

'Brahmins do not have monopoly over temple puja'

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NEW DELHI, OCT. 5. In a judgment of far-reaching consequences, the Supreme Court has ruled that Brahmins do not have monopoly over performing puja in a temple and said a non-Brahmin, properly trained and well-versed in the rituals, could be appointed as a pujari.

"As long as anyone well-versed and properly-trained and qualified to perform the puja in a manner conducive and appropriate to the worship of the particular deity, is appointed as santhikaran (pujari), no valid or legally justifiable grievance can be made in a court of law," the court said on Thursday.

This ruling was given by a Bench comprising Justice S. Rajendra Babu and Justice Doraiswamy Raju, while upholding the appointment of a non-Brahmin as pujari in Kongoopilly Neerikode Siva Temple at Alangad village in Ernakulam, Kerala.

Justice Raju, writing for the Bench, said no doubt only a qualified person well-versed and properly trained for the purpose could perform pujas in the temple, since he had not only to enter the sanctum sanctorum but also touch the idol.

"It therefore goes without saying that what is required and expected of one to perform the rituals and conduct pujas is to know the rituals to be performed and mantras, as necessary, to be recited for the particular deity and the method of worship or ordained thereof," he said.

The court said that if traditionally or conventionally, in any temple, all along a Brahmin alone was conducting pujas or performing the job of santhikaran, it might not be because a person other than the Brahmin was prohibited from doing so because he was not a Brahmin. It might be because others were not in a position and, as a matter of fact, were prohibited from learning, reciting or mastering Vedic literature, rites or performance of rituals and wearing sacred thread by getting initiated into the order. "Consequently there is no justification to insist that a Brahmin or Malayala Brahmin in this case, alone can perform the rites and rituals in the temple, as part of the rights and freedom guaranteed under Article 25 of the Constitution and further claim that any deviation would tantamount to violation of any such guarantee under the Constitution," Justice Raju said. The court said the vision of the founding fathers of the Constitution to liberate society from blind and ritualistic adherence to mere traditional superstitious beliefs sans reason or rational basis has found expression in the form of Article 17 of the Constitution.— PTI

Non-Brahmins can function as temple priests, rules SC

9/10/02

By Rakesh Bhatnagar
TIMES NEWS NETWORK

New Delhi: In a blow to those who advocated Brahmins only for priesthood, the supreme court has ruled that non-Brahmins can also perform religious ceremonies and work as temple priests as long as they are well versed with the relevant rituals and rites.

Throwing open all Hindu religious institutions — including temples — to all classes and sections of Hindus, the court said, “Any custom or usage irrespective of even any proof of their existence in pre-constitutional days cannot be countenanced as a source of law to claim any rights when it is found to violate human rights, dignity, social equality and the specific mandate of the constitution and law by parliament”.

The court added: “No usage which is found to be pernicious and considered to be in derogation of the law of the land or opposed to public policy or social decency can be accepted or upheld by courts in the country”.

Resolving a dispute over the appointment of a non-Malayali Brahmin as the priest of an ancient temple managed by the Travancore Devaswom Board, a Bench comprising Justice S. Rajendra Babu and Justice Doraiswamy Raju also sought to delve into various issues of vital constitutional, social and

public importance having certain religious overtones.

Upholding a Kerala high court judgment which held that it was not essential that only a Brahmin, who was not qualified nor versed with the rituals, could become the priest of the temple, the Bench recalled a 1966 judgment which had said: “Hinduism is far more than a mere form of theism resting on Brahminism”.

The court also referred to Article 17 of the Constitution which abolishes untouchability and recalled revelations made in the Gita and Mahatama Gandhi’s dream that all distinctions based on castes and creed must be abolished and “man must be known and recognised by his actions, irrespective of the caste to which he may on account of his birth belong”.

Emphasising the importance of daily rituals, poojas and recitations to maintain the sanctity of the idol, the Bench said “no doubt only a qualified person well versed and properly trained for the purposes alone can perform poojas in the temple since he has not only to enter into the sanctum sanctorum but also touch the idol installed there”.

The court further said that if traditionally or conventionally, in any temple, all along a Brahmin alone was conducting poojas or performing the job priest, it may not be because a person other than the Brahmin was prohibited from doing so.

10.10 29/8

DANGEROUS TRADITIONS

J. G. S. S. S.

THE QUEST FOR modernity and a campaign against practices that go against rational behaviour are bound to raise questions and push the modernists into a defensive mode. The latest in this context is the ritual conducted in a Tamil Nadu village where infants, wrapped in cloth smeared with turmeric paste, were buried for a moment. One is informed that such an act is part of the tradition in Peraiyur village (in Madurai district) and that there is nothing unusual about it. The incident, however, drew attention this time because a member of the State Cabinet, C. Durairaj, participated in the festival. Mr. Durairaj has come forward to quit as Minister. This, indeed, is the least that a responsible member of the Cabinet, who had sworn to uphold the Constitution and its spirit, can do. The horrific ritual, after all, is simply an act of cruelty against the infants quite apart from being an expression of obscurantism.

While it will make sense for a researcher in the field of social anthropology to indulge in a search for explanations for the ritual, the state machinery and civil society institutions, whose duty is to safeguard the health and well being of the community, can in no way allow such a harmful and outrageous practice in the name of tradition. Here is a clear case of infringement of the rights of children and such brazen cruelty inflicted by superstitious parents that runs counter to the scientific temper and modern values. It is important to recall in this context that the abolition of such odious practices as 'sati' and child marriage could be legitimised (as early as in the late Nineteenth Century) only because the crusaders for social reforms found help (in the form of legislative measures) coming from those wielding state power. Such collaboration between civil society institutions and representatives of the state has indeed been critical in the battle against

harmful obscurantism in the name of tradition and culture. Above all, it helps in the building of an opinion against such cruel practices. Seen in this context, Mr. Durairaj, by being present at the site when the "celebrations" were on, is indeed guilty of legitimising such cruelty against children in the name of tradition.

Be that as it may, the debate over the incidents at Peraiyur on August 21 cannot be reduced to an occasion to settle partisan political scores. Instead, it should lead to a debate, in real earnest, on issues pertaining to tradition and modernity. While an outright condemnation of all that is tradition will not necessarily help in building a modern social set-up, the bottom line in any such debate will have to be a categorical statement that any ritual that involves cruelty (on the person) cannot be allowed to pass in the name of tradition. The festival at the Muthukuzhiamman temple indeed was a clear case of putting the infants' life in danger and hence a case of violation of their right to life. There could be no sanction in the tradition and the scriptures for such deeds and a campaign against such "celebrations" need to be pursued as intensely as social reformers and civil society institutions have done in the past against witchcraft and sati. There are equally offensive rituals conducted in and around temples in various other parts of Tamil Nadu (and in other States too) that inflict physical torture on women and children. The shock waves that have galvanised the rights groups and other sections of civil society in Tamil Nadu (and provoked the National Human Rights Commission to intervene) at this stage should not be allowed to subside merely with the offer by Mr. Durairaj to resign. Instead, the imperative for the rights groups and the political platforms in Tamil Nadu is to mount a campaign against such dangerous practices.

NHRC notice to T.N. on village ritual

By Our Special Correspondent

NEW DELHI, AUG. 26. The National Human Rights Commission (NHRC) today issued notice to the Tamil Nadu Government seeking a report into the incident in Madurai district in Tamil Nadu on August 21 where children were buried alive by their parents as part of a religious ritual.

Taking suo motu cognisance of the event, which was conducted in a temple at Perayur village in the presence of a Tamil Nadu Minister, the Commission wrote to the Chief Secretary asking for a report within four weeks.

The incident, reported widely in the press, involved children, being drugged and buried alive by their parents to propitiate two local deities. The Housing

and Urban Development Minister C Durairaj, was the "chief guest" at the event.

This is not the first time the NHRC has taken suo motu cognisance of events, reported in the media, which in effect amount to violation of the rights of children. In the past, it focussed on issues as different as the trafficking of children, the arrest and imprisonment of juveniles and cases of children

falling ill due to consumption of adulterated or poisonous food.

The Commission has taken an active stance on the practice of child marriages in Rajasthan and is now involved in drafting a child marriage restraint act along with the National Commission of Women.

It is also involved in a consultative exercise on the matter of heavy school bags with education authorities and children.

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Accursed death, and life

9/8
Social Kafir



SUJAN DUTTA IN PATNA-TAMOLI

Aug. 7: They say in these parts of Bundelkhand that the curse of the Sati is unforgiving. Kuttu Bai is the latest to carry the curse.

So the villagers came from their hamlets in Sijaura and Saleha, Navagaon and Nachna, Ganj and Gulgaon, Saharia and Matumuru. But the district administration stopped them some 3 km short of Patna-Tamoli, a village nestling in the Kaimur Hills just across the Vindhya range. It was not the district officials and police told the villagers, but superstition and belief runs much deeper.

Only so much is known as fact: 60-year-old Kuttu (not Guttu, as police had said yesterday) died of burn injuries even as her husband's pyre was burning. There were about 2,000 people around on Monday midnight, but Patna-Tamoli today bolted itself to the world. The villagers would not talk. So piecing together the events that led to Kuttu's immolation means sifting through layers of rumour, belief, superstition and conspiracy.

Patna-Tamoli today is flooded with policemen, some in uniform, some in mufti. Since yesterday, about 20 arrests have been made by the district administration on charges of murder, attempt to murder, unlawful assembly and obstruction of a pub-

lic servant (police officer) on duty. Among them are Kuttu's two sons — Ashok, 36, and Rajkumar, 32 — who had stood as spectators while the village erupted in sinister celebration yesterday. A magisterial inquiry, too, has been ordered.

Patna-Tamoli, a village of about 700-800 households, mostly Chaurasias who nurture betel leaf farms, is cordoned off. Villagers and gawkers on way to the crematorium by a pond are being turned back. But Kuttu's daughter Maya, who is married and lives in another village, has managed to come. "Hum kya bole. Hum ne to suna sai ho gaye (What shall I say? I heard she has committed sati)," said the stunned 30-year-old of the dra-

no force on earth could stop her from sitting on her husband's pyre and setting herself on fire.

But Panna district magistrate Ravindra Pastor contended that by no stretch of imagination was Kuttu's a tragic love story. "The couple had been estranged for long. They had always quarrelled and had almost always lived separately."

Sarpanch Bimla Chaurasia agreed. Mallu, who was from the neighbouring Umaria district and had been unwell for the past three years, used to live with his in-laws in Patna-Tamoli as they had land, about six acres of it. Kuttu could never stand it that her husband had chosen to live off her family and they fought bitterly.

The sarpanch said Kuttu's last words were: "Mujhko keede padenge. Ab main zinda nahin rehna chahati (I will be devoured by insects. I don't want to live any longer)." As Kuttu always quarrelled with Mallu, she was consumed with guilt and acted out of desperation, interpreted Pastor. Another district official said she was goaded into it because interested parties wanted to take over her land. Fingers pointed at a villager by the name of Jai Narayan Pathak.

Theories there are aplenty. But no one says they saw Kuttu setting herself on fire or sitting on the pyre when it was lit.

Bimla said sub-inspector Harcharan Singh Ghose of the Saleha police station, 8 km from

the village, and constable Nathu Lal were the first to reach the village on receiving the information. Ghose tried to drag Kuttu out of the pyre, but the angry mob pulled him away and beat him up. All of a sudden, they saw Kuttu on fire.

The few villagers willing to talk vouched that the pyre caught fire "automatically". Sources said villagers had placed coconuts and *agarbattis* on the pyre. Perhaps, it caught fire from the burning incense sticks.

But for two to three hours, surrounding villagers knew that Mallu's widow had set herself on fire. So they gathered to watch a gruesome ritual.

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The pyre on which Kuttu Bai is said to have immolated herself. (Right) Villagers watch the event. (PTI)

