Court OK's Takeover
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RELIGION AND STATE

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State can administrate Vaishino Devi temple

A January decision by India's Supreme Court validated the 1988 government takeover of the Shri Mata Vaishno Devi Shrine in Jammu. The court did not allow the government to take title to any of the temple lands or possessions, or to alter the temple's tenets, customs or usages. But the two-member division bench did validate complete control of the national shrine's finances, including the appointment and pay of priests and all other personnel. The court ruled the government can terminate the rights of the hereditary priests (as was also done recently at Tirupati temple). The decision stated that the right to religion guaranteed under Articles 25 and 26 of the Indian Constitution is not an absolute or unfettered right. The state may make legislation limiting or regulating any economic, financial, political or secular activity associated with religious belief, faith, practice or custom. A second part of the ruling gave the State Governor, who is ex-officio chairman of the Vaishno Devi governing board, sole power to oversee the shrine, which receives a mind-boggling 20,000-plus pilgrims each day of the year. He is no longer required to consult with members of the governing board.

Under Vaishno Devi's original management, the daily

donations were allotted in turn to the hereditary priests of the Baridaran Association. Each of these nearly 1,000 families collected the day's receipts once in three years. Little was set aside for the temple's upkeep, and as a result it was in a state of considerable neglect--in part prompting the government takeover. Even other Hindu institutions in Kashmir, initially shocked at the takeover, admit the temple has been improved by the ruling. The court directed that the Baridaran Association--which mounted the court challenge to the government takeover--receive compensation as a result of their loss of income.

Most temples in India are already under government control, but this has not necessarily resulted in better management. A Times of India editorial, lauding the Supreme Court decision, said, "In Tamil Nadu temples have failed to collect crores of rupees of arrears of income due from land and buildings. There have been numerous reports of ancient idols and valuables disappearing and being replaced with fakes." Another newspaper believed the ruling could lead to government control of mismanaged Christian or Muslim religious properties. Inquires by Hinduism Today indicate that even informed people in Delhi are not sure what the ruling means with respect to non-Hindu religions. It would be an historic--and therefore unlikely--shift in policy if the government were to impose state management upon Christian or Muslim organization, no matter how they were managed.