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STATUTORY GOVERNANCE OF SACRED SPACES: A CRITICAL STUDY OF CHAR DHAM YATRA IN UTTARAKHAND

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ABSTRACT

This study explores the multifaceted dimensions of the Char Dham Yatra—the sacred Himalayan pilgrimage circuit of Yamunotri, Gangotri, Kedarnath, and Badrinath—within the socio-legal and environmental landscape of Uttarakhand. As a significant driver of the regional economy and a cornerstone of Hindu spiritual life, the Yatra faces a complex "triple challenge": extreme geographic vulnerability, escalating disaster risks (exemplified by the 2013 Kedarnath floods), and the contentious legal debate surrounding state-led administration.

The first section of the paper evaluates the Char Dham Project, an ambitious infrastructure initiative aimed at enhancing connectivity and national security, while contrasting it against the inherent disaster management hurdles of high-altitude treks, seismic instability, and climate-induced hazards. The second section provides a constitutional analysis of pilgrimage management, examining the tension between State intervention and Religious Autonomy under Articles 25 and 26 of the Indian Constitution. By conducting a comparative analysis of the successful Shri Mata Vaishno Devi Shrine Board (SMVDSB) model in Jammu & Kashmir against the repealed Uttarakhand Char Dham Devasthanam Management Act (2019), the research highlights how a

lack of stakeholder inclusion and perceived interference with customary priestly rights led to legislative failure in Uttarakhand. The paper concludes that sustainable pilgrimage management in the Himalayas requires a hybridized approach. It suggests integrating advanced Early Warning Systems (EWS) and slope stabilization with a governance model that ensures financial transparency and administrative efficiency while strictly upholding the traditional autonomy of local religious custodians.

Keywords: Char Dham Yatra, Disaster Management, Constitutional Law, Article 26, Shrine Boards, Infrastructure Development, Uttarakhand, Religious Governance.

INTRODUCTION

Char Dham Yatra is a pilgrimage circuit in the Indian state of Uttarakhand.

It involves visiting four sacred Hindu shrines located in the Himalayas.

- The four shrines included in the yatra are Badrinath, Kedarnath, Gangotri, and Yamunotri.
- It is believed that one should complete the Char Dham Yatra in a clockwise direction: Yamunotri, Gangotri, Kedarnath, and Badrinath.

Religious Significance

- Each of these shrines holds significant religious and mythological importance in Hinduism.
- It is believed that undertaking the Char Dham Yatra can cleanse one's sins and lead to spiritual salvation.

Pilgrimage Season

- Usually starts in April or May and continues until November, depending on weather conditions.
- The yatra involves trekking through challenging terrains, including high altitudes and mountainous regions.

Economic Importance

- The yatra is not only a religious journey but also a significant cultural and tourism event for Uttarakhand, attracting visitors from across India and around the world.

- It holds great economic importance for the local communities, providing employment opportunities and boosting the tourism industry in the region.

Note

❖ *Yamunotri Dham*

- **Location:** Uttarkashi district.
- **Dedicated to:** Goddess Yamuna.
- [River Yamuna](#) is the second-most sacred river in India after River Ganga.

❖ *Gangotri Dham*

- **Location:** Uttarkashi district.
- **Dedicated to:** Goddess Ganga.
- Considered the most sacred of all Indian rivers.

❖ *Kedarnath Dham:*

- **Location:** Rudraprayag district.
- **Dedicated to:** Lord Shiva.
- Situated on the bank of the Mandakini River.
- One of the 12 Jyotirlingas (divine representations of Lord Shiva) in India.

❖ *Badrinath Dham:*

- **Location:** Chamoli district.
- Home to the sacred Badrinarayan Temple.
- **Dedicated to:** Lord Vishnu.
- One of the holy shrines for Vaishnavites .

CHAR DAM INFRASTRUCTURE

Char Dam Project is a major infrastructure initiative in the Indian state of Uttarakhand. It aims to improve connectivity and pilgrimage tourism to the four holy Hindu sites, known as Char Dham. Expected to boost tourism, trade, transport, and employment opportunities in Uttarakhand. Enhances safety and security for pilgrims and strengthens military operations in border areas. Facilitates disaster management and relief operations in emergencies.

Disaster Management Challenges of Char Dham Yatra

Harsh Weather Conditions

- Extreme Temperatures: Exposure to cold temperatures can lead to hypothermia and other health complications.
- Snowfall: Makes the pilgrimage route slippery and difficult to navigate.

Vulnerable Terrain

- Mountainous Region: Steep slopes and rugged terrain pose challenges for infrastructure development and maintenance.
- Remote Locations: Limited access to medical facilities, emergency services, and communication networks.
- Limited Evacuation Routes: In the event of a disaster or medical emergency, evacuating pilgrims from remote areas becomes challenging.

Health Hazards

- High Altitudes: Pilgrims experience altitude sickness, which can lead to dizziness, nausea, and shortness of breath.
- Strenuous Treks: Long and arduous walks, especially at higher altitudes, can cause physical exhaustion and injuries.
- Lack of Acclimatization: Insufficient time for pilgrims to adjust to the high altitudes and harsh weather conditions.

Natural Disasters

- Landslides: Unstable slopes and heavy rainfall increase the risk of [landslides](#), obstructing the pilgrimage route.
- Flash floods: Sudden and intense rainfall can result in [flash floods](#), posing dangers to pilgrims near rivers and streams.
- In June 2013 flash floods of Kedarnath killed thousands of pilgrims and left many stranded.
- Earthquakes: Uttarakhand falls under a [seismic zone](#), making it susceptible to earthquakes, which can trigger landslides and infrastructure damage.

Precautionary Measures and Mitigation Strategies:

- Weather Monitoring and Early Warning Systems:
- Install weather monitoring stations along the pilgrimage route to track weather changes and implement an early warning system for severe weather events.

Infrastructure Development and Maintenance

Improve road infrastructure, including widening and strengthening roads, constructing protective barriers in landslide-prone areas, and encouraging public-private partnerships for easy and safe travel.

Preventing Soil Erosion and Landslides:

- Implement slope stabilization techniques and afforestation programs to prevent soil erosion and landslides.

Emergency Services and Medical Facilities:

- Establish medical facilities and emergency response centers along the route, improve communication networks, and provide training for medical staff and emergency responders.

Pilgrim Safety and Awareness

- Conduct pre-yatra orientation programs, provide detailed route information, and encourage medical check-ups for pilgrims.

Disaster Response and Evacuation Plans

- Develop comprehensive disaster response plans, designate safe assembly points and temporary shelters, and conduct regular mock drills to ensure preparedness.

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

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