

**SASTRI YAGNAPURUSHADJI AND OTH. V MULDAS BRUDARDAS VAISHYA
AND ANR. - WHO IS HINDU?**

Sakshi Jhanwar* Vanshika Moriani*

Citation: 1966 AIR 1119

Case Type: Civil Appeal

Case No: 517 of 1964

Appellants: Sastri Yagnapurushadji And Others

Respondents: Muldas Brudardas Vaishya and Another

Decided On: 14-01-1966

Bench:

- Gajendragadkar, P.B. (CJ)
- Wanchoo, K.N.
- Hidayatullah, M.
- Ramaswami, V.
- Satyanarayanaraju, P

INTRODUCTION

In 1947, The Bombay Harijan Temple Entry Act was imposed after the Congress was formed under the Government of India Act, of 1935 was passed, the primary goal of this Act was to remove the practice followed with untouchables or lower-class people that are restricting them to entry into temples both in British India and princely state.

Later in 1956, the Bombay Hindu Places of public worship (entry authorization) Act was passed which repealed the Bombay harijan temple entry act, of 1947. This repealed act opened the gates for entry at temples for Hindus for worship no matter if they were upper or lower class. Section 3 of this particular act deals with the same and further speaks that no person shall

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be prevented, obstructed, or discharged from entering or praying in a Hindu temple, any person who is a Hindu may enter, pray, or perform any religious act in a Hindu Temple.

In the Basti district of Uttar Pradesh, there lived Shreeman Shajanandji who was involved in sermons and spiritual discourse. Later he went to Sawarasht (which is today separated as Gujarat and Maharashtra) and continued to do spiritual discourse there. With time followers of Shreeman Shajanandji rapidly increased, and soon he converted his name to Swami Narayan meantime he also named his followers who followed his ideology "Satsangi". At a later stage after Swami Narayan's followers got huge in number, he made a temple which was all over India at different localities named it "swami Narayan Mandir" or "Akshardham".

In Sawarastra there was the Mahagujarat Dalit Association whose President was Muldas. In 1956, when the Bombay government passed, the Bombay Hindu Places of Public Worship (Entry Authorization) Act, Muldas declared that as the act was passed and now no one could restrict Dalits from entering any temple including Swami Narayan Temple he would take all Dalits to the temple soon as now it's their legal right. But Shastri Yaganpurushadji Upon learning of this declaration, filed an injunction barring Harijans from accessing and performing worship at the Swami Narayan Temple.

FACTS OF THE CASE

The petitioners, also referred to as Satsangis, were members of the Swaminarayan sect. They discovered through their lawsuit that, Muldas Bhudardas Vaishya, the President of the Maha Gujrat Dalit Sangh in Ahmedabad, intended to use the Bombay Harijan Temple Entry Act, of 1947. Section 3 to legally assert non-Satsangi Harijans' right to enter the Swaminarayan sect's temple in Ahmedabad.

The petitioner argued that the Act of 1947 did not apply to the Swaminarayan sect since they constitute a distinct and different faith. Consequently, a declaration was requested to render Section 3 of the 1947 Bombay Harijan Temple Entry Act null and void. However, the petitioner argued that the temples of the Swaminarayan sect were not covered by the previous Act.

The responding party argued that the petitioner lacked the authority to represent the Satsangis of the Swaminarayan sect and that the claimed litigation was not tenable at law due to Section 5 of the previous Act. In addition, the person responding said that even though the Harijans did not belong to the Swaminarayan sect, many satsangis supported their admission into the temple.

The Bombay State's legislative authority was not violated by the previous Act, according to the ruling of the Trail Court. The Court concluded that it was not possible to prove that non-Satsangi Hindus did not use the aforementioned temple as the site of religious devotion, either by habit or tradition. As a result, the respondents were granted the necessary decree and an injunction, and the judgment was rendered in their favor.

The respondent, who was offended by the ruling, appealed to the High Court.

ISSUE

The issue was whether the Bombay High Court's ruling, which stated that the temples of the Swaminarayan Sampradaya sect were covered by the Bombay Hindu Places of Public Worship (Entry Authorization) Act, 1956 (No. 31 of 1956), was right or not.

ARGUMENTS ADVANCED ON BEHALF OF THE PETITIONER

Satsangis were not included by the Bombay Harijan Temple Entry Act, 1947, as amended by Act 77 of 1948, because they belonged to a different sect than Hindus. Therefore, this Act's provisions were ultra vires. The trial court issued the injunction prohibiting the respondent from going into the temple. The Bombay Hindu Places of Public Worship (Entry Authorization) Act, 1956 was approved while the respondent's appeal was still pending in the high court. As a result, it became necessary to determine whether the 1956 Act was intra vires. by Hindus for cultural and social purposes, but they are not persons professing Hindu religion. The court examined these contentions considering Swaminarayan's teachings and concluded that it was impossible to hold that the followers of the Swaminarayan sect did not profess Hindu religion and did not form a part of the Hindu community.

ARGUMENT ADVANCE ON BEHALF OF RESPONDENTS

Because the vakalatnama that the respondent filed was unlawful, the High Court erred in deeming the respondent's appeal to be competent. As stated in Article 26(b) of the Indian Constitution, Section 3 of the Bombay Hindu Places of Public Worship (Entry Authorization ship), 1956 was illegal.

Since the religions of the Swaminarayan sect and Hinduism are distinct, this Act did not apply to Swaminarayan temples.

OBITER DICTUM OF THE CASE

Hinduism is a monotheistic religion that rejects the idea of a single god or force, as well as the concept of a single philosophy and set of religious practices. It doesn't seem to have any conventional religious characteristics. Nothing more than a way of life can adequately characterize it. The foundation of Hindu philosophy is the conviction that birth and rebirth are real. The life of an individual is a journey with an unending destination. A person's life journey is unrestricted; rather, it is a fresh narrative beginning.

The Hindu religion has been evolving since ancient times. It did so whenever a holy person or other religious authority tried to sort out the tainted practices that had developed within the religion. These efforts resulted in the emergence of various sects, all of which adhered to the core principles of Hindu philosophy and religion. These sects' temples are not Hindu temples; rather, they are always seen as belonging to this religion.

JUDGMENT

The High Court's task was to determine whether the appellant received any relief under the previous Act. However, the High Court remanded the matter to the Trial Court following the hearing to ascertain if the Ahmedabad Swaminarayan Temple qualified as a religious organization for Article 25(2)(b) of the Constitution.

Based on the presented evidence, the Trial Court determined that the Swaminarayan temple qualified as a Hindu religious establishment under Article 25(2)(b) of the Constitution. The High Court was asked to make a final decision on the aforementioned judgment.

The High Court further held that it was difficult to conclude from the case's evidence that the adherents of the Swaminarayan sect did not profess Hinduism and were not a part of Hindu society. The appellant identified themselves as Hindus in their plaint, and the 1951 census shows that the sect's adherents did not object to being identified as Hindus.

The Honourable Supreme Court ruled that the Swaminarayan sect's religion is not different from Hinduism, and Harijans cannot be denied access to worship in the temples of the Swaminarayan sect. The Bombay Legislature passed an act to remove disabilities for Harijans, and section 3 of the act was not in contravention of fundamental rights as provided in 26(b) of the Constitution. The court also stated that Article 17 prevents untouchability.

The court laid down the definition of "Hindu" based on the appellants' contentions, drawing from works of eminent experts and scholars. Justice Gajendragadhkar cited Bhagavad Gita,

stating that when Irreligion is dominating and religion is on the verge of declination, God is born to restore balance and guide humans toward salvation. Hindu religion is difficult to define as it does not worship any one God and does not follow any set of religious traditions and performances. Being a Hindu means acceptance of Vedas, recognition of salvation, Idol worship, belief in rebirths, and another life after death.

The Swaminarayan sect, with certain characteristics, were considered Hindus, and the appeal was dismissed.

CASE COMMENT

The Supreme Court ruled that Swaminarayan's teachings and principles are not incompatible with the Hindu religion, as some of their beliefs are like some sections of Hindus. Swaminarayan's life story demonstrates that the sect has emerged from the Hindu religion and his devotion to Krishna confirms its status as part of Hinduism. Non-Satsangi Harijans cannot be obstructed from worship and entry into temples, as it promotes untouchability and is still prevalent in many parts of India. Hinduism is a vast and diverse religion with various sections and classes, with varying opinions on God and ways to worship and attain salvation. The judiciary must carefully examine Hinduism's history and development.