framework of the ruler vs. slave (*Shebait*).

The Sacred Metal: Gold and Transcendence

Traditionally, gold has been associated with the concept of fieriness in Indian protoscience. The ancient Indian proto-scientist (i.e., Nyāya-vaiśeṣika philosopher) observes two essential properties of gold. The first is, of course, its luster, and the second is its strange fluidity. Even excessive heating does not destroy the fluidity of gold.² That shows its durability. That is the

² When somebody heats butter, it first liquifies, then evaporates. Thus, heat destroys the liquidity (*dravatva*) of butter.

reason gold is associated with eternity. Therefore, they conclude that gold is essentially fire. In fact, for the Indian proto-scientist, fire (*Tejas*) is of four types; (1) the worldly fire (i.e., common fire), (2) the heavenly fire (i.e., the thunderbolt), (3) the digestive (chemical) fire (i.e., the fire that digests food), and (4) the metallic fire (i.e., gold). But they say Gold is not as hot and bright as (common) fire because gold is a ‘metallic alloy’ of earth and fire. Its earthen property covers some of its fiery properties.³

The other property of gold that they expound on is its transcendental value. Gold is considered a divine metal in the Indian sacred texts (such as Brāhmaṇas and Upaniṣads). It is so sacred that even the Creator in the Vedic literature is called *hiranya-garbha*, the one with a golden womb. *Ṛg-veda* (1. 35. 2) calls the chariot of the Sun-god ‘*hiranyaya*’ (i.e., Golden). Bodewitz (2019: 76) writes: ‘*The connection between gold and sun implies that most of the symbolic functions of gold refer to the sun, to eternal life and light, to immortality.*’ The sun, fire, and gold symbolize the transcendent light that salvages those who desire salvation. One, who chants the famous *Gāyatrī* verse, pays homage to the great light (*vareṇyaṃ bhargah*) of the Sun-god (*savitur devasya*). This light is supposed to illuminate one’s intellect (*dhiyah*). The unique luster of gold symbolizes this light. Gold is the only fire one can touch without burning oneself. Gold is the only fire one can wear, whereas other fires are untouchable or inaccessible. Gold is the best among the fiery metals (*taijasa*). That is why it symbolizes illumination and eternity. It has been seen as a bridge between heaven and earth. Due to its earthly properties, it is accessible to mortals. Due to its transcendent properties, it is redemptive. It is a piece of heaven on earth. This transcendent value of gold is part of the Indian collective consciousness, making this metal irreplaceable. The ritual significance of gold can be traced to these qualities of the metal itself.

Even during the Vedic times, ritual and secular aspects of gold seem to hint at the distribution of gold within India; for instance, the kingdoms in the north of India procured gold from the south Indian gold mines (Iyengar, 2012). Gift giving or *dana* of gold as patronage to the Brahmins, poets, and other scholars of yore by the state or the merchants is well recorded (Thapar, 2002). The Brihadaranyaka Upanishad states the episode of *rsi* Yagnavalkya in the court of King Janaka. It speaks to a debate of the Vedic scholars, where the king announced an award of a thousand cows with multiple coins of gold dangling from each of their horns.

³ For a detailed discussion, see the ‘section on perception’ in *Tarka-saṃgraha* and *Tarka-saṃgraha-dīpikā* of Annambhaṭṭa.

Gold was not just a precious metal used in worshipping the Hindu gods alone; for example, Yuan Chwang, when speaking of King Harsha, seems to refer to a Buddha statue made of gold for worship at the assembly of Kanauj. This appears to have been supplemented with the King offering ‘*a golden dish, a golden cup, seven golden ewers, one golden staff, 3,000 gold pieces or coins, and 3,000 vestments of superior cotton- stuff*’. Yuan Chwang is said to have carried several images of Buddha made of gold alongside his other articles and stated, ‘*Gold, silver, white jade, and crystal lenses were very abundant in India*’ (Mookerji, 2016). While golden images of Hindu deities might not be common, Panchaloha statues/vigrahas of the Gods were common. These were made with five metals; gold was a permanent fixture in this mix. The south Indian temples most often have these vigrahas, and it is relatively common to assume that all such statues of the Hindu Gods would have gold as a primary component (Balakrishnan, 2021).

But along with the irreplaceability of gold as a sacred material in the temple, gold was also a part of the temple economy. It was traded, exchanged, circulated, and consumed actively within the temple economy. However, there were clear delineations on what kind of sacred gold could be used as an investment (economic instrument) to increase and safeguard the temple’s wealth and what could not be used for such transactions. Most often, the jewelry and paraphernalia of the deity were considered highly sacred (sacred within sacred), with the highest levels of ritual purity accorded to exempt them from being used as a holy economic instrument. To understand the economic dimension of gold in a historical context, in the next section, the paper discusses how the temple has been a center for wealth accumulation, trade, and circulation in pre-British India.

Wealth Accumulation, Gold and Temple: Historical Overview of a Corporate Body

The temple has seemingly been a corporate body with vibrant administration once it came into existence in the post-Vedic era. The temple's corporate character and economic authority have been varied and diverse in different parts of India. This could be connected with sectarian traditions within Hinduism and the temple concept within those traditions. The temples with a long history of gold accumulation have been documented through several Indological accounts and, more specifically, have undeterred documentation in the Southern part of the country. To understand the presence of gold in temples, the paper focuses on the literature on the relationship between wealth accumulation and temples in South India. We draw on the available historical sources. The idea that emerges from these historical and Indological works is that the temple

received many royal grants, patronage as well as contributions from donations by devotees and other stakeholders. The temple was integral to trade, commerce, and the regional economy.

It might be prudent to begin this section with a quote from Prof. K.A, Neelakanta Sastri, an eminent historian of ancient and medieval South India.

“As landowner, employer and consumer of goods and services, as bank, school and museum, as hospital and therefore in short, as a centre which gathered round itself are in the art of civilized existence and regulated them with humaneness born of the spirit of Dharmas, the medieval Indian temple has few parallels in the annals of mankind”

The construction and endowment of medieval Indian temples by kings was also a political consolidation strategy that involved the integration of the local allies (Heitzman, 1997). They were small city-like spaces in the medieval period and were symbols of royal grandeur (Thapar, 2002; Shankar, 2016). The medieval period had many simultaneous empire developments; for example, The Cholas were one of the largest temple establishers and endowers, and given their influence and reign of the southern Indian space, it is no wonder that they impressed parallel empires like that of the Cheras. Local legends of temples in Kerala speak to the contributions of the Cheras and other successive rulers in the Southern states to establish temple architecture. Similar recordings of the architectural grandeur of the temples by a host of rulers have been recorded in the southern states of Karnataka and Andhra Pradesh as well.

Temples were seen as spaces for community building that helped unify varied social practices and multiple cultural fragments under a joint ritual authority (Shankar, 2016). Donations were encouraged as a service to God; hence, this served the immediate local community through God and the temple as a conduit. It became a spatial node and an institutional actor in the economic network that helped distribute and re-distribute economic, social, and cultural resources. An example would be the affiliation of large local water bodies to the temples, which ensured not just a shared water resource for the community but also helped recharge wells in the local community, which were built around the temple (Shankar, 2016).

These communities were the result of infrastructural development around the temple and helped provide jobs for the non-agrarian workforce. Thus, temples became one of the largest employers

of labor – skilled and unskilled, apart from the state. Common social resources run by the temples also included institutions in the avenues of education, health care, libraries, housing, performance arts, fine arts, and others. There are recordings of how certain temples in Tamil Nadu were administered by the *Mathas*, established by well-known poet-Saints between the 5th and the 10th centuries. The state bestowed these *Mathas* to administer and aid the temples. So as a duty to the larger public and the local economy, they managed the temple's everyday activities and administered its social and economic responsibilities. Some even exist today and manage a few well-known temples and their resources in Tamil Nadu.

Temples were institutions with significant land ownership, which meant possessing exclusive rights over the lands, including the stones, trees, plants, and even animals found there (Gurukkal, 1992). Temples were the largest non-taxed land-owning institutions provided for by the royals, local chieftains, members and ministers of the administration, merchants, merchant guilds, and others. Merchant guilds were promoted with enthusiasm since they brought about wealth import with local, national, and international trade. Competitive large-scale temple patronage seems to have been the norm for these guilds and merchants who wanted to showcase their social responsibility to the nation (and, of course, to the King and other members of the royalty to ensure visibility). Such patronage was also extended to the associated *Mathas* and through public charitable trusts. Childless couples and individuals without successors willed their land to the temple, and so did others who owned and operated lands beyond the official records. These lands were managed by either leasing or direct cultivation, which offered them immense wealth accumulation. The patronage/donation of such lands was sometimes called '*Devadeya*' or '*Devadana*' (Shankar, 2016).

Wealth in the form of taxes, donations, jewelry, food grains and livestock, items for daily ritualistic worship, and those reserved for occasions and festivities made for assets that could be used and exchanged in the time of crisis other than for everyday use (Gurukkal, 1992). The state seems to have helped the temples collect taxes through land ownership deals. Food grain accumulation resulted in large granaries. Further, money exchanged was in various forms, from gold, silver, and bronze coins to pearls and even cowries. Gold was also collected as fines to be paid to the temples or gifted from the treasury (Gurukkal, 1992, Vanamamalai, 1974). The temple received income in gold from *Nagaram* lands tenanted by *Nagarathar*, living in a few villages. The trading classes like the yarn merchants, small producers, and artisans paid taxes

in cash. Cash taxes were delivered to the non-agricultural classes. A part of the gold accumulated by the King's treasury was diverted to the temples to make jewels, idols, and ornaments. Gold that found its way to the temple was part of the income for agricultural pursuits.

Such wealth accumulation resulted in their role as economic, institutional actors who financed the merchants, cultivators and agriculturists, and local administration as either investors or lenders of credit, including taking on mortgaged properties for loans. They were also one of the largest institutional consumers of goods and services and thus influenced the local markets. More prominent and famous temples of the land had influenced even wider trading markets.

Gold accumulation through the royal treasury (from battles) was directed to the temples as an act of royal patronage; these acts allowed for the circulation of gold from the royal coffers to the temple vaults. Most often, the articles thus procured were weighed, and a complete inventory was made before submission to the temples. Such acts were asked to be inscribed within the temple walls by the King. Such patronage could also be viewed as acts of repentance that would help wash away the karmic debts accrued through the battles.

Temple governing councils also had a stake in the local administrations, thus providing transparency in accounting and managing social, cultural, and economic resources. Such transparency took the form of temple inscriptions and palm leaf manuscripts that recorded temple transactions for the public to know. These could be accessed by anyone who willed to question the administration on the dereliction of duties, if any.

Wealth and social resources under the aegis of the temple were used in times of distress such as war, famine, or floods. It was also a space used for essential celebrations and ceremonies (political, social, and cultural), such as local village assemblies, elections, and administrative centers, courts in some cases.

Temples as land magnates acquired a central place in the agrarian society, controlling the economic life of medieval South India, which is no different in Kerala. Lands provided an effective form of investment for the temples' vast stock of gold in Kerala. Instances of purchasing endowed lands from the temple with gold and using gold as a medium of exchange are also well recorded (Gurukkal, 1992).

The influx of gold into the Kerala shores is not entirely surprising given the centrality of Malabar as a port, and the increased exports were also paid for in gold and silver. This is best illustrated in the words of SAA Rizvi (1987)

Malabar was a halfway house between Sri Lanka, Malacca, and the Spice Islands on the one hand and the Persian Gulf, the Red Sea, and the ports of East Africa on the other. Arab and Persian merchants basked in the patronage of the local rajas. India exported spices, sandalwood, saffron, aromatics, indigo, wax, iron, sugar, rice, coconut, precious stones, coral, beads, drugs, and seed pearls. Goods carried to India on the return voyage included Arab horses, gold, silver, lead, quicksilver, coral, vermilion, rose-water, saffron, and opium.

Economic aspects of similar nature also abound in the parallel kingdoms of the Cholas and the Pandyas. Given that both of these encouraged such trade relationships with Kerala, it is instead natural for such an influx of diverse material wealth (Iyengar, 2012).

An observation of the wealth offered to the Lord Sree Padmanabhaswamy, seemingly the wealthiest temple in Kerala and supposedly India, would represent some of these materials, which goes on to show the *Devadana* of the merchants and the larger community. However, the case of gold must have occurred during the medieval period due to increased trade across international borders and, more importantly, through merchants and traders, since it does seem unlikely for the local village economy to have dealt with the massive gold deposits (Thaplyal, 2004).

The temple corporation redistributed the accumulated gold in the form of endowments in three ways:

- A) Using gold as a medium of exchange and measure of value for procuring new lands
- B) Lending it to interests to obtain more land dues and increase agrarian resource control. The interest levied on loans of gold from temple derived from gold grants were used for maintenance. The interest charged was in the form of gold, paddy, or land. The gold loan received back was to be invested in land.
- C) Using gold to reward temple servants.

But in all this, it should be noted that the power to manage its finances lay with the temple authorities. Only in the British period did this equation change as the British took over the

corporate rights of the temples.

History of the Padmanabhaswamy Temple

Situated in the erstwhile region of Travancore, now referred to as Thiruvananthapuram or Trivandrum – the Sree Padmanabhaswamy Temple is a seven-acre complex. Like other more prominent temples, the Sree Padmanabhaswamy temple also occupies a historical, religious-cultural, and socio-economic prominence within Kerala (Gurukkal, 1992). The presiding deity is Sree Padmanabhaswamy, an avatar of Lord Vishnu, the protector of the holy male trinity. The idol of Sree Padmanabhaswamy is around 18 feet, is placed on a granite platform, and has three doors through which the devotees can view (*darshan*) the different parts of the deity, namely - the head, the stomach, and the feet (Thampi, 2018a; <https://spst.in>).

The current temple was architecturally modeled in the 18th century CE, taking inspiration from the ancient *Tiruvattar* temple in Tamil Nadu (Gauri, 2018). The temple has been referenced in the 5th century CE in one of Tamil's legendary epics, *Silappathikaram*. The deity and the city have also been referenced in the 9th century CE by the Tamil poet-saint *Nammazhwar*. There have also been references to several well-known dynasties (the Ay/the Chera) and the local rulers patronizing the temple (Sarkar, 1978; Thampi, 2018a).

Since the 14th century CE, the temple history and the history of the region of Travancore have been recorded in over two million palm leaf scrolls referred to as *Mathilakam*, which are now housed in the state department archives. It is hypothesized that these records would also contain references to economic deposits with the temple (and their social contexts), including materials such as gold, precious stones, ornaments, and ritualistic paraphernalia apart from agrarian donations (Sarasa, 2011; Krishnakumar, 2011; Gopalakrishnan, 2018).

The year 1461 CE saw the construction of the massive granite platform housing the deity, and the foundation for the 100 ft Gopuram of the Temple was laid in 1566 CE. However, in 1686 CE, the temple seemed to have been destroyed in a fire. It was reconstructed in 1724 CE, followed by a propitiatory ceremony in 1728 CE and further renovation work in 1733 CE. However, it was only in 1739 CE that the wooden idol of the deity was replaced with an 18-foot idol – made of 12,008 *Shalagramas* (Holy Black Stone like non-anthropomorphic object and a 'Vaishnava' symbol found in the Gandaki River in Nepal) and mixed with Jaggery and Herbs.

A significant year in the temple's history is 1750 CE, when the Ruler – *Anizham Thirunal*

Marthanda Varma, submitted his kingdom to the Deity, Sree Padmanabhaswamy – *Thrippadidanam*, which made the state a sacred geography and polity. Further, all subsequent rulers of the empire were referred to as *Padmanabha Dasas* – vassals of the deity (Thampi, 2018a).

After 1750 CE, the kingdom was referred to as *Pandaravaka* (belonging to the Devaswom), and the state employee salary was referred to as *Padmanabhante Panam* – money given by the deity. This, in a way, refers to 'Sacred Money,' and thus, any benefits sought and accrued from the state were sacred. Further, the state's economics came under Lord Sree Padmanabhaswamy and thus became sacred economics (Thampi, 2018a).

Wealth accumulation in the Sree Padmanabhaswamy Temple

For at least a thousand years, the Sree Padmanabhaswamy temple has been a space of socio-cultural and economic activity – some postulate nearly 2000 years since Kerala's spice trade with several western kingdoms. The significant sources of wealth accumulation in the temple included gifts received by the kings, submissions of a part of the state revenues, offerings by devotees, and donations of gold to the temple equivalent to the weight of the kings/rulers against gold (*Thulapurushadanam*), submissions and offerings by vassals and colonial powers, taxes levied, income from trade and recommendation of properties (Thampi, 2018a).

Records indicate that from 1179 CE, the temple has received gifts of vast tracts of lands, agricultural lands, and gardens, supposedly over 36,000 acres in four districts, now in Kerala and Tamil Nadu. Other examples of significant wealth accumulation indicate that in 1469 CE, royal gifts of 13,000 '*fanams*' (currency) to make a golden elephant figure immediately after the temple renovation was followed by a donation of 1,24,648 '*fanams*' to make a golden idol of a consort of the main deity (Thampi, 2018a). Also, the temple history records wealth accumulation from the colonial powers and neighboring kingdoms annexed by the King and the submission of the Hindu rulers to the King in fear of Tipu Sultan (the ruler of the State of Mysore). According to media reports, the current estimate of the wealth found within the temple is worth approximately 22 billion and one trillion USD (Dobson, 2015). In the following sections, we describe the political history of the temple and conflict over the temple treasure.

The political history of the temple and the vault conflict

In 1949, the last Maharajah of Travancore, Chithira Tirunal Balarama Varma, insisted that the

temple be 'vested in trust' in the 'ruler of Travancore' before signing the Agreement of Accession to the Indian Union. The Travancore-Cochin Hindu Religious Institutions Act, 1950 (Chapter III of the TC Act) contains the provisions of the Accession Agreement relating to the temple. However, in 1971 the Constitution's Twenty-Sixth Amendment Act abolished the privy purses, privileges, and other special rights of the erstwhile rulers of the Indian States, which affected the rulers of Travancore as well. This amendment was further upheld by the Supreme Court in 1993, though the last Ruler of Travancore died during the pendency of the cases before the Supreme Court. However, he managed the temple and its administration until his death. In 2007, litigation challenging the ownership, management, and control of the temple by the current generation of the erstwhile Royal family was filed by some residents, the Temple Employee Union, and the devotees in the lower courts, and this continued between 2007-2011 and then moved to the High Court.

During this time, six vaults (A, B, C, D, E, F) plus two more became spaces of intense contention. In 2011, the first inspection of the vaults was conducted, and Vault A was opened amidst media reports of vast wealth deposits. Since the lever of Vault B was jammed, rumors of certain religious beliefs emerged, and hence the opening of Vault B was kept in abeyance (Balan, 2017). In 2012, a 575-page audit report submitted to the court stated a '*large scale breach of moral and fiduciary duties.*' This was followed by another status report in 2014, which cited partial records of the weight and purity of gold and silver valuables and slack maintenance of the assets register. It also stated that the vaults had been opened twice in the past, once in 1990 and five times in 2002 (Thampi, 2018b). However, news media such as The Hindu and a book by Emily Gilchrist Hatch (1933) report vault openings in 1908 and 1931, respectively, for procurement of wealth for state affairs (Srivatsan, 2018).

Reports state that Vault A supposedly contains antique gold coins of historical and cultural value, precious stones, and several other valuables. Vaults C, D, E, and F have articles for use in festivals, and special events, gold jewelry for idols, articles for daily rituals, several golden idols of deities, golden mace, golden umbrella, and similar others – all studded with precious stones.

Given the volume of wealth, the temple security includes a five-tier security blanket with over fifty cameras, roadblocks, metal detectors, baggage scanners, bulletproof guard points, LED lighting zones, and others (PTI, 2011; Thampi, 2018b).

Prelude to the case: Attempts to make an inventory

In 2007, amidst a wave of public resentment, the current heir of the erstwhile royal family, Utharadom Thirunal Marthanda Varma, arranged to take photographs of the temple's treasures and claimed the treasures of the temple were the family properties of the erstwhile Royal Family of Travancore. Following this, some devotees filed suits in the Civil Courts of Trivandrum to ensure that the temple property was not 'diverted by the royals.' In 2009, a public interest litigation (PIL) was filed by an IPS officer turned lawyer, TP Sunderrajan, before the Kerala High Court (*Writ Petition No. 36487 of 2009*), which sought the transfer of control of the temple from the royal family to the state government.

In the public discourse, several pertinent questions emerged, such as who owned the treasure? Who should administer the treasure? And in whose interests should the treasure be administered? Some saw identifying the proper owner and beneficiary of the wealth as the crux of the problem, while the administration for them was only a peripheral issue. Other narratives, such as the one from the Shankaracharya of the Hindu monastery in Kanchipuram, stated that the treasure consists of the offerings made by the erstwhile rulers to the temple. Hence, the recovery belonged to the royal family alone.

The current heirs of the royal family contended that the contents of the vaults belonged to the deity, and they sought to protect the traditions which had for so long been under their care. Parallely, the Hindu organizations, the Nair Service Society (an influential upper-caste association), and renowned historian Dr. MGS Narayanan linked the temple's ownership claims to those of the deity and viewed ownership and beneficiary ownership status as co-extensive (Das, 2016).

The other stakeholders, such as the Hindu Aikya Vedi and the Kerala Kshetra Samrakshana Samiti (two regional Hindu organizations), supported partial or complete use of the treasure for purposes other than temple maintenance. The Kshatriya Kshema Sabha's (belonging to the same caste as the royal family) demand was to declare the possession as a world heritage through its inclusion in UNESCO's World Heritage List. Historians such as Shahid Amin and KN Panikkar supported the creation of a museum open to all religious denominations (Das, 2016, Preetha, 2018).

Meanwhile, the rationalist associations urged the state government to declare the finds as public assets and thus assume control over not only the assets but also the process of determining their

rightful owner. They argued that the wealth could not rightfully be used for the benefit of Hindus alone because the Travancore royals had collected it through taxes and tributes from several religious communities (Das, 2016).

The legal frame

In one of the cases filed, the Sub Court granted an injunction against the Temple's opening of treasure rooms (*Kallaras*). However, the central question in the Kerala High Court was whether the younger brother of the last ruler of Travancore could, after the death of the previous ruler on 20.7.1991, claim to be the 'Ruler of Travancore' within the meaning of that term in the Travancore-Cochin Hindu Religious Institutions Act to claim ownership, control, and management of the temple? It held that Utharadom Thirunal Marthanda Varma or his successors of the royal family 'will not come within the Constitution's description of 'Ruler' as defined under Article 366(22). It further stated that *'after the commencement of the constitution, the agreements which the erstwhile Rulers executed, have ceased to be in force and their powers, privileges, etc. emanate from the provisions of the Constitution.'* The only person who answers the definition is the last ruler, and after him, no one can acquire that status which is not heritable.' Therefore, neither the said petitioner nor any of the successors of his family can claim control or management of the Temple under Section 18(2) of the Travancore Cochin Hindu Religious Institutions Act after the death of the last Ruler. This was based on writ petition No. 36487 of 2009 (First Petitioner was TP Sunderrajan) and writ petition No. 4256 of 2010 (0) (First Petitioner was Utharadom Thirunal Marthanda Varma) and was decided on January 31, 2011.

In response to this, Utharadom Thirunal Marthanda Varma and the Executive Officer of Sree Padmanabhaswamy Temple, Thiruvananthapuram, as appellants 1 and 2, respectively, filed appeals in the Supreme Court of India challenging the High Court judgment and order dated 31.01.2011 (High Court Judgement, 2011). The central question before the Supreme Court was whether the office of Shebaitship of the Temple was part of the ruler's duties purely in his capacity as a ruler and said the office was an incident of his rulership, or such office was unconnected to and independent of the rulership? This further extended to understanding whether the references to the 'Ruler' were only to the person who was the ruler at the time the Covenant was entered into and would not include successors of the said ruler (Supreme Court Judgement, July 2020).

Unlike the High Court, which stressed the concept of trusteeship, the Supreme Court recognized

the last Ruler and his successors in the royal family as *shebait*s of the temple. Thus, the managership or the *shebaitship* of the temple continues with the royal family, as the Supreme Court viewed the kingship and *shebaitship* as different positions (unlike the High Court). It stated that the temple is a public temple and further added that ‘*The Constitution of India and the Travancore-Cochin Hindu Religious Institutions Act did not, in any way, upset or abridge the status enjoyed by the Ruler of Travancore as shebait of the Temple and also did not, in any manner, adversely impact the right of administration vested in the Ruler of Travancore.*’ It stated that ‘*Shebaitship is like any other heritable property which would devolve by custom or usage, and that the rule of custom must prevail in all cases, even after the death of the erstwhile Ruler of Travancore in 1991, the Shebaitship of the Temple being unconnected with the official status of the person who signed the Covenant, must devolve by the applicable laws of succession and custom....*’

Therefore, unless and until the line of succession of the *shebaitship* and in-charge of the administration is entirely extinct, there can be no question of escheat as observed by the High Court.

Cultural policy, *shebaitship*, and temple gold

This paper underscores the point that to formulate a policy to monetize a sacred object like temple gold, we need to develop a cultural policy based on an understanding of what it means not only for the believers, religious personnel, and ordinary laity but specific laws about religious rights. In this case, the Supreme Court has cogently argued that *shebaitship* is different from ‘trust’ in English law as it is not a mere office but a right to usufruct, which depends upon the terms of the grant or custom or usage. Further, *shebaitship* has a personal and beneficial interest in the property, and there is a proprietary element in the *shebaiti* rights (Supreme Court Judgement, July 2020).

The *shebaitship*, like any other species of heritable property, follows the line of inheritance from the founder. It has blended the elements of office and property, duties, and personal interests. Further, the *shebait*, as the custodian of the idol, its earthly spokesman, and the human ministrant; is entitled to deal with the temporal affairs and to manage the property of the deity; and even where no emoluments are attached to the office of the *shebait*, he has the right or interest in the endowed property which has the characteristics of a proprietary right (Supreme Court Judgement, July 2020).

Concerning the religious-secular dynamics in the case, while the High Court observed that the state being secular, cannot run a temple and so much so that it is for them to constitute a trust or statutory body, however, the Supreme Court noted that the state receiving a dedicated property by escheat could not put an end to the trust and treat it as secular property. Moreover, on the question of the temple being public or private, the Supreme Court noted that a temple belonging to a family which is a private temple is not unknown to Hindu law as opposed to the view of the High Court, which noted that the temple is treated as a state/public temple and was never regarded as the private property of the Travancore King or as his family property.

The Supreme Court judgment finally held that *‘The traditional and customary belief that has been for long recognized and accepted is that Sree Padmanabha Swamy Temple belongs to “Sree Padmanabha Dasas,” the Royal family head of Travancore Palace ... there seems no valid reason for Government to interfere in the administration of the temple. The administration of the temple has not broken down, nor is there any other allegation of a major nature which forces the Government to interfere in the administrative affairs of the temple. There is no valid necessity or public purpose, which requires Government to take over the temple’* (Supreme Court Judgement, July 2020).

Thus, in the case of the Sree Padmanabhaswamy temple, the complexity of the *immaterial values* (the *Shebaitship* and temple authority) had to be considered in parallel to *material patrimony* (gold and land) within the *legal frames* (the Anglo Hindu Law and the Constitution of India) by the Apex Court of India. Framed within the evolving and complex logic of secular governance in India (state governments, statutory bodies, and the courts), the case has economic and cultural policy implications. An informed discussion on these three dimensions—cultural values, material wealth, and legal frames—would help develop a sound cultural policy on the rather vexed topic of temple gold monetization.

Cultural policies must be mapped historically to understand and appreciate the evolution of economic practices embedded within the context-specific socio-cultural and religious frameworks of sacred temple economies. Even in the case of the Sree Padmanabhaswamy temple, the judgment, in a way, seems to have considered the socio-religious relationship that the King had initiated and established with the deity in the past and the cultural practices that this relationship had generated for his future generations. Reconstructing historicity in understanding the administration of the temple economy helps rethink the current practices of temple governance and economic administration, for example: what inside the sacred economy

were considered tradeable and non-tradeable and how such clear categorizations came to be held. Therefore, understanding the cultural policy associated with gold as both a sacred metal and an instrument for trading within the temple economy can pave the way for holistically understanding the sacred economy.

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