



## **A STUDY OF SHRINE BOARD ACTS: CONTRASTING UTTARAKHAND'S LAWS WITH THE FRAMEWORKS OF SHRI MATA VAISHNO DEVI AND SHRI AMARNATH JI SHRINE BOARD**

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### **ABSTRACT**

Uttarakhand's legislative process demonstrates a more contentious and ultimately unsuccessful attempt to adhere to a similar paradigm. In 2019, the Uttarakhand government approved the Uttarakhand Char Dham Devasthanam Management Act, which sought to place 49 more temples and the Char Dhams (Badrinath, Kedarnath, Gangotri, and Yamunotri) under the control of a government-appointed board. The stated objective was to ensure efficient administration, transparency, and the provision of better amenities for pilgrims, much like the rationale behind the J&K acts. The Uttarakhand Act was strongly opposed by a number of stakeholders, chief among them the purohits (priests) and a section of Hindu religious organizations. The protests began with a simple complaint: by establishing a board with state-appointed representatives, the government was infringing on the customary religious and administrative rights of the

local temple committees and priests. Unlike the J&K Acts, which largely replaced private trusts in administration, the Uttarakhand Act was perceived as a direct interference with the customary and inherited rights of the local priestly community. This objection was based on the argument that the action infringed upon the Hindu community's constitutionally guaranteed right, as outlined in Article 26, to govern its own religious affairs.

**KEY WORDS:** Pilgrimage, Chardham yatra, Shrine Board, Uttarakhand, J& K.

## INTRODUCTION

### **Uttarakhand's Char Dham Devasthanam Management Act of 2019**

The Uttarakhand Char Dham Devasthanam Management Act, 2019 was passed in order to regulate the administration of 51 temples, including the Char Dham shrines of Badrinath, Kedarnath, Gangotri, and Yamunotri. The Act established a Board headed by the chief minister and composed of representatives selected by the state government.

### **Crucial Elements**

Professionals, monks, and government officials make up the board.

**Control over Endowments:** The Board is in charge of all the real estate, both mobile and immovable, owned by the shrines. Combining offers and donations into a single fund is known as revenue management.

**Priestly Rights:** Priests are appointed and managed by the Board.

### **Legal Challenges**

The Act was condemned for allegedly violating Article 26 of the Constitution, which safeguards the autonomy of religious groups. In Subramanian Swamy v. State of Uttarakhand, the Act's constitutionality was challenged on the grounds that it violated the autonomy of Hindu religious groups.

### **The Jammu & Kashmir incident of 1988 The Shri Mata Vaishno Devi Shrine Act**

After the Dharmarth Trust operated the shrine, the J&K legislature passed the Shri Mata Vaishno Devi Shrine Act, 1988, to enhance its management. The Act created the Shri Mata Vaishno Devi Shrine Board

(SMVDSB).

### Crucial Elements

**Board Independence:** The Board operates independently of the government.

**Composition:** Consists of notable Hindus nominated by the governor.

What is meant by endowment? Included are all properties from Katra to the holy cave.

**Shrine Fund:** All contributions and profits are consolidated under the Shrine Fund.

### Legal Acceptance

In Bhuri Nath v. State of J&K, the Supreme Court upheld the Act's validity, ruling that the Board was not a "controlled corporation" as defined by Article 12 and did not violate the fundamental rights of the Baridars, or traditional caretakers.

### An overview of the Shri Amarnath Ji Shrine Board (SASB)

Jammu and Kashmir The Shri Amarnath Ji Shrine Board was created by the Shri Amarnathji Shrine Act of 2000 to supervise the shrine's operations and the annual Amarnath Yatra.

### Crucial Elements

In his capacity as chairman, the governor symbolizes the level of independence of the Board.

**Yatra Management:** SASB is in charge of logistics, security, and medical support.

**Environmental Oversight:** Contains actions to protect the environment along the route.

### Conflicts

Massive protests broke out in 2008 after the Board came under fire over land transfer issues. The incident highlighted the tension between religious control and political sensitivities in the region.

## CONSTITUTIONAL DIMENSIONS

**Article 25:** Freedom of Conscience and the Free Practice, Profession, and Dissemination of Religion

- **Subject to public order, morals, and health;** • Important when government involvement in shrine administration is perceived as interfering with religious activities; • Ensures that everyone has the freedom to practice and propagate their faith.

**Article 26:** The Authority to Regulate Religious Affairs

- Grants religious organizations the power to: o Establish and manage charitable and religious organizations; Manage their own religious matters.

When traditional custodians (like priests or trusts) argue that their rights are being infringed, this is the most frequently cited clause in challenges to Shrine Board Acts. o Acquire and possess property. o Handle such property legally.

#### **Article 12: Definition of "State"**

- Determines if, for constitutional purposes, a Shrine Board is a "State." If a Board is regarded as a "State," it may be challenged under writ jurisdiction and is subject to fundamental rights.
- In *Bhuri Nath v. State of J&K*, the Supreme Court declared that the Shri Mata Vaishno Devi Shrine Board was not a State under Article 12.

The right to property, which was frequently invoked in the past when Shrine Boards seized inherited rights or offerings, was covered by Article 19(1)(f) and Article 31 (prior to repeal).

- Articles 19(1)(f) and 31 still influence court reasoning in property cases even after being repealed by the 44th Amendment.

#### **Article 14: Equal Rights**

Invoked when it is thought that Shrine Board Acts discriminate against particular religious groups or deny them equal access to places of worship; ensures equal legal treatment.

### **DIRECTIONS AND ADVICE**

**Respect for Religious Autonomy:** Shrine Boards need to balance being administratively effective with upholding long-standing traditions.

**Open and Honest Governance:** Financial and operational transparency boosts devotee trust. Legal Protections: Laws ought to be drafted to pass constitutional muster.

**Stakeholder Inclusion:** Decision-making must involve local communities, priests, and followers.

The management of India's major Hindu pilgrimage sites has long been a topic of much debate, particularly in relation to the role of the state. The number of pilgrims and the ensuing public safety and economic problems have led some state governments to enact specific laws, despite the fact that managing religious facilities is frequently viewed as a communal matter. Consequently, "Shrine Boards" that were established by the government now have a significant influence on the legal and administrative landscape.

This article compares the current controversial legislative actions in Uttarakhand with the legal systems that govern two of India's holiest temples, Shri Mata Vaishno Devi and Shri Amarnath Ji in Jammu and Kashmir. By contrasting these methods, we might gain a better grasp of the principles, challenges, and

public discussion surrounding the governmental administration of temples in a secular democracy. Two of the best examples of state-run pilgrimages are the administrative and legal structures of the Shri Amarnath Ji Shrine Board (SASB) and the Shri Mata Vaishno Devi Shrine Board (SMVDSB). The Jammu and Kashmir Shri Mata Vaishno Devi Shrine Act of 1988 and the Jammu and Kashmir Shri Amarnath Ji Shrine Act of 2000 were passed in order to ensure the "better management, administration and governance" of these temples. The board created under both acts is ex-officio chaired by the Governor of Jammu and Kashmir, who is currently the Lieutenant Governor. Additional board members from a range of backgrounds, including those with noteworthy backgrounds in finance, administration, and Hinduism, may be nominated under the Acts. This framework has been widely praised for improving facilities, transforming the pilgrimage experience, and ensuring transparency in the management of large gifts and money.

One of the primary features of the J&K Shrine Board Acts is the clear legislative requirement for the state's involvement. Despite objections to the legitimacy of the Shri Mata Vaishno Devi Shrine Act, the Supreme Court upheld the state's jurisdiction in the well-known case of *Bhuri Nath and Ors. v. State of Jammu & Kashmir and Ors.* (1997). The Court claims that the state has the power to regulate the secular facets of religious organizations, such as their funding and management, under Article 25(2) of the Constitution. This court ruling maintained the state's right to intervene when there is a danger to the general welfare, good governance, or the prevention of financial mismanagement. The accomplishments of the SMVDSB and SASB models in terms of infrastructure development, safety measures, and pilgrim facilities are frequently used to support state supervision.

In contrast, Uttarakhand's legislative process demonstrates a more contentious and ultimately unsuccessful attempt to adhere to a similar paradigm. In 2019, the Uttarakhand government approved the Uttarakhand Char Dham Devasthanam Management Act, which sought to place 49 more temples and the Char Dhams (Badrinath, Kedarnath, Gangotri, and Yamunotri) under the control of a government-appointed board. The stated objective was to ensure efficient administration, transparency, and the provision of better amenities for pilgrims, much like the rationale behind the J&K acts.

Nonetheless, the Uttarakhand Act was strongly opposed by a number of stakeholders, chief among them the purohits (priests) and a section of Hindu religious organizations. The protests began with a simple complaint: by establishing a board with state-appointed representatives, the government was infringing on the customary religious and administrative rights of the local temple committees and priests. Unlike the J&K Acts, which largely replaced private trusts in administration, the Uttarakhand Act was perceived as a direct interference with the customary and inherited rights of the local priestly community. This

objection was based on the argument that the action infringed upon the Hindu community's constitutionally guaranteed right, as outlined in Article 26, to govern its own religious affairs.

## CONCLUSION & SUGGESTIONS

Variations in the sociopolitical environment were another significant factor. When it was determined that government action was necessary for stability, security, and the building of substantial infrastructure in remote and politically sensitive areas, the J&K Shrine Boards were established. One way to ensure a dependable and secure pilgrimage experience was through direct government intervention. But in Uttarakhand, where the temples were already managed by well-known groups like the Shri Badrinath-Kedarnath Mandir Samiti, the new law was viewed as a power grab rather than a necessary reform. The lengthy and intense protests led to the creation of a high-power committee to review the legislation.

## REFERENCES

1. Y. S. Chawda, "Tourist Guide Application (Char Dham Yatra & Other Places) in Uttarakhand State," *Int. Res. J. Mod. Eng. Technol. Sci.*, no. 12, pp. 96–101, 2022, doi: 10.56726/irjmets31888.
2. P. Rani, "Pilgrimage tourism and sustainable development: Significance and challenges before pilgrimage tourism in India," *Int. J. Humanit. Soc. Sci. Res.*, vol. 8, no. 6, pp. 116–122, 2022.
3. G. Rana and S. Kumar, "Prospects and Problems of Tourism Industry in Uttarakhand," *Int. J. Adv. Sci. Technol.*, vol. 29, no. 4, pp. 1336–1338, 2020.
4. D. M. UNIYAL, "A STUDY ON MARKETING COMMUNICATION FOR PILGRIMAGE TOURISM IN UTTARAKHAND," *J. Emerg. Technol. Innov. Res.*, vol. 6, no. 6, pp. 834–838, 2019.
5. P. Joshi and S. Saxena, "Religious tourism in Uttarakhand," *J. Emerg. Technol. Innov. Res.*, vol. 6, no. 6, pp. 864–869, 2019, [Online]. Available: [www.jetir.org](http://www.jetir.org) International Journal of Innovations In Science Engineering And Management <http://ijisem.com> 119
7. S. Semwal and B. M. Upreti, "Chardham Yatra: A Trend of Tourism before and After 2013 Flash Floods, Uttarakhand Himalaya," *Int. J. Res. Rev. Vol.*, vol. 6, no. November, p. 11, 2019.
8. N. Nath, "From pilgrim landscape to 'Pilgrim Road': Tracing the transformation of the char dham yatra in colonial garhwal," *J. Study Relig. Nat. Cult.*, vol. 12, no. 4, pp. 419–437, 2018, doi: 10.1558/jsrnc.34317.
9. A Kumar, "The Economic Impact of Kumbh Mela on Uttar Pradesh: A Multidimensional Empirical Analysis .,"" *Int. J. Innov. Sci. Eng. Manag.*, 2022, doi: 10.69968/ijisem.2022v1i154-62.

10. D. J. Banerjie and D. S. Sharma, "An Overview of Uttarakhand Tourism – A Case Study of Garhwal Region," *Int. J. Math. Stat. Invent.*, vol. 10, no. 2, pp. 21–26, 2022, doi: 10.35629/4767-10022126.
11. P. Kandari, "Economic Impact of Tourism : A Study of Srinagar Garhwal," 2019.
12. K. Aukland, "Pilgrimage expansion through tourism in contemporary India: the development and promotion of a Hindu pilgrimage circuit," *J. Contemp. Relig.*, vol. 32, no. 2, pp. 283–298, 2017, doi: 10.1080/13537903.2017.1298908.
13. S. Semwal and B. M. Upreti, "Chardham Yatra: A Trend of Tourism before and After 2013 Flash Floods, Uttarakhand Himalaya," *Int. J. Res. Rev.*, vol. 6, no. November, pp. 113–116, 2019.
14. V. P. SATI, "Pilgrimage tourism in Uttarakhand Himalaya: Pilgrims' inflows and trends," *J. Multidiscip. Acad. Tour.*, vol. 8, no. 2, pp. 109–117, 2023, doi: 10.31822/jomat.2023-8-2-109.
15. R. Bora and H. B. Rout, "Issues and challenges in pilgrimage tourism: An Indian context," *Manag. Pract. Pilgr. Tour. Hosp.*, no. September 2023, pp. 78–91, 2023, doi: 10.4018/979-8-3693-1414-2.ch006.
16. S. Rauthan and V. Pant, "Growth and Opportunities of Religious Tourism in the Pauri Garhwal Region," *Int. J. Hosp. Manag. Sci.*, vol. 1, no. 2, pp. 97–105, 2023.
17. N. Kishor and P. Kukreti, "Tourism as an Economic Engine Exploring the growth and Challenges in Uttarakhand," *Int. J. Hosp. Manag. Sci.*, vol. 1, no. 2, pp. 63–74, 2023.
18. D. Joshi and B. C. Joshi, "Scope and challenges in tourism a study with special reference of Almora and Bageshwar district," *Int. J. Commer. Manag. Res.*, vol. 8, no. 4, pp. 7–8, 2022.
19. Joveriya and Mariya, "Problems and prospects of tourism industry in Uttarakhand," *Int. J. Geogr. Geol. Environ.*, vol. 1, no. 1, pp. 10–16, 2019, doi: 10.22271/27067483.2019.v1.i1a.2.
20. Manju Devi and Dr. K. C. Purohit, "Perception of Host Community and Tourists Towards Infrastructural Problems of Tourism in Haridwar District, Uttarakhand," *African J. Hosp. Tour. Leis.*, vol. 7, no. 10, pp. 1–11, 2018, [Online]. Available: <http://oldror.lbp.world/UploadedData/5486.pdf>
21. D. D. Sharma, "VULNERABILITY ASSESSMENT AND MEASURES OF RISK REDUCTION OF CHAR DHAM YATRA IN UTTARAKHAND," *EPRA Int. J. of Economic Bus. Rev.*, vol. 259, no. March, pp. 2347–2350, 2018.
22. D. Bisht, V. C. Sharma, and S. Dayal, "Garhwal Himalayas : Cultural Tourism and Marketing Prospects," *Adv. Econ. Bus. Manag.*, vol. 2, no. 5, pp. 445–449, 2015.