Victories and Setbacks
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Judge Rules Government Seizure of Ashram Illegal But Higher Court Injunction Muddles Matters Again

On December 12, 1986, Yogarishi Swami Gitananda Bhavanani and his wife Meenakshi Devi regained possession of their yoga center and samadhi shrine in Pondicherry. Almost. They had been rudely evicted from the premises of the Kambliswamy Madan, Ananda Ashram, Pondicherry, by a local order on August 25, 1986. They appealed to the Madras High Court, and with Justice S. Mohan's judgement disallowing the eviction, their problems seemed to evaporate. But not so. Their adversaries in the Pondy government refused to honor the ruling, and five days later obtained from the Divisional Bench (the next higher court) an injunction on Justice Mohan's ruling, freezing it pending an appeal. The injunction was sought on grounds that the Swami's presence in the ashram would lead to violence. Lo and behold, hours later, violence did occur. The 72-year old Swami was beaten and suffered a broken arm as a drunken gang broke into the ashram and assaulted him, Shankaragiri, Meenakshi Devi and others.

The new injunction, is essence, split the ashram in two. As Meenakshi Devi explained to Hinduism Today, "According to the terms of the present injunction, Swamiji and I can live in the Ashram, but none of our students can come into our room...We are taking our students there for pujas and lectures, but they won't let us teach our 1,000 village children yoga or dance there." The Judge allowed Swami Gitananda to conduct the religious affairs of the Madam, but gave the right of "property management" to the Board of Trustees. "Now," she continues, "although we are supposed to be in charge of the religious aspects, they have hired a Pandit, which is in contempt of the injunction. Not only than, but he is antagonistic to us and has actually written many false complaints against us."

Present turmoil aside, the Judge's ruling was immensely encouraging for the Bhavananis. It also shook the footings of state control of Hindu institutions. Though the case is a complicated mass of writs and counterwrits, the Pondy government had seized the premises invoking the Pondicherry Hindu Religious Institutions Act, 1972. As Justice Mohan stated, "The Act is made applicable to all Hindu religious

institutions. Therefore there is every scope to take over or to exercise the powers under Sec. 4 even with regard to private religious institutions." Section 4 reads: "Every institution shall be administered by a board of trustees...appointed by the government, by notification in the official gazette..." Justice Mohan lambasted this act because it provides no guidelines for its own enactment. He said, "It is open to the government to invoke the power at its whims and fancies...This is a clear case of the section suffering from the vice of arbitrariness. It is flagrantly violative of Article 14 (of the constitution) conferring an unguided and uncanalized naked power on the government."

Swami Gitananda interprets the ruling as freeing the state's 256 temples, returning them to private control, and adds, "Many of the temples have now hired advocates and started court litigation to get control of the temples back into private hands."

Justice Mohan also ruled that 1) the takeover, without serving proper notice, was "a flagrant violation of the principles of natural justice" and was "bad in law:" 2) that the board of trustees appointed by the government could not displace the Mathathipathi.

History; Meenakshi Devi and Swami Gitananda, nationals of USA and Canada respectively, came to Pondicherry and opened Ananda Ashram in 1968, and were married in 1969. In 1975 they moved the ashram to Tattanchavadi, the present location, at the site of the Kambliswamy Math which they leased from Shankaragiri Swamy. A stately new headquarters was constructed. Sankaragiri appointed Gitananda Swamy as his successor in January, 1975, and the latter took over managing the Math. Through the years the Bhavananis have sought Indian citizenship without success.

Over time the once dilapidated premises and neglected grounds flourished. Students flocked there to learn yoga, both from outside the country and the surrounding community. Before long, jealousy and suspicion at "foreigners" managing the ashram, aggravated by the Swami's brash and sometimes irascible manner, sowed seeds of opposition. Claims of mismanagement (standard grounds for takeover) made to unsympathetic officials in local government prompted an investigation in 1983. Nothing untoward was discovered, despite the reckless claims. Yet, the battle was on - politicians asserting the inmates have no claim to the Math property, and Meenakshi Devi's pen lashing out poignantly against these

and other inequities she perceives in India today.

The once beautiful, serene center is now a shambles. Says Meenakshi Devi, "The government people did not keep up the ashram and half of the plants were dead in a garden which last year was judged the 'Best Institutional Garden in Pondicherry.' Everything which was not nailed down has been stolen."

In a sad note echoed by recent pilgrims to India, she writes, "The flower of Hinduism is fading, as India is no longer 'Hindu India.' The old fragrance has been lost."

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