

PETITIONER:
ALL INDIA DEMOCRATIC WOMEN'S ASSOCIATION AND JANWADI SAMITI

Vs.

RESPONDENT:
UNION OF INDIA & ORS.

DATE OF JUDGMENT 17/03/1989

BENCH:
MISRA RANGNATH
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MISRA RANGNATH
VENKATACHALLIAH, M.N. (J)

CITATION:
1989 AIR 1280 1989 SCR (2) 66
1989 SCC (2) 411 JT 1989 (1) 548
1989 SCALE (1) 680

ACT:

Commission of Sati (Prevention) Act, 1987: Chunri Ceremony-Whether glorification of Sati--Maintenance of Sati temple and support to social institutions of utility out of income earned pending determination- Permissibility of.

HEADNOTE:

By an ex-parte order made in the writ petition on 9 September, 1988, the Court prohibited respondent No. 2, the management of the Sri Rani Satiji's Mandir, from performing Chunri ceremony within the temple and directed the entire collection of money to be separately accounted for and deposited into a nationalised bank.

In this miscellaneous petition, the management sought vacation of the ad interim order and sought a direction to the authorities not to interfere in the matter of collection of money as also articles of gold and silver of deities. Disposing of the miscellaneous petition, the Court, Ordered:

1. The restraint imposed on holding the Chunri ceremony within the temple should continue without any variation.

[68G-H]

2.1 Pending disposal of the writ petition, the temple complex has to be maintained. Therefore, out of the income earned maintenance expenses must be met. [69A]

2.2 If out of the income of this institution any contr

tribution was being made to sustain some social institutions of utility, the support should not die out. [69B-C]
2.3 The respondent No. 2 is free to move the District Magistrate in regard to these two aspects and in case the latter is satisfied that appropriate funds should be released out of the deposits in the bank for one or both of the above said purposes, he would be free to make an appropriate order in respect thereof. [69C]

JUDGMENT:

ORIGINAL JURISDICTION: Civil Misc. Petition No. 28180 of 1988.
IN
Writ Petition No. 913 of 1988
(Under Article 32 of the Constitution of India.)
Mrs. K. Hingorani and Ms. Santosh Singh for the Petitioner

A.K. Sen (Not Present), Dr. L.M. Singhvi, Vivek Gambhir, Parveen Kumar and B.D. Sharma for the Respondents.
S.P. Singh for the Impleading party.
The following Order of the Court was delivered:
ORDER

This Court on 9.9.1988 after hearing counsel for the petitioners in the writ petition made an ex parte order to the following effect:

"Issue notice returnable on Tuesday, the 13 September, 1988. In view of the allegations made in Paragraph 4 of the affidavit given by Vijay Trivedi, the Respondent No. 2 is prohibited from performing any Chun Ceremony within Sri Rani Satiji's Mandir and the respondents are directed to enforce this order on the 13th September, 1988 and on any other occasion thereafter until further order. The entire collection of money shall be separately accounted for and should be deposited into a nationalised bank, that appropriate directions after hearing both the parties may be made by this Court in regard to the same " On 10th of September, 1988, the annual Satiji Mela was scheduled to be celebrated within the said temple premises

The management of the temple, respondent No. 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 box containing the articles of gold and silver and also for a direction to him not to interfere 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 other orders as may be necessary to meet the situation.

We have heard Dr. Singhvi in support of the petition, Mrs. Hingorani for the petitioners in the writ petition asking for sustaining 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.

Broadly two aspects require consideration: (1) whether the 'Chunry' 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.

Under the Commission of Sati (Prevention) Act, 1957, 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 Chunry 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 Chunry ceremony is always associated with glorifying Sati and the celebration is a part of the traditional process

religious offerings in Sati temples. This certainly is not the stage in the proceedings for a final view of the question as to whether performance of Chunry 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.

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

69 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 of the premises.

Similarly if out of the income of this institution a contribution was being made to sustain some social institutions of utility, the support should not die out. The respondent No. 2 is free to move the District Magistrate Jhunjhunu 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.

This disposes of the Civil Miscellaneous Petition.

P.S.S.

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JUDIS