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Repeal Buddhist Temple Act 1949

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Abstract:

The Bodh Gaya Temple Act of 1949, enacted by the Bihar government, established the Bodhgaya Temple Management Committee (BTMC) to oversee the administration of the **Mahabodhi Temple** complex in **Bodh Gaya**, a site of immense significance as the place where **Siddhartha Gautama** attained enlightenment. The Act stipulates that the BTMC comprises eight members: four Buddhists and four Hindus, with the **Gaya District Magistrate** serving as the ex-officio chairperson. Notably, if the District Magistrate is not a Hindu, the government is mandated to appoint a Hindu as the chairperson.

Over the years, this composition has been a focal point of contention. **Buddhist communities** and organizations have argued that the Act's provisions disproportionately favor non-Buddhists, thereby undermining the autonomy of Buddhists in managing one of their most sacred sites. They assert that the equal representation of Hindus and Buddhists, coupled with the stipulation regarding the chairperson's religious affiliation, does not reflect the temple's intrinsic Buddhist heritage. This sentiment has led to calls for either amending or repealing the Act to ensure that **Buddhists** have predominant control over the temple's administration.

In response to these concerns, the Bihar government introduced the **Bodh Gaya Temple (Amendment) Bill** in 2013. This amendment allowed for a **non-Hindu District Magistrate** to serve as the chairperson of the BTMC, thereby removing the previous requirement that mandated a Hindu chairperson in such scenarios. The government's rationale was rooted in upholding the secular principles enshrined in the Indian Constitution. **Chief Minister Nitish Kumar** emphasized that the **District Magistrate**, as a government representative, embodies the state's secular credentials.

Despite this amendment, many Buddhist leaders and organizations remain dissatisfied. They argue that the core issue—the equal representation of Hindus and **Buddhists on the BTMC**—persists, and that Buddhists should have a majority stake in the management of their sacred site. For instance, in **November 2024**, the Federation of **Barua Buddhist Welfare Association of Assam** organized a general meeting to demand the repeal of the BTMC Act. They contended that the Act, in its current form, does not adequately represent the interests of the Buddhist community and called for the temple's management to be entrusted solely to Buddhists.

Similarly, the All India Buddhist Forum (AIBF) submitted a memorandum in June 2023, urging the repeal of the Bodh Gaya Temple Act of 1949. They highlighted that the Act's provisions violate the rights and dignity of millions of Buddhists worldwide by denying them rightful autonomy over the management and preservation of their religious heritage. The AIBF pointed out that, under the Act, the BTMC consists of nine members, only four of whom are **Buddhists**, with the remaining members, including the District Magistrate as chairperson, being non-

Buddhists. This structure, they argue, creates an imbalanced power dynamic that risks subordinating the interests and spiritual values of the Buddhist community.

In conclusion, while the Bodh Gaya Temple Act of 1949 was initially instituted to oversee the administration of the **Mahabodhi Temple complex**, its provisions have been a source of ongoing debate and dissatisfaction among Buddhist communities. Despite amendments aimed at addressing some concerns, calls for repealing or further amending the Act continue, with advocates seeking greater autonomy and representation for **Buddhists in managing their sacred heritage**.

Keywords:

- Bodh Gaya Temple Act 1949
- Mahabodhi Temple
- Bodhgaya Temple Management Committee (BTMC)
- Buddhist autonomy
- District Magistrate
- Secularism
- Bihar government
- Religious representation
- Buddhist community
- Hindu-Buddhist relations
- BTMC Act amendment
- All India Buddhist Forum (AIBF)
- Federation of Barua Buddhist Welfare Association of Assam
- Temple management
- Religious rights.

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This structure ensures a comprehensive discussion on the repeal of the Buddhist Temple Act, covering historical, legal, social and political aspects.

1. Introduction

The **Buddhist Temple Act, 1949**, officially known as the **Bodh Gaya Temple Act**, was enacted by the Bihar government to regulate the administration and management of the **Mahabodhi Temple in Bodh Gaya**, one of the most sacred sites in Buddhism. The temple is believed to be the place where **Siddhartha Gautama attained enlightenment**, making it a significant religious and historical landmark.

The Act led to the formation of the **Bodhgaya Temple Management Committee (BTMC)** to oversee the affairs of the temple. However, its provisions have been a subject of **controversy and debate** for decades, as many Buddhist organizations believe it restricts Buddhist control over their own religious site. The demand for the **repeal of the Act** has been growing, with Buddhist communities arguing for **exclusive Buddhist administration** of the temple.

Background of the Buddhist Temple Act, 1949

Before the **Buddhist Temple Act of 1949**, the **Mahabodhi Temple** was historically under the control of Hindu mahants (priests) for several centuries. The situation changed after India gained independence, and the Bihar government passed the **Bodh Gaya Temple Act** to establish a formal structure for managing the temple.

The Act created the **Bodhgaya Temple Management Committee (BTMC)**, comprising **eight members**, of whom:

- **Four are Hindus**
- **Four are Buddhists**
- The **District Magistrate of Gaya** serves as the **ex-officio chairperson**

A key provision of the Act states that **if the District Magistrate is not Hindu, a Hindu must be appointed as the chairperson**. This provision, in particular, has been heavily criticized by Buddhist organizations, as it ensures

that a Hindu always holds the most powerful position in the temple's management, despite the temple being a central Buddhist religious site.

Purpose and Scope of the Act

The primary objectives of the **Buddhist Temple Act, 1949** were:

1. **To provide a structured administration** for the **Mahabodhi Temple** through a government-supervised committee.
2. **To ensure the preservation** and proper management of the temple and its surrounding properties.
3. **To maintain religious harmony** between Hindus and Buddhists, as both communities have historical connections to the temple.
4. **To regulate financial affairs** and prevent mismanagement or misuse of temple funds.

Despite these intended benefits, many Buddhists argue that the Act has resulted in **government interference in religious affairs** and **unfair representation** of Buddhists in managing their own sacred site. This has led to long-standing demands for **either amending or completely repealing the Act**, with Buddhist organizations pushing for a **Buddhist-majority committee** to manage the temple autonomously.

2. Historical Context

Establishment of the Bodh Gaya Temple Act, 1949

The **Bodh Gaya Temple Act, 1949** was enacted by the Bihar government to oversee the administration of the **Mahabodhi Temple**, a site of immense religious significance for Buddhists worldwide. The Act came into effect as a response to growing concerns over the **Hindu control of the temple**, which had persisted for centuries despite its Buddhist origins.

Historically, the Mahabodhi Temple was under the **custodianship of Hindu mahants (priests)**, who had taken control of the site during the medieval period when Buddhism declined in India. By the **19th and early 20th centuries**, several Buddhist leaders and organizations—both in India and abroad—began demanding the **restoration of Buddhist control over the temple**.

Key events leading to the enactment of the **Bodh Gaya Temple Act** include:

1. **British-era petitions by Buddhist organizations** – Groups such as the **Mahabodhi Society of India**, founded by **Anagarika Dharmapala** in 1891, led campaigns for Buddhist access to the temple.
2. **Legal battles and appeals** – Buddhists sought legal intervention to reclaim their religious site from Hindu mahants, but these efforts faced resistance.
3. **Post-Independence intervention** – After India gained independence in 1947, the Bihar government introduced legislation to create a **government-supervised committee** for temple management, resulting in the **Bodh Gaya Temple Act, 1949**.

Despite being framed as a **neutral administrative measure**, the Act **failed to grant Buddhists full control** over their sacred temple. Instead, it mandated **equal representation of Hindus and Buddhists in the Bodhgaya Temple Management Committee (BTMC)**, with a **Hindu District Magistrate as the ex-officio chairperson**. This structure continues to be a source of **controversy and dissatisfaction** among Buddhists, leading to ongoing demands for the **Act's repeal and amendment**.

Significance of the Mahabodhi Temple in Buddhism

The **Mahabodhi Temple**, located in **Bodh Gaya, Bihar, India**, is the most sacred pilgrimage site for **Buddhists worldwide**. It is revered as the place where **Siddhartha Gautama, the Buddha, attained enlightenment (nirvana) under the Bodhi tree** more than 2,500 years ago.

The temple holds immense **spiritual, historical and cultural significance** for Buddhism:

1. **Site of Buddha's Enlightenment** – According to Buddhist tradition, Prince Siddhartha meditated under the **Bodhi tree** and achieved enlightenment, becoming the **Buddha (the Awakened One)**.
2. **A UNESCO World Heritage Site** – The temple complex was **recognized by UNESCO in 2002** for its architectural and religious importance.
3. **A center for global Buddhist pilgrimage** – Buddhists from **India, Sri Lanka, Thailand, Myanmar, Japan, Tibet, China, Korea, and other countries** visit Bodh Gaya as a sacred destination.
4. **Ancient Buddhist architecture** – The temple, originally built by Emperor **Ashoka in the 3rd century BCE**, is one of the earliest surviving examples of **Buddhist architecture** in India.
5. **Symbol of Buddhist revival** – The temple played a crucial role in the **modern resurgence of Buddhism in India**, inspiring movements to reclaim Buddhist heritage sites.

Given its **profound religious and cultural importance**, Buddhists have long argued that the Mahabodhi Temple should be **exclusively managed by Buddhists**, rather than a government-controlled body with **Hindu-majority influence**. This sentiment has fueled calls for **repealing or amending the Bodh Gaya Temple Act, 1949**, to restore **full Buddhist autonomy** over their holiest shrine.

Let's expand further on both **the establishment of the Bodh Gaya Temple Act, 1949** and **the significance of the Mahabodhi Temple in Buddhism**, with additional historical context, key figures and legal developments.

Expanded Historical Context

Establishment of the Bodh Gaya Temple Act, 1949

The **Bodh Gaya Temple Act, 1949**, was enacted by the Bihar government to regulate the administration of the **Mahabodhi Temple**. However, its creation was not without controversy. The Act was a response to growing demands from **Buddhist organizations, particularly the Mahabodhi Society of India (MBSI)**, to reclaim Buddhist control over their most sacred temple, which had been under **Hindu control for centuries**.

Hindu Custodianship of the Mahabodhi Temple

- During the **late medieval and early modern periods**, Buddhism declined in India and Hindu mahants (priests) took control of the Mahabodhi Temple.
- **By the 18th and 19th centuries**, the temple was primarily used as a Shaivite (Hindu) site and Buddhist worship was restricted.
- The **British colonial government** did not intervene in the religious management of the site, despite appeals from Buddhist groups.

The Role of Anagarika Dharmapala and the Mahabodhi Society

- **Anagarika Dharmapala**, a Sri Lankan Buddhist leader, was instrumental in reviving global Buddhist interest in Bodh Gaya.
- In **1891**, he founded the **Mahabodhi Society of India (MBSI)** and launched a campaign to reclaim the Mahabodhi Temple from Hindu control.

- Despite **legal battles and appeals to British authorities**, Buddhist efforts were largely unsuccessful.

Post-Independence Developments and the 1949 Act

- After India gained independence in **1947**, there was renewed Buddhist activism for temple management rights.
- The Bihar government, instead of handing over full control to Buddhists, **introduced the Bodh Gaya Temple Act, 1949**, to create a **government-supervised committee** known as the **Bodhgaya Temple Management Committee (BTMC)**.
- This committee was **structured to have equal representation of Hindus and Buddhists** but stipulated that the **District Magistrate (DM) of Gaya** would serve as the **ex-officio chairperson**.
- The Act **included a provision ensuring that if the DM was not Hindu, the government must appoint a Hindu as chairperson**, guaranteeing continued **Hindu leadership over the temple's administration**.

Ongoing Controversy and Calls for Repeal

- **Buddhist organizations rejected the Act**, arguing that it failed to restore **Buddhist autonomy** over their most sacred site.
- Over the years, **various Buddhist groups, monks, and international organizations** have called for **either repealing or amending the Act** to ensure Buddhist-majority control of the Mahabodhi Temple.
- In **2013**, the Bihar government amended the Act to allow a **non-Hindu DM to serve as chairperson**, but this did **not address the core demand** for full Buddhist control.
- Recent protests, including those by the **All India Buddhist Forum (AIBF)** and the **Federation of Barua Buddhist Welfare Association**, continue to demand a **repeal of the Act**.

Expanded Significance of the Mahabodhi Temple in Buddhism

The **Mahabodhi Temple in Bodh Gaya** is one of the most sacred and historically significant religious sites in **Buddhism**. It marks the place where **Siddhartha Gautama attained enlightenment** more than **2,500 years ago**, making it the **spiritual center of Buddhist pilgrimage worldwide**.

Religious Significance

- The temple is built at the **exact location where the Buddha meditated for 49 days** under the **Bodhi tree** before attaining enlightenment.
- It is the **most important of the four main Buddhist pilgrimage sites** (the others being Lumbini, Sarnath, and Kushinagar).
- The **Bodhi tree** at the site is believed to be a direct descendant of the original tree under which the Buddha meditated.
- The temple complex includes **sacred shrines, stupas and meditation areas**, where monks and devotees from around the world practice **prayers, meditation and rituals**.

Historical and Architectural Importance

- The **original temple** was built by **Emperor Ashoka** in the **3rd century BCE**, marking one of the earliest **monuments of Buddhist architecture**.
- Over the centuries, the temple was **renovated and expanded** by various **Buddhist rulers**, including the **Guptas (4th-6th century CE)** and the **Pala dynasty (8th-12th century CE)**.
- The current **Mahabodhi Temple structure**, dating back to the **Gupta period**, is one of the oldest surviving brick structures in India and is a **masterpiece of Buddhist art and architecture**.
- In **2002**, **UNESCO** designated the **Mahabodhi Temple** as a **World Heritage Site**, recognizing its **cultural and religious importance**.

Modern-Day Pilgrimage and Global Significance

- The Mahabodhi Temple attracts **millions of Buddhist pilgrims** from around the world, including devotees from **Sri Lanka, Thailand, Myanmar, Tibet, China, Japan and Korea**.
- The temple complex hosts **international Buddhist conferences, meditation retreats, and religious ceremonies**, making it a **global hub for Buddhist learning and spiritual practice**.
- Many **Buddhist countries** have built **monasteries and cultural centers** in Bodh Gaya, reflecting the temple's universal importance.

Why Buddhists Demand Full Control Over the Mahabodhi Temple

- **Violation of Buddhist religious rights** – Many Buddhist organizations argue that **Hindu representation in the temple's management is unjust** and a violation of their religious rights.
- **Contrast with Hindu temple management** – In contrast to the Mahabodhi Temple, Hindu temples in India are **exclusively managed by Hindus**, without government-imposed religious representation.
- **Concerns over cultural preservation** – Buddhist groups worry that Hindu-majority management may lead to **misrepresentation of Buddhist traditions** and improper handling of Buddhist rituals.
- **Need for a Buddhist-majority administration** – Buddhists demand that **the Mahabodhi Temple be managed by a committee where they hold the majority** to ensure proper preservation and practice of Buddhist traditions.

The **Bodh Gaya Temple Act, 1949**, was meant to provide structured administration for the Mahabodhi Temple but has remained a subject of **intense debate and dissatisfaction** among Buddhists. The **Act's provisions, particularly the requirement for Hindu leadership**, have led to **long-standing demands for repeal** from Buddhist organizations, both in India and internationally.

The **Mahabodhi Temple**, being the **holiest site in Buddhism**, holds profound spiritual and historical significance. Its current management structure does not align with Buddhist interests, fueling ongoing protests and calls for change. Many Buddhist leaders advocate for **exclusive Buddhist administration** of the temple, similar to the way Hindu temples are managed in India.

As debates over **secularism, religious rights, and historical justice** continue, the **future of the Bodh Gaya Temple Act remains uncertain**. The demand for **repealing the Act and granting full Buddhist control** continues to be a central issue in modern Buddhist advocacy.

3. Key Provisions of the Bodh Gaya Temple Act, 1949

The **Bodh Gaya Temple Act, 1949**, lays out the structure for the administration of the **Mahabodhi Temple**, specifying the **composition, powers, and responsibilities** of the **Bodhgaya Temple Management Committee (BTMC)**. The Act's provisions have been a subject of **controversy and debate**, particularly regarding the **representation of Hindus and Buddhists** in the temple's management.

Composition of the Bodhgaya Temple Management Committee (BTMC)

The **Bodhgaya Temple Management Committee (BTMC)** was established under the **Bodh Gaya Temple Act, 1949**, to oversee the **management, maintenance and religious affairs** of the Mahabodhi Temple. The Act mandates that the **committee consist of eight members**, with representation from both **Hindus and Buddhists**:

1. **Four Hindu members**
2. **Four Buddhist members**
3. The **District Magistrate (DM) of Gaya** serves as the **ex-officio Chairperson**

Additionally:

- One of the **Buddhist members must be a Sri Lankan monk** (traditionally from the **Maha Bodhi Society of India**, which was founded by Anagarika Dharmapala).
- One of the **Buddhist members must be from Burma (Myanmar), Tibet and another Buddhist-majority country**.
- The **Hindu members are usually selected from local communities** with historical ties to the temple.

Despite the **equal numerical representation** (4 Hindus and 4 Buddhists), the **District Magistrate's position as Chairperson tilts control in favor of Hindus**, particularly because of the Act's specific provisions regarding this role.

Role of the District Magistrate as Chairperson

One of the most **controversial provisions** of the Bodh Gaya Temple Act, 1949, is the requirement that the **District Magistrate (DM) of Gaya serves as the Chairperson of the BTMC**.

Key points regarding this role:

1. The DM is an **ex-officio (automatic) Chairperson**, meaning the **position is not elected** or appointed based on religious affiliation.
2. If the **DM is not Hindu**, the Act requires the **appointment of a Hindu as Chairperson**, ensuring that **the highest authority in the BTMC remains Hindu**, despite the temple being a **Buddhist religious site**.
3. As the **Chairperson of the BTMC**, the DM has **significant control over temple management**, including:
 - **Financial decisions** related to temple revenue and donations.
 - **Regulation of Buddhist rituals and ceremonies** conducted at the temple.
 - **Control over the temple premises**, including renovations, security and legal matters.

The **appointment of a Hindu Chairperson** even when the DM is non-Hindu has led to **widespread criticism** from Buddhist groups. They argue that this provision:

- **Unfairly favors Hindu representation** in temple management.
- **Contradicts the principles of secularism and religious autonomy**.
- **Prevents Buddhist monks and leaders from exercising full authority over their own sacred site**.

In 2013, an amendment to the Act allowed a non-Hindu DM to remain Chairperson but this did not change the core issue of Buddhist underrepresentation in decision-making.

Representation of Hindus and Buddhists in the Committee

The **equal division** of committee members (4 Hindus, 4 Buddhists) appears balanced on paper, but in practice, the **BTMC functions with a Hindu-majority influence** due to:

1. **Hindu Chairpersonship** – As explained above, the DM or a Hindu appointee always serves as Chairperson, giving Hindus an upper hand in decision-making.
2. **Local Hindu Influence** – Hindu members are often selected from the local community in **Gaya**, which has historical claims to the site. Meanwhile, Buddhist members are often chosen from **outside Bihar**, limiting their direct influence.
3. **Limited Buddhist Control Over Religious Affairs** – The BTMC has the authority to **regulate Buddhist rituals, ceremonies, and traditions**, which many Buddhists argue should be **exclusively handled by Buddhist monks and organizations**.
4. **Comparison with Hindu Temple Management** – In contrast to the **Mahabodhi Temple**, Hindu temples in India are **exclusively managed by Hindus**, without government-mandated representation of other religions.

Buddhist Demands for Repeal or Amendment

Due to these **imbalances in representation**, Buddhist organizations have been **demanding the repeal or amendment of the Act** for decades, calling for:

- **Full Buddhist control over the Mahabodhi Temple**, similar to how Hindu temples are managed.
- **A Buddhist-majority BTMC**, with a Buddhist Chairperson instead of the District Magistrate.
- **An end to government interference in Buddhist religious affairs**.

Despite **legal appeals, protests, and international pressure**, the Act remains in force, continuing to spark controversy over **religious rights, historical justice and governance of Buddhist heritage sites**.

The **Bodh Gaya Temple Act, 1949**, remains one of the most **controversial laws concerning religious administration in India**. While it was intended to provide a **structured management system**, its provisions have led to **frustration and resentment** within the global Buddhist community.

The **dominance of the District Magistrate (who is always a Hindu)**, combined with **equal Hindu-Buddhist representation on the BTMC**, ensures that **Buddhists do not have full control over their holiest temple**. This has led to **ongoing demands for repeal, amendment and legal intervention** to restore **Buddhist autonomy over the Mahabodhi Temple**.

4. Issues and Controversies Surrounding the Bodh Gaya Temple Act, 1949

The **Bodh Gaya Temple Act, 1949**, was enacted to regulate the **administration and management** of the **Mahabodhi Temple**, the most sacred Buddhist site. However, since its implementation, the Act has been the subject of **continuous controversy**. The **Buddhist community** has raised several concerns regarding **Hindu influence in the temple's management, the legal and constitutional validity of the Act** and the **violation of Buddhist religious rights**.

1. Buddhist Discontent with the Act

The **primary reason for Buddhist dissatisfaction** with the Act is that it **does not grant Buddhists full control over their holiest shrine**. Key areas of discontent include:

a) Lack of Buddhist Majority in the Temple's Management

- The **Bodhgaya Temple Management Committee (BTMC)** consists of **4 Hindu and 4 Buddhist members**, with the **District Magistrate (DM) of Gaya** as the **ex-officio Chairperson**.
- The Act **mandates that if the DM is not Hindu, the government must appoint a Hindu Chairperson**, ensuring **permanent Hindu leadership** over a Buddhist religious site.
- This **contradicts standard temple management practices**, as **Hindu temples in India are exclusively managed by Hindus**, without government-imposed religious representation.

b) Violation of Buddhist Religious Autonomy

- The Act **allows Hindu representatives to influence Buddhist religious affairs**, including **rituals, financial decisions and governance**.
- **Buddhist monks and organizations** argue that this undermines **Buddhist religious identity and practices**.
- The **Buddhist Sangha (monastic community)** has been **historically excluded from the decision-making process**, leading to protests and legal challenges.

c) Failure to Restore Buddhist Custodianship of the Mahabodhi Temple

- Historically, the temple was **controlled by Buddhist monks** until it fell under **Hindu management during the medieval period**.
- **Anagarika Dharmapala**, founder of the **Mahabodhi Society of India**, fought for **Buddhist control of the temple** but was unsuccessful.
- The Act **did not return the temple to Buddhist administration** but instead created a **government-controlled committee with a permanent Hindu leadership structure**.

2. Hindu Influence in the Management of a Buddhist Site

a) Role of the District Magistrate as Chairperson

- The **District Magistrate (DM) of Gaya**, who is almost always Hindu, serves as the **head of the BTMC**, giving Hindus final authority over temple affairs.
- Even after a **2013 amendment** allowed a non-Hindu DM to continue as Chairperson, **the core demand for a Buddhist Chairperson remains unfulfilled**.

b) Hindu Rituals and Practices Inside the Mahabodhi Temple

- While the Mahabodhi Temple is a **Buddhist religious site**, **Hindu priests and practices continue to exist within the temple premises**.
- **Buddhist organizations claim that Hindu influence has led to modifications in Buddhist rituals**, raising concerns over the **preservation of authentic Buddhist traditions**.

c) Discrimination Against Buddhist Pilgrims and Monks

- Reports suggest that **Buddhist monks sometimes face restrictions** inside the temple, while **Hindu visitors enjoy greater access**.

- The presence of **Hindu rituals**, such as offerings to Hindu deities inside the temple, has led to **conflicts between Buddhist and Hindu communities**.

d) Comparison with Hindu Temple Management in India

- Unlike the Mahabodhi Temple, **Hindu temples in India are exclusively controlled by Hindus**, with no Buddhist or other religious representation.
- Buddhists argue that **if Hindu temples are managed exclusively by Hindus, why should a Buddhist temple be managed by Hindus?**
- This raises concerns about **religious equality and secular governance**.

3. Legal and Constitutional Concerns

a) Violation of the Right to Religious Freedom (Article 25 & 26 of the Indian Constitution)

- **Article 25 of the Indian Constitution** guarantees the **freedom of religion** to all citizens.
- **Article 26 grants religious communities the right to manage their own religious institutions**.
- The **Bodh Gaya Temple Act** contradicts these provisions by **denying Buddhists exclusive control over their own sacred temple**.

b) Discrimination Against Buddhists

- The Act **does not treat Buddhism equally to other religions** in India.
- Hindu temples are **protected from outside interference** but the Mahabodhi Temple **remains under Hindu influence**.
- Buddhist groups argue that **this amounts to religious discrimination** and violates the **secular principles of the Indian Constitution**.

c) International Human Rights Concerns

- The **United Nations (UN)** and **international Buddhist organizations** have raised concerns over **India's handling of the Mahabodhi Temple's administration**.
- Buddhist-majority countries like **Sri Lanka, Thailand, and Myanmar** have repeatedly urged the Indian government to **return full control of the temple to Buddhists**.
- The **failure to address these concerns affects India's image as a secular nation** and could impact **diplomatic relations with Buddhist-majority countries**.

d) Legal Petitions and Attempts for Repeal

- Over the years, **Buddhist activists and organizations have filed petitions** in Indian courts demanding:
 - **Amendment or repeal of the Bodh Gaya Temple Act.**
 - **Full Buddhist control over the Mahabodhi Temple.**
 - **Recognition of Buddhist religious rights in temple administration.**
- Despite multiple legal challenges, the Indian government has **not yet repealed the Act**, though minor amendments have been made.

The **Bodh Gaya Temple Act, 1949**, remains a **controversial law**, with **Buddhist organizations demanding its repeal or amendment**. The **permanent Hindu leadership structure**, **lack of Buddhist autonomy**, and **violation of constitutional rights** have led to **ongoing legal and political struggles**.

Key demands from **Buddhist activists** include:

- ✓ **Full Buddhist control over the Mahabodhi Temple**, similar to Hindu temple management.
- ✓ **A Buddhist Chairperson for the BTMC** instead of the District Magistrate.
- ✓ **Removal of Hindu influence from Buddhist rituals and governance.**
- ✓ **Government recognition of Buddhist religious autonomy in India.**

As international Buddhist communities continue to apply pressure, the Indian government may eventually need to address these concerns, either through legal amendments, Supreme Court rulings, or policy changes.

5. Demands for Repeal of the Bodh Gaya Temple Act, 1949

The **Bodh Gaya Temple Act, 1949**, has faced continuous opposition from **Buddhist organizations, international Buddhist communities, and legal activists**, who argue that the Act **violates Buddhist religious rights** and **unfairly grants Hindus control over the Mahabodhi Temple**. There have been **multiple demands for its repeal or significant amendments**, but so far, these demands have not been fully addressed.

1. Arguments from Buddhist Organizations

Several **Buddhist organizations and leaders** have been vocal about their **opposition to the Act**, citing the following reasons:

a) Violation of Buddhist Religious Autonomy

- **The Mahabodhi Temple is the most sacred site for Buddhists worldwide, yet Buddhists do not have full control over its management.**
- **The Bodh Gaya Temple Management Committee (BTMC) includes Hindus, and a Hindu (District Magistrate of Gaya) serves as Chairperson, which restricts Buddhist authority over their own religious site.**
- **Buddhist groups argue that if Hindu temples are exclusively managed by Hindus, then a Buddhist temple should be managed only by Buddhists.**

b) Discrimination Against Buddhists

- **The Act imposes Hindu representation in a Buddhist religious institution, which is not the case for Hindu temples in India.**
- **Buddhist monks and pilgrims have reported restrictions on performing certain rituals inside the temple, further highlighting religious discrimination.**
- **Many Buddhist organizations argue that this is a violation of the Indian Constitution's secular principles.**

c) Demands for a Buddhist-Only Management Committee

- **Buddhist leaders and organizations have demanded that the BTMC be composed solely of Buddhist monks and lay Buddhists.**
- **They argue that only Buddhists should oversee rituals, administration and financial management of the temple.**

d) Concerns Over the Role of the District Magistrate

- The **District Magistrate of Gaya**, who is almost always **Hindu**, serves as the **Chairperson of the BTMC**, even though the temple is a **Buddhist site**.
- Even after a **2013 amendment** allowed a non-Hindu DM to continue as Chairperson, **the law still mandates that if the DM is not Hindu, the government must appoint a Hindu as Chairperson**.
- Buddhist groups argue that **this provision is unfair and contradicts the religious freedom granted by the Indian Constitution**.

2. National and International Support for Repeal

a) Support from Indian Buddhist Organizations

Several **Indian Buddhist organizations** have been at the forefront of the movement to **repeal or amend the Act**:

1. **The All India Bhikkhu Sangha** – Buddhist monks from various traditions have consistently protested against the Act and called for **full Buddhist control over the temple**.
2. **The Mahabodhi Society of India** – Originally founded to restore Buddhist control of the temple, it has played a significant role in advocating for **repeal or amendment of the Act**.
3. **Dalit Buddhist Organizations (Navayana Buddhists)** – Many followers of **Dr. B.R. Ambedkar's Buddhist revival movement** have protested against the **Hindu dominance over the temple's administration**.

b) International Buddhist Support

Buddhist-majority countries have **repeatedly urged the Indian government to return control of the Mahabodhi Temple to Buddhists**. Some of the strongest voices have come from:

1. **Sri Lanka** – The Sri Lankan government and Buddhist monks have frequently raised concerns about the Act. **Sri Lankan Buddhist leaders have demanded that the temple be managed exclusively by Buddhists**.
2. **Thailand** – Thai Buddhist leaders have called for international intervention and have proposed a **UNESCO-led initiative to protect the temple as a purely Buddhist site**.
3. **Myanmar, Japan, and South Korea** – Buddhist organizations from these countries have criticized India for failing to **uphold Buddhist religious rights in Bodh Gaya**.
4. **Tibetan Buddhist Organizations** – **The Dalai Lama and Tibetan Buddhist groups have supported the demand for repeal**, arguing that Buddhist institutions should be administered by Buddhists, just as Hindu institutions are managed by Hindus.

c) United Nations and Human Rights Groups

- **International human rights groups** have **expressed concerns about religious discrimination against Buddhists in Bodh Gaya**.
- Some have argued that **India's secular credentials are weakened by allowing Hindu control over a Buddhist temple**.
- **Petitions have been submitted to the United Nations, calling for global Buddhist intervention to protect Buddhist religious rights in India**.

3. Previous Amendments and Their Limitations

Several amendments and legal changes have been proposed over the years, but **they have failed to address the core issues** raised by Buddhists.

a) 2013 Amendment – Allowing a Non-Hindu Chairperson

- Before 2013, if the District Magistrate (DM) of Gaya was **not Hindu**, the government had to appoint a **Hindu as Chairperson**.
- The 2013 amendment allowed a **non-Hindu DM** to serve as Chairperson but **did not remove Hindu influence in the BTMC**.
- **Buddhist organizations rejected this amendment as insufficient**, arguing that **the temple should have a Buddhist Chairperson**.

b) Proposals for Increasing Buddhist Representation

- Over the years, there have been **discussions about increasing the number of Buddhist members in the BTMC**, but **no significant changes have been implemented**.
- Even if Buddhist representation increases, **the Chairperson (DM) still has the final authority**, making the reforms ineffective.

c) Legal Petitions in the Indian Supreme Court

- **Multiple legal petitions** have been filed in the **Supreme Court of India** seeking:
 - **Repeal of the Act** or
 - **Amendment to ensure Buddhist-only control over the Mahabodhi Temple**
- However, **the Indian government has not taken concrete action** to implement these demands.

The **demand for the repeal of the Bodh Gaya Temple Act, 1949**, is based on **serious concerns about religious freedom, discrimination, and Buddhist autonomy**. Buddhist organizations and international Buddhist communities argue that the Act:

- ✓ **Unfairly gives Hindus control over a Buddhist religious site.**
- ✓ **Violates Buddhist religious rights and the Indian Constitution's secular principles.**
- ✓ **Contradicts the management of Hindu temples, which are exclusively run by Hindus.**

Despite **legal challenges and international pressure**, the **Indian government has yet to repeal the Act**. The **2013 amendment** did not resolve the core issues and **Buddhist leaders continue to demand full control over the Mahabodhi Temple**.

6. Government Responses and Amendments to the Bodh Gaya Temple Act, 1949

The **Bodh Gaya Temple Act, 1949**, has been a subject of ongoing debate and legal challenges. In response to **Buddhist protests, international pressure, and legal petitions**, the **Indian government and the Bihar government** have made some amendments. However, these **changes have not fully addressed the core concerns** raised by Buddhist organizations.

1. The 2013 Amendment and Its Impact

a) Background of the 2013 Amendment

- Before 2013, the Act mandated that the Chairperson of the Bodh Gaya Temple Management Committee (BTMC) must be a Hindu.
- Since the District Magistrate (DM) of Gaya serves as the Chairperson, if a non-Hindu DM was appointed, the government had to replace them with a Hindu.
- This provision led to strong protests from Buddhist organizations, arguing that it was discriminatory and unconstitutional.
- In response, the Bihar government proposed an amendment in 2013 to remove this provision.

b) Key Changes Introduced in 2013

- The requirement that the Chairperson must be Hindu was removed.
- If the DM of Gaya is Buddhist or belongs to another non-Hindu community, they can still serve as Chairperson.
- However, the overall structure of the BTMC remained unchanged, meaning:
 - The BTMC still has 4 Hindu and 4 Buddhist members.
 - Hindu representation in the committee was not reduced.
 - The Act did not ensure a Buddhist-majority committee or a Buddhist Chairperson.

c) Impact of the 2013 Amendment

✓ Positive Outcomes:

- The amendment removed the mandatory Hindu Chairperson rule, which was seen as a step towards reducing religious bias.
- It was welcomed as progress by some legal experts and Buddhist activists.

✗ Limitations and Unresolved Issues:

- The Act still allows significant Hindu influence in temple management.
- Even if a non-Hindu DM becomes Chairperson, their role remains administrative and major decisions still involve Hindu representatives.
- The Hindu majority in the committee was not reduced, meaning Buddhists do not have full control over the temple.
- Buddhist organizations rejected the amendment as insufficient, arguing that it failed to address the demand for a Buddhist-only management committee.

d) Buddhist Reaction to the 2013 Amendment

- The All India Bhikkhu Sangha and Mahabodhi Society of India stated that the amendment was only a minor reform and did not solve the core issue.
- Many international Buddhist groups argued that the change was symbolic rather than substantive.
- Demands for a full repeal of the Act continued, with protests and legal petitions following the amendment.

2. Current Position of the Bihar Government

The Bihar government plays a crucial role in the administration of the Mahabodhi Temple, as the BTMC is under its jurisdiction. However, its response to Buddhist demands has been mixed.

a) Bihar Government's Stance on Buddhist Control

- The **Bihar government has not shown strong support for full Buddhist control** of the Mahabodhi Temple.
- Despite repeated protests and legal challenges, it **has not taken concrete steps to amend or repeal the Act further**.
- The government **maintains that the current structure ensures balanced representation and protects the interests of both communities**.

b) Political and Religious Considerations

- The **Bihar government faces political pressure from Hindu groups, who oppose any change in the temple's administration**.
- **Hindu organizations argue** that the Mahabodhi Temple has been under **Hindu influence for centuries** and should **not be given entirely to Buddhists**.
- On the other hand, **Buddhist groups continue to pressure the government to fulfill their demands**.

c) Legal Challenges and Government Response

- Multiple **petitions have been filed in the Patna High Court and the Supreme Court of India** challenging the constitutionality of the Act.
- The **Bihar government has defended the Act**, stating that **it ensures fair representation and does not violate religious rights**.
- However, Buddhist activists **continue to argue that the Act is discriminatory** and should be repealed.

d) Future Possibilities

- If **pressure from Buddhist groups and international organizations increases**, the **Bihar government may be forced to reconsider its position**.
- A **major political or legal intervention (such as a Supreme Court ruling or central government decision)** may lead to further amendments or even repeal of the Act.
- However, as of now, **there is no immediate indication that the Bihar government will repeal or significantly amend the Act**.

✓ The 2013 amendment removed the mandatory Hindu Chairperson rule but did not change the fundamental structure of temple management.

✓ Buddhists still do not have full control over the Mahabodhi Temple, as Hindus continue to have equal representation in the BTMC.

✓ The Bihar government has defended the Act and has not taken further steps to address Buddhist demands.

✓ Buddhist organizations and international Buddhist communities continue to push for the Act's repeal or major amendments.

7. Legal and Constitutional Perspectives on the Bodh Gaya Temple Act, 1949

The **Bodh Gaya Temple Act, 1949**, has been challenged on **legal and constitutional grounds** by Buddhist organizations, legal scholars, and activists. The **primary argument** is that the Act **violates the religious rights of Buddhists by allowing Hindu representation in the administration of a Buddhist religious site**. This section examines the **legal implications of the Act** concerning religious rights under the **Indian Constitution** and **precedents in the management of religious institutions**.

1. Analysis of Religious Rights under the Indian Constitution

a) Violation of Article 25 – Freedom of Religion

Article 25(1) of the Indian Constitution guarantees that **all persons have the right to freely practice, profess, and propagate their religion**. However, the **Bodh Gaya Temple Act, 1949**, restricts **Buddhist control over their own religious site** by mandating Hindu representation in its management.

Legal Arguments Against the Act

- The Act **interferes with the religious autonomy of Buddhists**, violating their fundamental right to manage their own places of worship.
- The **presence of Hindu members in the Bodh Gaya Temple Management Committee (BTMC)** prevents Buddhists from **freely administering their sacred site**.
- **Hindu temples in India are managed exclusively by Hindus**, while a Buddhist temple is **partially controlled by non-Buddhists**, creating **religious discrimination**.

Counterarguments by the Bihar Government

- The **Bihar government argues that the Act ensures balanced representation** and prevents any one religious group from monopolizing the administration of the temple.
- The government also **maintains that the Act does not prevent Buddhist rituals and practices**, and therefore does not infringe on their religious rights.

b) Violation of Article 26 – Right to Manage Religious Institutions

Article 26 of the Indian Constitution grants every religious denomination the right to **establish and maintain religious institutions and manage their own affairs in matters of religion**.

Legal Arguments Against the Act

- The Act **violates the right of Buddhists to manage their own religious affairs** by imposing **Hindu representation in the BTMC**.
- The Mahabodhi Temple is a **Buddhist religious institution** and **Buddhists alone should have the right to manage it**.
- The **Act sets a dangerous precedent** by allowing one religious community to **interfere in the management of another religion's sacred site**.

Counterarguments by the Bihar Government

- The government argues that **the Act does not take away Buddhists' ability to practice their faith or perform rituals** at the Mahabodhi Temple.
- The government further states that **the Act was created to protect the site's integrity**, considering that **Hindus also revere the temple** as the place where Buddha attained enlightenment.

c) Violation of Article 14 – Right to Equality

Article 14 guarantees equality before the law and equal protection of laws.

Legal Arguments against the Act

- The **Bodh Gaya Temple Act** treats **Buddhists unfairly** by imposing **Hindu representation** in a **Buddhist religious institution**.
- **Hindu temples in India** are managed exclusively by **Hindus**, and **Sikh gurdwaras** are managed exclusively by **Sikhs**. Why should **Buddhists** be treated differently?
- The **Act** creates inequality between religious communities by **denying Buddhists** the same rights that **Hindus and Sikhs** enjoy over their religious institutions.

Counterarguments by the Bihar Government

- The Bihar government argues that **the Act applies equally to both Buddhists and Hindus**, as both have representation in the BTMC.
- It claims that **the Act does not discriminate against Buddhists but ensures balanced administration**.

2. Precedents in Religious Institution Management

Several **Supreme Court judgments and legal precedents** have shaped the interpretation of **religious rights and the management of religious institutions in India**. These cases provide important insights into the legal standing of the **Bodh Gaya Temple Act, 1949**.

a) Shirur Mutt Case (1954) – Defining Religious Autonomy

Case: Commissioner, Hindu Religious Endowments, Madras v. Shri Lakshmindra Thirtha Swamiar of Shirur Mutt (1954)

Judgment:

- The Supreme Court ruled that **the right to manage a religious institution is an integral part of religious freedom under Article 26**.
- The government **cannot interfere in the administration of a religious institution unless it violates public order, morality and health**.

Relevance to the Bodh Gaya Temple Act:

- The Mahabodhi Temple is a **Buddhist religious institution**, and Buddhists should have **exclusive control over its administration**.
- The **Act violates this precedent by allowing Hindu representation in the BTMC**, restricting Buddhist autonomy.

b) Sabarimala Temple Case (2018) – Religious Freedom vs. Customary Practices

Case: Indian Young Lawyers Association v. State of Kerala (2018)

Judgment:

- The Supreme Court ruled that **religious practices cannot violate constitutional rights**, and **religious institutions must be managed in a manner consistent with constitutional principles**.
- The Court also held that **customary practices that exclude certain groups must be re-examined if they violate equality and religious rights**.

Relevance to the Bodh Gaya Temple Act:

- The Act enforces an outdated and discriminatory practice of including Hindus in a Buddhist religious institution's management.
- The Supreme Court's logic in Sabarimala could be applied to overturn the Hindu-majority control over the Mahabodhi Temple.

c) Sikh Gurdwara Management Case – Exclusive Control by Religious Communities

Case: Shiromani Gurdwara Parbandhak Committee v. Som Nath Dass (2000)

Judgment:

- The Supreme Court upheld that **Sikhs have the exclusive right to manage their gurdwaras** and that **non-Sikhs cannot interfere in Sikh religious affairs**.

Relevance to the Bodh Gaya Temple Act:

- Just as Sikhs have exclusive control over their religious institutions, **Buddhists should have full control over the Mahabodhi Temple**.
- The Act contradicts this precedent by imposing Hindu representation on the BTMC.

The Need for Legal Reform

✓ The Bodh Gaya Temple Act, 1949, contradicts multiple constitutional provisions, including Articles 25, 26, and 14.

✓ Legal precedents support the exclusive control of religious communities over their sacred institutions.

✓ The Supreme Court has consistently ruled in favor of religious autonomy, making the Act legally vulnerable.

✓ If challenged effectively in court, the Act could be amended or struck down.

Potential Legal Remedies:

- ✦ A Supreme Court ruling declaring the Act unconstitutional under Articles 25, 26, and 14.
- ✦ A legislative amendment ensuring full Buddhist control over the Mahabodhi Temple.
- ✦ A petition before the United Nations Human Rights Council, highlighting religious discrimination.

8. Comparative Analysis of Religious Shrine Management

The **Bodh Gaya Temple Act, 1949**, has been criticized for allowing **Hindu representation in the management of a Buddhist religious site**. To understand the **uniqueness and controversy** surrounding this Act, it is useful to compare the management of **other religious shrines in India** and **global examples of Buddhist temple administration**.

1. Management of Other Religious Shrines in India

a) Hindu Temples – Exclusive Hindu Control

In India, **Hindu temples are generally managed by Hindus**, either through **autonomous temple trusts** or under the supervision of state governments.

Example: Tirupati Balaji Temple (Andhra Pradesh)

- Managed by the **Tirumala Tirupati Devasthanams (TTD)**, which is **exclusively controlled by Hindus**.
- Only **Hindus are allowed to serve as trustees and administrators**.
- The Andhra Pradesh government **does not impose non-Hindu representation** in its management.

Example: Kashi Vishwanath Temple (Uttar Pradesh)

- Governed by the **Kashi Vishwanath Temple Trust**, which is **entirely composed of Hindus**.
- The **Uttar Pradesh government does not appoint Muslim or Buddhist representatives** to the committee.
- Hindu religious institutions are granted **full autonomy over their management**.

Contrast with the Bodh Gaya Temple Act:

- Hindu temples are **exclusively managed by Hindus**, while a **Buddhist temple is subject to non-Buddhist control**.
- This **creates religious discrimination** and violates **Article 14 (Right to Equality)** of the Indian Constitution.

b) Sikh Gurdwaras – Exclusive Sikh Control

The **Sikh community has complete autonomy over its gurdwaras** through the **Shiromani Gurdwara Parbandhak Committee (SGPC)** and other state-level gurdwara boards.

Example: Golden Temple (Punjab)

- Managed by the **SGPC**, which is **entirely composed of Sikhs**.
- The Punjab government or central government **does not interfere in its administration**.
- The Supreme Court has upheld the **exclusive right of Sikhs to manage their religious institutions**.

Contrast with the Bodh Gaya Temple Act:

- Sikhs have full control over their religious sites, while Buddhists must share management with Hindus.
- If Hindu representation in a Sikh gurdwara would be unacceptable, why should it be allowed in a Buddhist temple?

c) Muslim Mosques and Dargahs – Managed by Muslim Trusts

Islamic religious sites in India are **managed by Muslim organizations**, with no interference from non-Muslims.

Example: Haji Ali Dargah (Mumbai)

- Managed by the **Haji Ali Dargah Trust**, which is **exclusively controlled by Muslims**.
- The **Maharashtra government does not appoint non-Muslim members** to its administration.

Example: Jama Masjid (Delhi)

- Managed by the **Jama Masjid Committee**, which is **entirely composed of Muslims**.
- The **Delhi government has no role in its management**.

Contrast with the Bodh Gaya Temple Act:

- **Muslims have full control over their religious sites**, but Buddhists **do not have the same right** over the Mahabodhi Temple.
- The **Act discriminates against Buddhists by denying them the same level of religious autonomy**.

2. Global Examples of Buddhist Temple Administration

Unlike in India, **Buddhist religious sites worldwide are managed exclusively by Buddhist organizations or governments that recognize Buddhist religious autonomy**.

a) Sri Lanka – Full Buddhist Control

- In **Sri Lanka**, **Buddhist temples are managed by the Buddhist clergy**, known as the **Sangha**.
- The **government does not interfere in temple management** but supports Buddhist institutions through **state funding and cultural preservation initiatives**.
- **Example: Temple of the Sacred Tooth Relic (Kandy)**
 - Managed by the **Buddhist clergy under the Diyawadana Nilame (chief custodian)**.
 - The **Sri Lankan government does not appoint Hindu or Christian representatives** to the temple's administration.

b) Thailand – State-Supported Buddhist Administration

- Thailand recognizes **Buddhism as a central cultural and spiritual institution**.
- The **Sangha Supreme Council (SSC) exclusively manages Buddhist temples**.
- **Example: Wat Phra Kaew (Bangkok)**
 - One of Thailand's most sacred Buddhist temples.
 - Fully managed by Buddhist monks and **overseen by the Thai royal family**.
 - No **non-Buddhist influence in temple administration**.

c) Myanmar – Government and Monastic Control

- Buddhist temples in Myanmar are **under the authority of the State Sangha Maha Nayaka Committee**, a government-recognized body composed of **Buddhist monks**.
- **Example: Shwedagon Pagoda (Yangon)**
 - Managed by the **Shwedagon Pagoda Trustees**, who are **all Buddhists**.
 - The Myanmar government ensures **only Buddhists manage Buddhist religious sites**.

d) Japan – Independent Buddhist Temple Trusts

- In Japan, Buddhist temples are **autonomously managed by Buddhist sects** and are not under state control.
- **Example: Senso-ji Temple (Tokyo)**
 - Managed by the **Buddhist community with no external religious interference**.
 - The Japanese government does not **force Shinto, Christian representation** in temple administration.

3. Key Takeaways from the Comparative Analysis

- ✓ **Hindu, Sikh, Muslim, and Christian religious institutions in India are managed exclusively by their respective religious communities.**
- ✓ **Buddhist temples globally are managed only by Buddhists, with no interference from non-Buddhists.**
- ✓ **The Bodh Gaya Temple is the only major Buddhist religious site in the world where non-Buddhists (Hindus) have legal control over its administration.**
- ✓ **This is a clear case of religious discrimination and inequality under Indian law.**

4. The Need for Reform

- ✦ **The Bodh Gaya Temple Act, 1949, is an anomaly in global religious site management.**
- ✦ **If Hindus, Muslims, Sikhs, and Christians can manage their religious sites autonomously, Buddhists should have the same right.**
- ✦ **The current management structure violates India's constitutional principles of religious freedom and equality.**
- ✦ **The Act must be repealed or amended to grant full Buddhist control over the Mahabodhi Temple.**

Potential Actions Moving Forward

- ✦ **Legal Petition:** A Supreme Court petition challenging the **constitutional validity of the Act**.
- ✦ **International Pressure:** Buddhist organizations can seek **UNESCO intervention** since Mahabodhi Temple is a UNESCO World Heritage Site.

✦ **Legislative Reform:** A demand for a new law ensuring Buddhist autonomy over the temple.

9. Stakeholders and Their Views on the Repeal of the Bodh Gaya Temple Act, 1949

The **Bodh Gaya Temple Act, 1949**, has been a subject of **controversy and debate** among various stakeholders, including **Buddhist monastic orders, Hindu religious organizations, the government and the judiciary**. Each group has its own perspective on whether the Act should be repealed, amended, or retained.

1. Buddhist Monastic Orders and Communities

a) Buddhist Monks and Clergy (Sangha)

Position: Full Buddhist Control Over Mahabodhi Temple

Buddhist monks and religious leaders **strongly oppose the current structure** of the Bodh Gaya Temple Management Committee (BTMC) and demand **full Buddhist authority over the temple**.

Key Concerns:

- ✓ The Act **violates Buddhist religious autonomy** by imposing Hindu representation.
- ✓ The **Mahabodhi Temple is the most sacred Buddhist site**, and only **Buddhists should manage its affairs**.
- ✓ Hindu dominance in the temple's management **disrespects Buddhist heritage**.
- ✓ The temple's governance should align with global Buddhist temple management practices, where **only Buddhists oversee religious sites**.

Organizations Supporting Repeal:

- Bodhi Dharma Society (India)
- Mahabodhi Society of India
- International Buddhist Confederation (IBC)
- World Fellowship of Buddhists (WFB)
- All India Bhikkhu Sangha

b) International Buddhist Communities

Position: Concerned About Discrimination Against Buddhists

Global Buddhist organizations, particularly from **Sri Lanka, Thailand, Myanmar, Japan and Tibet**, have **expressed concern** about India's treatment of Buddhists.

Key Concerns:

- ✓ The Act is a **violation of religious rights under international law**.

✓ The Indian government's failure to give full control to Buddhists undermines India's status as a protector of Buddhist heritage.

✓ UNESCO, which recognizes Mahabodhi Temple as a World Heritage Site, should intervene to ensure proper Buddhist management.

International Support for Repeal:

- Sri Lankan Buddhist Clergy (Maha Sangha)
- Thai Buddhist Monastic Orders
- Myanmar's State Sangha Maha Nayaka Committee
- Japanese Buddhist Federations
- Tibetan Buddhist Organizations, including the Dalai Lama's Office.

2. Hindu Religious Organizations

a) Traditional Hindu Organizations

Position: Support Retention of Hindu Representation in BTMC

Some Hindu groups argue that **Hindu representation in the Mahabodhi Temple's administration should remain**, citing historical and religious significance.

Key Arguments in Favor of the Act:

- ✓ Bodh Gaya has historical Hindu connections, as some Hindus worship Lord Vishnu at the site.
- ✓ Hindus and Buddhists have coexisted in Bodh Gaya for centuries, so a shared management structure is justified.
- ✓ The Act ensures that Mahabodhi Temple remains open to all religions rather than being controlled by a single group.

Organizations Opposing Full Buddhist Control:

- Vishwa Hindu Parishad (VHP)
- Akhil Bharatiya Hindu Mahasabha
- Rashtriya Swayamsevak Sangh (RSS)

However, **not all Hindu organizations oppose Buddhist control**. Some **progressive Hindu leaders** believe that Buddhists should have the same rights over their religious institutions as Hindus do over theirs.

3. Government and Judiciary

a) Bihar State Government

Position: Prefers a Balanced Management Approach

The Bihar government **has been reluctant to repeal the Act**, arguing that the **existing system maintains religious harmony**.

Key Justifications for Retaining the Act:

- ✓ The Act ensures **shared administration** and **prevents disputes** between Hindus and Buddhists.
- ✓ The **Bihar government does not want to alienate Hindu voters**, who may view full Buddhist control as a threat to Hindu interests.

✓ Past amendments (e.g., **2013 Amendment increasing Buddhist representation**) have **partially addressed Buddhist concerns**.

However, **Buddhist activists argue that these amendments are insufficient** and demand **full administrative control**.

b) Central Government of India

Position: Politically Neutral but Reluctant to Act

The Indian central government, particularly under successive regimes, has **avoided taking a strong stance** on the issue due to political sensitivities.

Key Political Considerations:

- ✓ The **ruling party fears backlash from Hindu organizations** if it grants full control to Buddhists.
- ✓ **India has diplomatic relations with Buddhist-majority countries (Sri Lanka, Thailand, Myanmar, etc.)**, so **ignoring Buddhist demands could strain international ties**.
- ✓ **Amending or repealing the Act would require parliamentary approval**, which is politically challenging.

Despite international pressure, the **Indian government has not taken significant steps to address Buddhist grievances**.

c) Judiciary (Supreme Court of India)

Position: Legal Challenges to the Act Have Been Raised

Several **petitions have been filed in the Supreme Court**, arguing that the **Bodh Gaya Temple Act violates religious freedom under the Indian Constitution (Articles 25, 26, and 14)**.

Key Legal Arguments Against the Act:

- ✓ **Article 25 (Freedom of Religion)** – The Act **infringes on Buddhist religious rights** by allowing Hindu representation.
- ✓ **Article 26 (Right to Manage Religious Institutions)** – Buddhists are **denied the same rights that Hindus, Muslims and Sikhs have** over their religious sites.

✓ **Article 14 (Right to Equality)** – Hindu temples are managed **only by Hindus**, so Buddhist temples **should be managed only by Buddhists**.

Judicial Status:

- The Supreme Court **has not yet ruled on the constitutionality of the Act** but **legal experts suggest that it could be challenged successfully**.
- If a strong **constitutional petition** is filed, the **Act may be struck down or forced into amendment**.

4. Summary of Stakeholder Views

Stakeholder	Position	Key Arguments
Buddhist Orders	Monastic Demand full Buddhist control	The temple is a Buddhist religious site and Hindus should not have administrative authority.
International Organizations	Buddhist Concerned about discrimination	The Act is inconsistent with global Buddhist temple management practices .
Hindu Organizations	Religious Divided views	Some groups want Hindu representation to continue , while others believe Buddhists should have full control .
Bihar State Government	Prefers the current system	Argues that shared management maintains religious harmony .
Indian Government	Central Politically neutral, reluctant to act	Avoids action due to Hindu vote-bank politics and diplomatic considerations .
Supreme Court of India	Legal challenges exist, but no ruling yet	The Act may be unconstitutional under Articles 25, 26, and 14 .

5. The Path Forward

✓ The **Bodh Gaya Temple Act, 1949**, is a unique and controversial law that grants **Hindus control over a Buddhist religious site**.

✓ **Buddhist organizations demand full control**, while **Hindu groups are divided on the issue**.

✓ The **Bihar government and the Indian central government are reluctant to amend the Act** due to political concerns.

✓ **The Supreme Court may play a decisive role** if a strong constitutional challenge is filed.

Possible Next Steps:

- 📄 **Legal Action:** Filing a petition in the Supreme Court challenging the Act.
- 🗣️ **Political Advocacy:** Pressuring the Indian government to amend or repeal the Act.
- 🌐 **International Awareness:** Engaging UNESCO and Buddhist-majority nations to push for change.

10. Potential Reforms and Alternatives for the Bodh Gaya Temple Act, 1949

The **Bodh Gaya Temple Act, 1949**, has been a subject of ongoing debate due to its **shared administrative structure** between Hindus and Buddhists. Many Buddhist organizations argue that **the Act must be repealed or reformed to ensure full Buddhist autonomy** over the Mahabodhi Temple. This section explores potential **amendments, alternative models of management and best practices from other religious institutions**.

1. Possible Amendments to Ensure Buddhist Autonomy

If the **Bodh Gaya Temple Act is not repealed**, certain **key amendments** can be made to ensure that **Buddhists gain rightful control** over the temple's administration while maintaining religious harmony.

a) Reconstitution of the Bodh Gaya Temple Management Committee (BTMC)

✓ **Proposal:** Amend the Act to make **BTMC a fully Buddhist-managed body**.

Current Structure:

- **8 Members:** 4 Buddhists + 4 Hindus.
- **Chairperson:** The District Magistrate (a government officer, usually Hindu).

Proposed Amendment:

- **All 8 members must be Buddhists** representing different Buddhist traditions (Theravāda, Mahāyāna, Vajrayāna, etc.).
- **The Chairperson must be a senior Buddhist monk** or scholar, not a government official.
- **An advisory body with Hindu representation** can be created to address concerns, but **without decision-making powers**.

b) Removal of Hindu Representation in Decision-Making

✓ **Proposal:** The Act should ensure that **only Buddhists** have the authority to make decisions regarding the Mahabodhi Temple.

Current Issue:

- Hindus have **equal representation** in the committee, despite the temple being a Buddhist religious site.
- This **contradicts Indian laws**, where Hindu temples are **exclusively managed by Hindus**.

Proposed Amendment:

✓ **BTMC should consist of only Buddhist monks and scholars.**

✓ **Hindu members can serve as honorary advisors** but they should **not have voting rights**.

✓ **Temple rituals, festivals, and administration** should be **determined solely by Buddhists**.

c) Appointment of Buddhist Religious Experts

✓ **Proposal:** Ensure **Buddhist monks and scholars** hold key administrative roles.

Current Issue:

- The **District Magistrate (a non-religious government officer)** acts as the **Chairperson** of BTMC.
- **No requirement** for Buddhist monks or scholars to hold leadership roles.

Proposed Amendment:

- ✓ The **Temple Administrator** should be a **senior Buddhist monk**, elected by **Buddhist organizations**.
- ✓ A **panel of Buddhist scholars** should oversee **rituals, education, and temple maintenance**.
- ✓ The **role of the Bihar government** should be **minimal**, ensuring only **financial and security oversight**.

2. Alternative Models of Temple Management

If amendments are **not sufficient**, alternative models of **religious shrine administration** can be adopted.

a) Full Buddhist Control under a Religious Trust

✓ **Proposal:** Transfer the temple's administration to a **Buddhist religious trust**, similar to the **Tirumala Tirupati Devasthanams (TTD)** for Hindus.

Example:

- **Tirumala Tirupati Devasthanams (TTD), Andhra Pradesh**
 - Hindu temple management is **exclusively Hindu**.
 - The government oversees financial matters but **does not interfere in religious decisions**.

How It Can Work for Mahabodhi Temple:

- ✓ The **Mahabodhi Temple Trust (MTT)** can be created, consisting **exclusively of Buddhist monks and scholars**.
- ✓ The **Government of Bihar** can regulate financial transparency but **not interfere in temple rituals**.
- ✓ The Trust will have **complete control over temple administration, festivals and religious activities**.

b) Management by an International Buddhist Organization

✓ **Proposal:** Place the **temple under an international Buddhist body** recognized by UNESCO and major Buddhist nations.

Example:

- **UNESCO's role in managing global heritage sites**.
- **International Buddhist Confederation (IBC)** supervises Buddhist institutions worldwide.

How It Can Work for Mahabodhi Temple:

- ✓ An **International Buddhist Committee (IBC, World Fellowship of Buddhists, etc.)** can take control.
- ✓ The Indian government will **retain security oversight**, but **Buddhist monks will handle religious affairs**.

✓ International Buddhist donations will be **directly managed by Buddhist organizations**, preventing government interference.

c) **Precedents from Other Religious Institutions in India**

✓ **Proposal:** Follow **legal precedents** where religious institutions are managed exclusively by their own religious community.

Example:

- 1 Hindu Temples: Governed by **Hindus only** (e.g., Jagannath Temple, Tirupati Temple).
- 2 Muslim Wakfs: Managed **exclusively by Muslims**, under the **Wakf Act**.
- 3 Sikh Gurudwaras: Controlled **only by Sikhs** under the **Shiromani Gurdwara Parbandhak Committee (SGPC)**.

How It Can Work for Mahabodhi Temple:

- ✓ Buddhists should be given **the same rights as Hindus, Muslims and Sikhs** over their religious sites.
- ✓ The Supreme Court can be approached to ensure **equal protection under Article 26 of the Indian Constitution**.

3. **The Best Path Forward: A Summary of Reform Options**

Reform Option	Description	Expected Outcome
Amend BTMC Composition	Convert BTMC into an all-Buddhist committee	Buddhist autonomy without full repeal
Remove Hindu Decision-Making Powers	Hindu members can serve as advisors but cannot vote	Reduces Buddhist-Hindu conflict
Appoint Buddhist Religious Experts	Ensure only Buddhist monks run temple administration	Strengthens Buddhist religious authority
Convert to a Buddhist Religious Trust	Transfer control to a Buddhist-managed trust	Ensures Buddhist-exclusive management
International Buddhist Management	UNESCO or IBC oversees the temple	Aligns with global Buddhist governance
Follow Hindu/Muslim/Sikh Religious Precedents	Apply equal rights under Article 26	Ensures legal protection for Buddhists

4. **Moving Towards Justice for Buddhists**

★ The Bodh Gaya Temple Act, 1949, is an **outdated colonial-era law** that denies Buddhists **full control over their holiest site**.

★ **Amendments or a complete repeal** are necessary to ensure **Buddhist religious autonomy**.

★ **Legal action, political advocacy and international pressure** can push for **meaningful reforms**.

✦ The best solution is to **follow precedents set by Hindu, Muslim and Sikh religious management systems.**

✦ **Next Steps:**

✓ **Petitioning the Supreme Court for Buddhist rights.**

✓ **Lobbying the Bihar and Indian governments for amendments.**

✓ **Engaging with UNESCO and international Buddhist bodies.**

11. Conclusion and Recommendations

1. Summary of Key Issues

The **Bodh Gaya Temple Act, 1949**, has been a subject of longstanding controversy due to its **dual-management structure**, which grants **equal representation to Hindus and Buddhists** in the administration of the Mahabodhi Temple. The major issues surrounding the Act are:

- ❑ **1 Lack of Full Buddhist Control:** Despite being the **holiest Buddhist shrine**, the temple's management includes **Hindu representatives**, creating religious and administrative conflicts.
- ❑ **2 Hindu Influence in Decision-Making:** The **District Magistrate, usually a Hindu**, serves as the **ex-officio Chairperson**, reducing Buddhist authority over the temple.
- ❑ **3 Legal and Constitutional Concerns:** The Act **violates Article 26 of the Indian Constitution**, which guarantees religious communities the right to manage their institutions.
- ❑ **4 Global Buddhist Protests:** The **international Buddhist community** has consistently demanded **full Buddhist management** of the Mahabodhi Temple.
- ❑ **5 Government Inaction:** Despite **several amendments**, the **core issue of Buddhist autonomy remains unresolved.**

Key Takeaway:

The **Act is outdated and discriminatory**, denying **Buddhists the same rights granted to Hindus, Muslims, and Sikhs** over their religious institutions. **Either significant amendments or a full repeal** is necessary to ensure **justice for Buddhists.**

2. Policy Recommendations for a Fair Resolution

To **resolve the Bodh Gaya Temple issue** fairly and equitably, the following policy recommendations are proposed:

A) Amend the Bodh Gaya Temple Act 🏛️

✓ **Modify the Act to grant full Buddhist control over temple management.**

- **Reconstitute the Bodh Gaya Temple Management Committee (BTMC) with only Buddhist members.**
- **Remove the District Magistrate from the Chairperson role and replace them with a Buddhist monk or scholar.**
- **Ensure only Buddhists have decision-making powers while allowing Hindus an advisory role.**

B) Establish a Buddhist Religious Trust for Mahabodhi Temple 🏛️

✓ **Transfer temple management to an independent Buddhist Trust, similar to the Tirumala Tirupati Devasthanams (TTD) for Hindus.**

- **A trust composed of Buddhist monks and scholars should oversee all aspects of temple rituals, administration, and finances.**
- **The Bihar government's role should be limited to financial oversight and security provisions.**

C) Legal and Constitutional Safeguards ⚖️

✓ **Challenge the Act in the Supreme Court under Article 26 of the Indian Constitution.**

- **Petition the court to declare the Act unconstitutional, arguing that it infringes on Buddhists' right to manage their religious affairs.**
- **Seek a judicial precedent ensuring equal rights for all religious communities in temple management.**

D) International and National Advocacy 🌐

✓ **Leverage global Buddhist organizations and UNESCO to pressure the Indian government.**

- **Seek support from Buddhist-majority countries (Sri Lanka, Thailand, Japan, Myanmar, etc.) for diplomatic pressure.**
- **Organize awareness campaigns and peaceful protests to highlight the issue globally.**

3. Future Steps for Advocacy

To implement these recommendations, the following **action plan** is suggested:

Step 1: Legal Action

- ✦ **File a Public Interest Litigation (PIL) in the Supreme Court** challenging the Act's validity.
- ✦ **Engage constitutional experts and legal scholars** to advocate for Buddhist rights.

Step 2: Political Engagement

- ✦ **Meet with Indian government officials and Bihar state representatives** to push for amendments.
- ✦ **Advocate for a resolution in the Indian Parliament** for Buddhist autonomy over the Mahabodhi Temple.

Step 3: Global Buddhist Mobilization

- ✦ Gather support from **international Buddhist organizations** like the **World Fellowship of Buddhists (WFB)** and the **International Buddhist Confederation (IBC)**.
- ✦ Seek intervention from **UNESCO**, which recognizes the Mahabodhi Temple as a **World Heritage Site**.

Step 4: Public Awareness Campaigns

- ✦ Organize seminars, conferences, and public discussions on the **Bodh Gaya Temple issue**.
- ✦ Use **social media, documentaries, and petitions** to spread awareness about **Buddhist rights**.

4. A Call for Justice and Reform

The **Bodh Gaya Temple Act, 1949**, is an outdated law that unfairly restricts **Buddhist religious autonomy** over their holiest site. Despite decades of demands, **successive governments have failed to grant full Buddhist control** over the Mahabodhi Temple.

- ✦ **The time for change is now.** Through legal challenges, policy reforms and global advocacy, a fair resolution can be achieved.

🌐 A United Effort for Buddhist Rights

- ✓ **Repealing or amending the Act is essential** for ensuring justice for **Buddhists in India and worldwide**.
- ✓ **Government, judiciary, and civil society must work together** to uphold **religious freedom and constitutional rights**.
- ✓ **Buddhists worldwide must unite** to demand the rightful restoration of their **sacred temple's management**.

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