

All India Democratic Women's Association and Janwadi Samiti

Vs

Union of India

Civil Miscellaneous Petition No. 28180 of 1988 in Writ Petition No. 913 of 1988

(Rangath Misra, M. N. Vankatachaliah JJ)

17.03.1989

ORDER

1. This Court on September 9, 1988 after hearing counsel for the petitioners in the writ petition made an ex parte order to the following effect :

Issue notice returnable on Tuesday, September 13, 1988. In view of the allegations made in paragraph 4 of the affidavit given by Vijay Trivedi, the respondent 2 is prohibited from performing any Chunri Ceremony within Sri Rani Satiji's Mandir and the respondents are directed to enforce this order on September 10, 1988 and on any other occasion thereafter until further orders. The entire collection of money shall be separately accounted for and should be deposited into a nationalised bank, so that appropriate directions after hearing both the parties may be made this Court in regard to the same

On September 10, 1988, the annual Satiji Mela was scheduled to be celebrated within the said temple premises.

2. The management of the temple, respondent 2, in the writ petition has now applied for vacating the ad interim order and for a direction to the District Magistrate, Jhunjhunu to return the keys of the Bhetpatras of the temple and the boxes containing the articles of gold and silver and also for direction to him not to interface in the matter of collection of money as also collection of articles of gold and silver of deities located in the premises of the temple and to make such others as may be necessary to meet the situation.

3. We have heard Dr. Singhvi in support of the petition, Mrs. Hingorani for the petitioners in the writ petition asking for sustained the interim order and Mr. Sharma for the State of Rajasthan. An affidavit has been filed by the District Magistrate of Jhunjhunu in the course of hearing which has also been placed before us.

4. Broadly two aspects require consideration : (1) whether the 'Chunri' ceremony should be permitted to be performed within the temple and (2) whether out of the amounts which are being deposited in the nationalised bank in terms of the interim order, the expenses for maintenance of the temple complex, performance of the daily rites as also the usual charities should not be made.

5. Under the Commission of Sati (Prevention) Act, 1987, glorification of Sati is strictly prohibited and that act has been declared to be an offence. Dr. Singhvi by referring to different dictionaries has tried to impress upon us that Chunri as such is not connected with glorification of Sati and is a ceremony connected with the traditional form of offering worship known as Sodash Upachar while

Mrs. Hingorani and Mr. Sharma do not accept the submission made by Dr. Singhvi and have maintained that in the State of Rajasthan Chunri ceremony is always associated with glorifying Sati and the celebration is a part of the traditional process of religious offering in Sati temples. This certainly is not the stage in the proceedings for a final View of the question as to whether performance of Chunri ceremony amounts to glorification of Sati and the determination must be left to the final stage. We do not think it would be appropriate for us to express any view beyond this point at this stage as the same may embarrass the bench which would ultimately hear the matter.

6. We are, therefore, of the view that the restraint imposed on holding the Chunri ceremony within the temple should continue without any variation. The contention of Dr. Singhvi that Chunri is a part of Sodash Upachar will have to be examined at length at the later stage.

7. Now a look at the other aspect. There can be no two opinions that pending disposal of the writ petition, the temple complex has to be maintained and out of the income earned maintenance expense must be met. The submission advanced by Mrs. Hingorani that the temple should be converted forthwith into rehabilitation camps for uncared for ladies is certainly not one requiring any serious consideration. There is no provision in the statute or in any other law which would warrant such change of user the premise.

8. Similarly if out of the income of this institution any contribution was being made to sustain some social institutions of utility, the support should not die out. Respondent 2 is free to move the District Magistrate of Jhunjunu in regard to these two aspects and in case the District Magistrate is satisfied that appropriate funds should be released out of the deposits in the bank for one or both of the purposes indicated above he would be free to direct such money as may be found necessary to be withdrawn from the bank for being utilised for the purposes as may be specified by the District Magistrate in his order to be made.

9. This dispose of the civil miscellaneous petition.

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