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# The State and the Transformation of Religion: Marwari Merchants and Hindu Temple Management

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研究テーマ「南アジアにおける文学・社会運動・ジェンダー」

Literature, Social Movements, and Gender Issues in South Asia

本拠点は、現代南アジアの構造変動に関する理解を、重層化・多元化・輻輳化する社会運動の歴史・政治・社会学的分析と文学分析、およびジェンダー視角を軸として深めることを目的とする。さらに、対象研究領域に関して、すでに東京外国語大学が所蔵する文献・史料群を充実させることを系統的、意識的に追及し、国内における文献拠点となることをめざす。

本拠点の第1期（2010～2014年度）の研究活動を通じて、経済自由化・グローバル化にともなう現代インドにおける構造変動が、個人、家族、コミュニティ・レベルの人々の意識、ジェンダー関係に劇的な変容をもたらしたこと、アイデンティティの複合性と可変性がさらに加速化していること、ならびに、インドを特徴づけている活性化された民主政治が、それまで社会的周縁に位置づけられてきた諸集団の積極的な異議申し立てなしには理解できないという事実が明らかになった。第2期（2015～2019年度）では、社会運動の諸相をとくに、人的紐帯の変化、および、それらを支える情動や感性の側面に焦点をあてること、対象地域をさらに、南アジア地域に拡大するとともに、中国・東南アジア・イスラーム地域などの他地域との比較研究を意識的に組織化し、理論化を主導することに重点的に取り組む。

東京外国語大学は、ウルドゥー語・ヒンディー語・ベンガル語を中心に南アジアの諸言語の教育、および南アジア地域研究に関して明治期以来の長い歴史を有し、世界的に活躍する高度職業人ならびに日本における南アジア研究の中核を担う研究者を輩出してきた実績がある。また、国内有数の南アジア諸語文献・南アジア関連の文献・史料の所蔵を誇る。さらには、海外の南アジア研究者との学術交流にも長い伝統がある。こうした特長を最大限に生かしつつ、本拠点はさらに国内外の南アジア研究者のネットワークのハブとして共同研究を組織するとともに、若手研究者の育成を重点的に行い、南アジア地域研究のレベルを明示的に高めることをめざす。

研究ユニット1「輻輳する社会運動における実践と理論」

研究ユニット2「社会変動と文学」

東京外国語大学南アジア研究リサーチペーパー 4

**The State and the Transformation of Religion:  
Marwari Merchants and Hindu Temple Management**

Tetsuya TANAKA

# **The State and the Transformation of Religion: Marwari Merchants and Hindu Temple Management\***

**Tetsuya TANAKA\*\***

## **Abstract**

This paper aims to analyse the distinctive interaction between the state and religion in contemporary India, especially by using a case study of the Hindu custom of *satimata* worship. *Sati* is known to be a custom of widow burning in Hindu society. Although it sometimes leads the actor to be deified and worshiped as *satimata*, *satimata* worship is presently prohibited by the Commission of Sati (Prevention) Act implemented in 1988. Focusing on an example of *satimata* worship and the management of a *sati* temple in Rajasthan, this paper analyses state regulation of the Rani Sati temple and the public confrontation between the state and the temple managers. It shows that the temple managers have clearly attempted continuous negotiation, no matter how subtle, against the state through the use of legal institutions and court appeals. Analysing the historiography of the temple management leads us to comprehend how religion can actually transform under the impact of state intervention.

## **1. Introduction**

### **1-1. The state – religion interaction in contemporary India**

This paper<sup>1</sup> aims to analyse the distinctive interaction between the state and religion in contemporary India, especially by using a case study of the Hindu custom of *satimata* worship. *Sati* is known to be a custom of widow burning in Hindu society. It sometimes leads the actor to be deified and worshiped as *satimata*. Numerous examples of this deification and worship can be observed, especially in Rajasthan [Noble and Sankyan 1994]. *Satimata* worship, or legally speaking, the ‘glorification of *sati*’, is presently prohibited by the Commission of Sati (Prevention) Act implemented in 1988. Focusing on an example of *satimata* worship and the management of a *sati* temple in Rajasthan,

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this paper analyses state regulation of the Rani Sati temple and the public confrontation between the state and the temple managers, leading to a better understanding of the ongoing transformation of the religious practice of satimata worship under state regulation.

The relationship between the state and religion in India is said to be unique in terms of the characteristics of the 'secular' regime, which officially places religion not in the private but in the public domain. Gurpreet Mahajan agrees that 'the state was to have no religion of its own, but religion was not also viewed as personal or private matter: it was placed squarely in the public domain and the state was expected to be involved in a variety of ways with religion' [Mahajan 2008: 301-302]. Because of the 'public' nature of religion, it is inevitably affected by the state's influence and its secular institutions and ideas that ensure 'equality' for all Indian citizens and religious denominations. It is clearly noticeable in Article 25 (1) of the Constitution of India, which guarantees the right 'freely to profess, practice and propagate religion' but is 'subject to public order, morality and health'<sup>2</sup>.

Borrowing the categorization of salient principles articulated in the Constitution of India by Rajeev Dhavan, we are able to acknowledge the following three components of Indian secularism: 'religious freedom', 'celebratory neutrality' and a 'regulatory and reformative justice' [Dhavan 2001: 311]. Religious freedom entails not only the right to religious thought and practice but freedom from discrimination based on religion, caste, gender, etc. The second principle is to encourage a participatory state neutrally assisting and celebrating all faiths and generally not discriminating among them. As the third salient feature, the Indian secular state takes on the important role of emphasizing regulatory and reformative justice. The Constitution allows the state to conduct 'social welfare and reform' and, particularly, to abolish 'social evils' like untouchability. In order to secure equality and justice for the Indian citizens, the state sometimes curtails religious freedom on the grounds of 'public order, health and morality' and regulates the 'economic, financial, political or other secular activity' of a religion.

To make it feasible for the state to achieve regulatory and reformative justice with regard to religion, the Indian legal system also acts as a link between the secular public order and religion. As Marc Galanter discloses, the Indian judiciary especially engages in an 'overall arbitral role' between the state and religion pursuing a delicate combination of religious freedom as well as a mandate for active state promotion of the transformation of religion [Galanter 1993: 250]. In the case of the transformation of Hinduism under the secular government's auspices, the Supreme Court interestingly acts as the vanguard of religious reform by judging Hinduism by an 'essential practices test' that decides which part can be constituted as essential and integral. Ronojoy Sen interprets that the Supreme Court has two distinctive roles in order to rationalize religion and marginalize practices that would not meet the test, first as the 'gatekeeper as to what qualified as religion' and

second in ‘the role of shifting superstition from “real” religion’ [Sen 2010: 55].

Our case study of the Rani Sati temple can be considered to constitute a part of the series of literatures that disclose the unique relationship between the state and religion. However, these deal more with the reformative and regulatory role of the state in Hinduism, but focus less on the actual reaction or response from religious agencies on which the state regulation is hugely imposed. My paper therefore focuses on the close interaction between the state and religion and on the actual process of transformation of religious practices by state regulation. My research on the state intervention in the management of the Rani Sati temple shows that the temple managers have clearly attempted continuous negotiation, no matter how subtle, against the state through the use of legal institutions and court appeals. Analysing the historiography of the temple management leads us to comprehend how religion can actually transform under the impact of state intervention.

### **1-2. Satimata worship and the Rani Sati temple**

Historically speaking, sati, i.e., widow immolation, has always been controversial in the Hindu tradition [Thapar 1988]. While some medieval Sanskrit texts give religious sanction to widow immolation as an ideal endeavour on the part of Hindu widows, others demand its abolition [Kane 1974: 624-636]. It was made illegal in 1829 during the British colonization of India. After Indian attained independence, the newly formed government banned sati through the Indian Penal Code (1860), but the custom has not been entirely eradicated and is known to sporadically occur<sup>3</sup>. The most (in)famous sati incident, causing nationwide controversy in India, occurred on 4 September 1987, in Rajasthan. An eighteen-year-old Rajput woman, Roop Kanwar, allegedly immolated herself on the funeral pyre of her husband at Deorala (Sikar District). The case enraged many feminist organizations and coalesced into the anti-sati movement, in opposition to the pro-sati movement by Hindu nationalists who glorified Roop Kanwar [Hawley 1994].

In accordance with requests from the anti-sati organizations, the then government led by Rajiv Gandhi implemented an independent anti-sati act named the Commission of Sati (Prevention) Act in 1988 (henceforth referred to as the Act). It not only prohibits the act of widow burnings, but also the glorification of sati, i.e., the worship of satimatas. Satimata worship is conspicuously observable in Rajasthan, as Lindsey Harlan found while examining the cultural significance of gender roles within the context of satimata worship by Rajput women in Mewar. She explains how only a Rajput woman who can selflessly sacrifice herself with complete devotion to her husband can become a satimata [Harlan 1992: 120]. For Rajputs, a satimata is not a family goddess, i.e., a *kuldevi*. A satimata is enshrined ‘inside’ of a house and influences the welfare of female and child members. On the other hand, the *kuldevi* is only enshrined in a ‘public’ space, such as a

temple outside the house, and is a tutelary deity who protects all family members on all occasions.

When we look at Rani Sati, she is a sort of combination of satimata and kuldevi [Cf. Hardgrove 2004: 256]. Rani Sati, the deification of Narayani Devi, is a legendary woman belonging to the Jalan lineage who immolated herself in the medieval period. Although the Rani Sati temple is open to the public and known to be one of the most famous sites of pilgrimage in Shekhawati, it holds a special significance for members of the Jalans and also of the Bansal *gotra* (clan), to which the Jalans belong<sup>4</sup>. This is because they consider Rani Sati as their kuldevi [See Table 1].

**Table 1. Rani Sati Temple**

|                                  |                                                                                     |
|----------------------------------|-------------------------------------------------------------------------------------|
| Name                             | Śrī Rāṇī Satījī Maṇḍir                                                              |
| Place                            | Jhunjhunu, Jhunjhunu District, Rajasthan                                            |
| Origin                           | 1295 (VS 1352)                                                                      |
| Main Deity                       | Śrī Rāṇī Satījī                                                                     |
| Trust Fund                       | 1912                                                                                |
| Charitable Society               | 1957                                                                                |
| <i>Chowk</i> (Block)             | Eleven                                                                              |
| <i>Dharmashala</i> (Guest House) | Six (750 rooms including 90 AC rooms)                                               |
| <i>Goushala</i> (Cow House)      | None                                                                                |
| Gardens                          | Two                                                                                 |
| <i>Pimjlapan</i> (Bird House)    | One                                                                                 |
| Auditorium                       | Two (including one outside the temple site)                                         |
| School                           | Three (including two outside the temple site)                                       |
| Homeopathic Dispensary           | One                                                                                 |
| Library                          | One (outside the temple site)<br>The one inside the temple site was closed in 1988. |
| Dining Hall                      | One                                                                                 |
| Total Squire                     | 82,400 m <sup>2</sup> (32 bigas)                                                    |

(Updating data of [Gupta 1964] from interviews conducted in 2012)

Sudesh Vaid and Kumkum Sangari indicate the political and economic relationship between the Rani Sati worship and land reforms implemented at Rajasthan in the 1950s. A series of legislations concerning land reforms such as the promulgation of the Rajasthan Land Reforms and Resumption of Jagir Act, 1952 and of the Rajasthan Tenancy Act, 1955 led to the abolishment of the Jagirdari system and to the transfer of lands to the actual cultivators/tillers; consequently, traditional land holders (*jagirs*), in particular Rajputs, were faced with the threat of losing their conventional economic and

political authority. Those who were on the verge of losing their traditional powers went on to rely on the culture of sati for its compensation, which led to an increase in the numbers of widow-immolation in the 1950s in Rajasthan. Vaid and Sangari, who pay close attention to the registration of a charitable society for the management of the Rani Sati temple in Calcutta in 1957, opine that the people responsible were migrant businessmen from Rajasthan who began to take over the economic and political authority of the culture of sati by managing the Rani Sati temple [Vaid and Sangari 1991: WS7-12].

**Picture 1. Rani Sati temple: main sanctum (author's collection)**



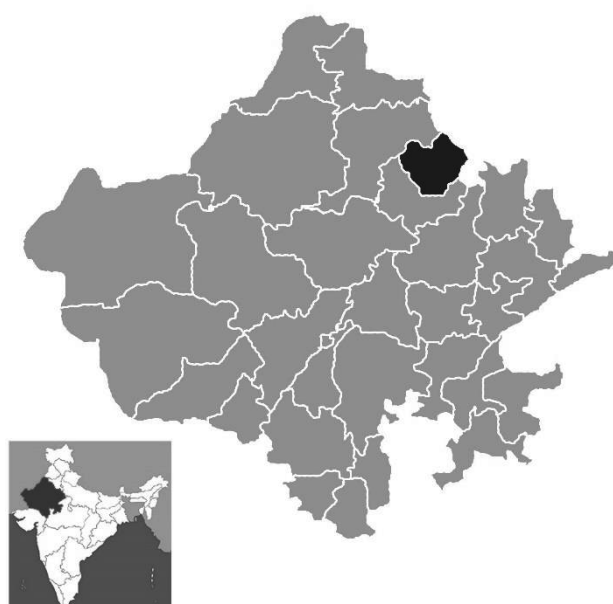
Vaid and Sangari's interpretation of the indirect connection between the upsurge in Rani Sati worship and the land reforms in the 1950s enables us to comprehend the downfall of the former landlords and the rise of businessmen as the new patrons of religious authority. The story is however not that simple. The construction project of the Rani Sati temple began in 1912; thus, the 1950s' land reforms are not a sole reason for the rise of businessmen as its new patron.

Following Vaid and Sangari, Anne Hardgrove proposes a refreshing insight on the Rani Sati temple and its immigrant managers especially focusing on their 'homeland', which is more convincing than that of the former as she explains for social background of



its managers, known as *Marwaris*. The people who manage the Rani Sati temple in Jhunjhunu are the Marwaris, the former residents of Rajputana (present-day Rajasthan), who migrated to colonial trading centres such as Calcutta. Since these merchants started businesses and settled in Calcutta with their family members and their countrymen, the Marwari social presence in Calcutta has gradually increased, so that anyone from Rajputana is now called a Marwari. Anne Hardgrove interprets the Rani Sati temple management by the Marwari Jalan businessmen as a symbolic endeavour to integrate their community affiliation with their ‘homeland’ [Hardgrove 2004: 251].

**Figure 1. Map of Rajasthan: Jhunjhunu District<sup>5</sup>**



Borrowing Hardgrove’s insightful interpretation of the ‘public’ nature of the Rani Sati temple for Marwari Jalans, this paper digs a much deeper historical trajectory of the formation of the ‘community’ to whom Rani Sati signifies a kuldevi. I critically try to grasp what is meant by ‘public’ in terms of the temple management with special reference to the legal context. To do this, my analysis first focuses on the trust fund formed for the purpose of temple construction in 1912, which explains why the Marwari merchants actively

participated in the fund according to the newly introduced legal implementation and amendment of legislatures concerning trust and income tax by the colonial government from the late nineteenth century to the early twentieth century. When India achieved its political independence from Britain in 1947 and the Rani Sati temple also gained visibility as an enormous temple complex, the Indian state began to scrutinize such ‘public’ organizations in order to guide them to reform into a more appropriate form for satisfying the concept of ‘public utility’. The Rani Sati temple also had to face state scrutiny and began to reorganize its management as a ‘public’ charitable society. From the 1950s to the 1970s, I try to depict the historiography of the temple management as a public association. However, the implementation of the Commission of Sati (Prevention) Act, 1988 had a drastically negative impact on the Rani Sati temple management, and the temple managers began to face the crisis of an inevitable temple takeover by the state. Looking at the court battles on the Rani Sati temple and its compromising responses to the state intervention, the third chapter discloses the twisted relationship between the

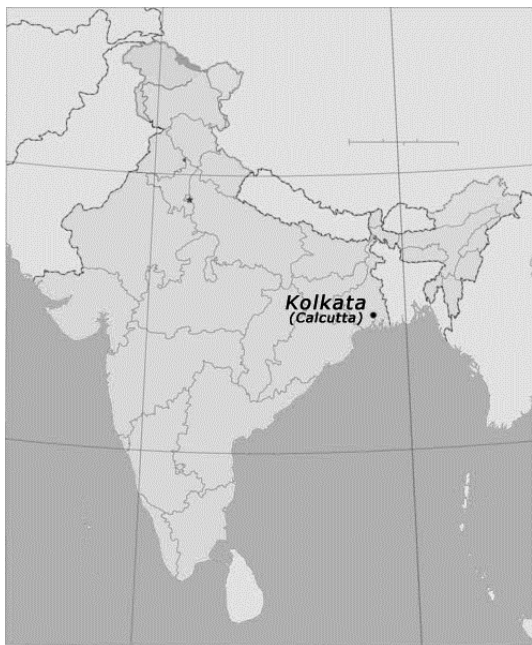
state and religion and the ongoing process of transformation of religious practice in terms of the temple management after 1988.

## 2. The Rani Sati Temple in the Colonial Era

### 2-1. Marwaris and charities

The colonial economy encouraged many traders to spread out of Rajputana (present-day Rajasthan) and pursue their commercial ambitions, and with the establishment of the railway from Calcutta to Delhi in the 1860s, they increasingly migrated into Bengal District. Those people are known as Marwaris. According to Timberg, this appellation etymologically means people from Marwar, the Jodhpur Princely State of Rajputana. In the middle of the sixteenth century, this princely state sent a group of soldiers and merchants to Bengal, and those who were from Marwar were called Marwaris [Timberg 1979: 10]. Despite its origin, Rajasthani migrants who spoke Marwari, a North-Eastern dialect of Rajasthani, were known as Marwaris in Calcutta in the nineteenth century. According to Anne Hargrove, ‘there are no Marwaris as such in Rajasthan; they only become Marwaris when they leave’. [Hardgrove 2004: 6]. Following her definition, this paper uses the term Marwaris as the appellation for those who live outside Rajasthan but maintain their regional affiliation to their home state.

**Figure 2. Map of Kolkata (Calcutta)**<sup>6</sup>



It was not a random shift but a conspicuous dependence on the family members and townsmen who owned trading firms in Calcutta. The migration was based on the kinship network of reciprocal support. Marwaris developed such a network by choosing a conjugal partner in order to maintain their religion affiliation to their ‘hometown’ [Bayly 1978: 179-180]. In the latter half of the nineteenth century, those who began to speculate in cash crops and to earn huge fortunes established commercially and financially dominant positions alongside the British traders within the Bengal District [Markovits 2008: 202].

These ‘newcomers’ were however perceived in a negative light in Calcutta. The Marwaris’ economic success particularly induced jealousy and envy in Bengali society. Their use of Rajasthani costumes, local customs and intricate language made them

conspicuous ‘outsiders’ in their city of migration [Komatsu 2013: 137-140]. The aforementioned commercial network comprised of the Marwari kinsmen led to a monopoly of business profits vis-a-vis others, which resulted in the creation of a negative image of the Marwaris as greedy, stingy and selfish marketers.

In order to overcome this negative reputation or to gain trustworthiness, Chris Bayly cites the many examples of grand feasts in marriage ceremonies or temple construction given by the wealthy merchants of Banaras (present Varanasi) in the late eighteenth century as a traditional endeavour to use such consumption to flaunt their social and political status [Bayly 1983: 394-426]. Douglas Haynes also indicates that affluent traders in Surat (in present-day Gujarat), from the late nineteenth to the early twentieth century, not only practiced ‘traditional’ gift-giving but also charitable activities based on the ideas of ‘modern’ philanthropic virtues by responding to requests both from the local community and from the colonial government [Haynes 1987: 341-345]. The traditional gift-giving is based on religious ideas (especially for the Hindus and Jains) such as ‘celibacy (*bhrahmachariya*)’ and ‘devotion (*bhakti*)’, which takes the form of donations to temples or feeding of sages and the poor, or ‘non-violence (*ahimsa*)’ in the form of contributions to shelters for cows (*gaushala*) or birds (*pinjra*). In contrast, modern charity is based on Victorian humanistic ideas and takes the forms of construction (modern/ English) of medical and education institutions such as libraries, schools and hospitals.

Similar to the aforementioned examples, the Marwaris also actively engaged themselves in such religious and charitable activities in their ‘hometown’ in Rajputana. G. S. Sharma describes enormous sums donated in the charities conducted by the affluent Marwari merchants in Shekhawati and Bikaner from the 1880s to the 1940s [Śarmā 1988: 144-161]. Their religious and charitable gift-giving was however not limited only to their hometown. Claude Markovitz indicates that although the Marwaris clearly emphasized their regional identity by generously donating to their hometowns, they never overlooked efforts to reach a certain level of integration with the local society by conducting religious and charitable activity in Calcutta for instance, especially once they became permanent residents together with their family members in the migrated city by the 1930s [Markovitz 2008: 208].

## **2-2. Religious and charitable property and income-tax deduction**

Markovitz, once again, provides another important insight that their religious and charitable activity is not only related to the restoration of their tarnished reputation but also to economic profitability in terms of the new legal system introduced by the colonial government. ‘Being legally domiciled in a princely state gave traders of the dry zone a further competitive advantage inasmuch as they could repatriate to their native states, where there existed no income tax, some of the profits made in British India, where

income tax became a permanent fixture from the 1880s onwards' [Markovitz 2008: 204].

Although Markovitz mentions a sole element, namely, income tax, I want to add one more element – the public trust system that was installed by the Religious Endowments Act (hereinafter referred to Act XX of 1863) implemented in Madras and in Bengal in 1863. Precisely speaking, it categorized religious endowments into two different kinds: 'public' and 'private'. Nandini Chatterjee explains, 'Act XX of 1863 dealt with religious endowments that were "public", in the sense of having been hitherto managed by the Government to ensure appropriately charitable deployment of their funds. Public religious endowments were themselves classified according to whether the Government nominated the trustees, managers and other administrators, or those with hereditary trustees' [Chatterjee 2011: 62]. A trust means a legal theory to divert rights to administrate assets from a settler (donor) to some trustworthy person (trustee) for a beneficiary, an appointed person for whom the assets should be used. If the trust is approved to be public, it needs to define a certain corpus of people as a whole, as a beneficiary, which therefore has a religiously and charitably public nature [Rajaratnam *et. al.* 2012: 1-4]. Moreover, when the Societies Registration Act was implemented in 1860, a charitable society was defined as an alternative entity for 'the promotion of literature, science, or fine arts, or for the diffusion of useful knowledge, or for charitable purposes' [Parameswaran 2013: 1]. It consists of members who agree with the charitable purposes and their membership fees serve as its managing fund.

In 1886, when the Income Tax Act was revised, the income tax definition was defined for the first time; it specified that 'any income derived from property solely employed for religious or public charitable purposes' was not taxable [Birla 2009: 55]. With the implementation of the 1886 Income Tax Act, legal discussion commenced on the true nature of 'public charitable purposes'. For instance, the Charitable Endowments Act, implemented in 1890, described public charitable purposes as something that 'includes relief of the poor, education, medical relief and the advancement of any other object of general public utility, but does not include a purpose which relates exclusively to religious teaching or Worship (sic)'<sup>7</sup>. The Act furthermore defined a legal entity that fulfilled the general public utility to be a public trust or a charitable society that was approved by the Colonial Government.

From 1890, on the other hand, the legal discussion on public charitable purposes shifted its focus to the distinction between the public and the private within the religious gift-giving rather than the 'secular' charities. For instance, attempts to seek the public utility of traditional religious acts like management of guesthouses (*dharmashala*) were made in court rooms [Birla 2009: 123-128]. In 1920, the Charitable and Religious Trusts Act was passed, and it officially approved the inclusion in public charitable purposes of traditional religious gift-giving as well as modern (western) charities done by public trusts. The Act allows both charitable and religious activities to be exempt from

income-tax duty. In 1922, the Income Tax Act was revised once again and included the provision that “charitable purposes” includes relief of the poor, education, medical relief and the advancement of any other object of public utility”<sup>8</sup>.

According to Ritu Birla, ‘(b)eginning in the 1900s, and certainly after the act of 1920, influential family-managed endowments came to qualify as public ventures’ [Birla 2009: 109]. The legalization of religious and charitable property and the emergence of newly public institutions holding such assets received conspicuous attention from wealthy merchants including the Marwaris because of the privilege of the income-tax exemption by the 1920s. It was the time when a trust fund was set up for the purpose of constructing the Rani Sati temple in Jhunjhunu, Rajasthan in 1912.

### 2-3. For the family or for the public

According to the managing committee of the Rani Sati temple, the temple’s origin derives from a small altar (*mandap*), enshrining Rani Sati, the deification of Narayani Devi who immolated herself in 1295 (VS 1352), protected by her offspring through generation after generation. This paper, however, emphasizes the importance of the formation of the trust fund *Rani Sati Sahayata Kosh* in 1912 by seventy-two local notables in Jhunjhunu, which made the temple construction project feasible [Gupta 1964: 91]. In other words, the trust fund actually transformed the nature of the Rani Sati worship from one privately limited to within the circle of rigid kinsmen to one open to the public in the form of a temple.

### Picture 2. *Simhadvar* (modified by the author)



Despite the analytical significance of the trust fund, all the seventy-two members who contributed to the fund are unfortunately unknown due to a lack of historical records. However, the conspicuous participation of the Marwari Jalans in the trust fund is certainly observable. One notable example is Shivchandray Jhunjhunuwala, who was known to be a Marwari businessman in Bombay who contributed 40,000 rupees to the trust fund. The significance of

his name and contribution is acknowledgeable both on the list of subscribers to the trust fund written on the wall situated just before the present temple sanctum and on the inscription of the main gate called *Simhadvar* (the lion gate), which states that ‘this gate was constructed by donation of a Bombay residing merchant, Shivchandray Jhunjhunuwala, in 1991 (VS 1934)’ [See Picture 2]. He is the first president of the Charitable Society named *Shree Rani Satji Mandir*, registered at Calcutta in 1957. The second is Surajmal Jalan, famous among the early generation of Marwari industrialists in Calcutta because of his success in the jute industry [Cf. Timberg 1979: 189-190]. He is also another munificent subscriber/donor of the trust fund, and his name and the sum of his contribution of 43,000 rupees were inscribed on the list of subscribers to the trust fund [See Picture 3]. His son Mohanlan Jalan was also selected as one of the trustees of the managing board in the 1960s.

Picture 3. List of subscribers to the trust fund (modified by the author)



These examples help us understand how some Marwari subscribers to the trust fund in 1912 became the trustees of the charitable society, the central managing organization of the Rani Sati temple that operated from 1957; in order to comprehend the thinking behind this, especially that of the Marwari businessmen’, I would like to propose two different ‘economic’ motives. First, the Marwaris residing outside Rajasthan attempted to transform their business assets into ‘public properties’ by contributing to the trust fund. Since the 1886 Income Tax Act specified that ‘any income derived from property solely employed for religious or public charitable purposes’ was not taxable [Birla 2009: 55], a fund engaging in religious and charitable objects could also be granted income-tax

deduction. This new legal system not only enabled the donors and trustees to overcome the crisis of the government levy of income tax, but also granted them the income-tax deduction as well as a potentially positive reputation as munificent donors in their homeland.

Second, there can be one more 'economic' motive, a more tangible economic advantage than the income-tax deduction. In order to know what it is, let me submit a case of *Trustees of Gordhandas Govindram Family Charity Trust v. Commissioner of Income Tax, Bombay* in 1951. The Gordhandas Govindram Family Charity Trust was formed in 1941 by a section of the joint family property of Gordhandas Govindram Seksaria of Nawalgarh (Jhunjhunu District). Of the eight trustees including Gordhandas, four were his family members (a Hindu undivided family). Although the primary charitable purpose was 'giving help or relief to such poor Vaishya Hindoos or other Hindoos as the trustees may consider deserving of help (sic)'<sup>9</sup>, the Income Tax Department of Bombay suspected that its charity was only a subsidiary objective; its primary object was to confer benefit on the family members so that it would be exempt from the payment of income tax. In 1951, the Bombay High Court passed judgment on the case that the said trust was not allowed to be 'public' and its certificate of income-tax exemption was cancelled because of the citation within the trust deed regarding whom it should help, which read as follows: 'poor Vaishya Hindoos who are members of Seksaria family shall be preferred to poor Vaishyas not belonging to the said family and poor Vaishya of Navalgadh shall be preferred to poor Vaishya Hindoos of any other place in or outside India (sic)'<sup>10</sup>. Because of this favouritism towards the family members, the Gordhandas Govindram Family Charity Trust was deemed as not constituting a valid public charitable trust. Because of the decision, the trust lost its privilege of income-tax deduction.

The court as well as the newly formed government after 1947 criticized this organization's misuse of the public trust system by pointing out the clear favouritism towards the Seksaria family members. What I would like to focus on in this case is that the colonial government had allowed such 'misuse' of the public trust system. A trust founded by a donor-cum-trustee, like Gordhandas Govindram Family Charity Trust, which displayed clear favouritism towards its kinsmen, was granted the certificate of income-tax deduction, because its 'quasi-public' nature and charitable scope included Vaishyas or other Hindus. The case clearly shows that, after independence, such 'misuse' of the public trust system would no longer be allowed. Following the case, it would be pertinent to note that a certain section of the Marwari Jalans who joined in the trust fund for constructing the Rani Sati temple presumably knew these two economic advantages of the 'public venture' being a donor-cum-trustee enabled them to receive the privilege of the income-tax deduction as well as to make use of the fund for the benefit of their family members.

In this case, the 1912 trust fund came to occupy a rather ambiguous position of an allegedly ‘public’ religious and charitable fund that catered exclusively to the ‘private’ family interests. After it retained a site for the temple complex in 1917, construction commenced from the 1920s onwards, leading to the present form of the grand temple complex in the 1950s.

### 3. The Rani Sati temple in the Postcolonial Era

#### 3-1. For the community or for the public

On 7 February 1957, a charitable society in the name of *Shree Rani Satiji Mandir* was registered in Calcutta as a central body of management of the Rani Sati temple in Jhunjhunu. Independent India does not have a nationwide administrative organization but empowers state governments to control the management of Hindu temples in each territory. The right of freedom of management of religious institutions, as noted in Article 26 of the Indian Constitution, is not always approved as an ultimate doctrine, but should be restricted when it might disturb the ‘public order, morality and health’<sup>11</sup>. It ‘interprets freedom of religion as denominational autonomy from state control, offers little succor to those within the denomination who are dissatisfied with the way the established religious powers manage the rich institutions’ [Chatterjee 2011: 68]. As a guardian or superintendent of the religious and charitable institutions, state governments are allowed to appoint officers to take over the management of the temples in order to improve their ‘false’ running at the expense of traditional authorities.

Since the state was willing to scrutinize the meaning of public utility conspicuously after independence, the Rani Sati temple was faced with the necessity of adapting to the new guidelines and reforming itself into a more suitable ‘public institution’. This resulted in the registration of the *Shree Rani Satiji Mandir* formed by the leading successors of the 1912 trust fund residing in Calcutta for their business purposes. Since these trustees intended to reform the managing structure according to the appropriate public utility, the state would ensure ‘freedom of the management’<sup>12</sup>. This is when the long-distance management of the temple of Jhunjhunu by the Marwari businessmen from Calcutta commenced.

The charitable society consists of seven trustees and forty-four members [See Table 2]. Fiscal resources of the temple basically consist of the movable and immovable donations organized into five divisions. While the temple as a public religious institution is obliged to use eighty-five per cent of the annual income within a year, donations towards temple construction or schools are exceptionally allowed to be used as savings over the year. Seven trustees, trusted to utilize the netire property of the temple, comprise the Board of Trustees, which is the central governing body of administration of the property. The trustees remain their status for life, unless critical problems such as health issues or



misappropriation of temple property cause them to be discharged.

**Table 2. Charitable Society**

|                  |                                                        |
|------------------|--------------------------------------------------------|
| Name             | Shree Rani Satiji Mandir                               |
| Origin           | 7 February 1957                                        |
| Registration     | Department of Societies Registration, West Bengal      |
| Main Office      | Calcutta, West Bengal                                  |
| Trustee          | Seven (consisting of Board of Trustees)                |
| Managing Board   | Board of Trustees                                      |
| Total 21         | Seven Donor Members                                    |
|                  | Seven Life Members                                     |
| Member           | Donor Member                                           |
| Total 44         | Life Member                                            |
|                  | Ordinary Member                                        |
| Fiscal Resources | 1. Donation to schools managed by the temple           |
|                  | 2. Donation to temple construction                     |
|                  | 3. Donation to decoration of deities and constructions |
|                  | 4. Donation to Akhand Dipak                            |
|                  | 5. Donation to the Pimjlapan                           |
| Annual Income    | Not Available                                          |

(Updating data of [Jhunjhunuwala 1985] from interviews conducted in 2012)

**Picture 4. Trustees and priests of the Rani Sati temple (author's collection)**



According to *the Memorandum and Rules and Regulations of Shree Rani Satiji Mandir* (hereinafter referred to as the Memo) submitted to Department of Societies Registration, West Bengal in 1957, entitlement to be trustees and members of the society should belong to ‘(a)ny Bansal Gotra descendant of Seth Jaliramji (sic)’ [Jhunjhunuwala 1985: 7]. In the case of replacement of a trustee, the remaining trustees choose a candidate only from the donor members who are eligible to be the trustees<sup>13</sup>. After payment of Rs. 51,000 to the temple, the selected candidate officially becomes a new trustee. An annual congress of the Mandir Committee, which consists of all the trustees and members, is held at the time of the biggest annual festival called *Bhadrapad Amavasya* (from August to September)<sup>14</sup>. At that time, an election is held to choose fourteen members in order to compose a Managing Committee with the Board of Trustees.

The charitable objects of the temple, which is listed at the Memo, are as follows:

- a) To take over, carry on and manage the affairs of the charitable society known as “Shree Rani Satiji Mandir” established at Jhunjhunu in the state of Rajasthan and to conduct puja, worship and seva of Shree Rani Satiji Mandir and all other deities established in the temple premises belonging to the Society at Jhunjhunu and other place and places in India.
- b) To establish and construct such other temples or temples of such other deity or deities and other places of worship as the Society may think fit and proper.
- c) To start and maintain at any place in India Alms houses, hospitals dispensaries and medical stores for giving reliefs to the poor and needy people and Dharamshalas for according accommodations and lodgings to the sojourners belonging to the Agarwalla Community(sic).
- d) To establish and maintain charitable and religious institutions in conformity with the ideals of the Hindu religion.
- e) To start, construct, establish, and maintain hospitals schools, colleges, orphanages, Nari Ashrams, Widow Ashrams and to render help to the widows and destitutes and distribute alms amongst the widows, destitute and needy people.
- f) To start, find out, investigate and trace out the history of Shree Rani Sati Mata and other deities and to preach amongst the public the ideals and teachings of the said deities and to collect and preserve the memories of the said deities.
- g) To promote and facilitate the teachings of religion, science, literature, music and culture of fine arts and diffusion of useful knowledge amongst the Hindu community and in particular amongst the members of the Agarawala Community (sic) [Jhunjhunuwala 1985: 1-2].

This explains the charitable objects of the temple for the public in India or in particular for the Hindus, such as protection and promotion of the religious culture or management of charitable institutions including schools and hospitals. It proves that it fulfills the ‘public charitable purpose’, which defines the members of the society in general as its beneficiary. On the other hand, it is remarkably noticeable that some charitable objects clearly define the Agrawals, the members of the caste to whom the temple managers belong, as its beneficiary. Actualizing these objects, the temple, for instance, runs six guesthouses within the temple premises only for the members of the Bansal gotra. On the occasion of the biggest *mela* (festival) of the temple, *Bhadrapad Aamavasya*, the six guesthouses are packed with more than a houseful of pilgrims, so that hundreds of temporary beds are installed in the temple premises. However, those who do not belong to the gotra are not even allowed to use such temporary beds. Pilgrims’ affiliation to the gotra is inquired at the reception deck of the temple which uses *List of the Families of Rani Satiji (Śrī Rāṇī Satījī ke Vaṅsajōṅ kā Baiṅk*: hereinafter referred to the List) that contains eighty lineages of the Bansal gotra [See Table 3].

**Table 3. List of the Families of Rani Satiji used in June 2012**

|    |               |    |              |    |              |    |                |
|----|---------------|----|--------------|----|--------------|----|----------------|
| 1  | Kaṭārūkā      | 21 | Ṭamkoriyā    | 41 | Pansārī      | 61 | Modī           |
| 2  | Kānṭhāruskā   | 22 | Ṭāivālā      | 42 | Pāṭodiyā     | 62 | Mohūkā         |
| 3  | Kanakasinhakā | 23 | Ṭīḍarmarkā   | 43 | Pāḷaḍivāl    | 63 | Rāmadāskā      |
| 4  | Kandoī        | 24 | Tapsī        | 44 | Pīpalīvālā   | 64 | Ruīyā          |
| 5  | Karelvā       | 25 | Tārmopatkā   | 45 | Phatehcandkā | 65 | Lallubārkkā    |
| 6  | Kānaberiyā    | 26 | Tulsyān      | 46 | Baṭhāriyā    | 66 | Lāngaḍ         |
| 7  | Kānkarkā      | 27 | Dayārāmkā    | 47 | Bāchukā      | 67 | Lūnrīkā        |
| 8  | Kālnasariyā   | 28 | Dāmodarbāskā | 48 | Bānkerāykā   | 68 | Lūṅkaraṅkā     |
| 9  | Kāsaritā      | 29 | Devaḍā       | 49 | Bānkeriyā    | 69 | Viśankā        |
| 10 | Kuḍkuḍivālā   | 30 | Dhīrāsariyā  | 50 | Būbanā       | 70 | Śivacandkā     |
| 11 | Kyāl          | 31 | Nāgarvāl     | 51 | Bhajjūrāmkā  | 71 | Samaratharāmkā |
| 12 | Gidauriyā     | 32 | Nāgardāskā   | 52 | Bhojarājkā   | 72 | Sāreṅekā       |
| 13 | Caudharī      | 33 | Nārsariyā    | 53 | Bhjāniyā     | 73 | Sundarsenkā    |
| 14 | Candarsenkā   | 34 | Nalpuriyā    | 54 | Majatiyā     | 74 | Sundardāskā    |
| 15 | Jatiyā        | 35 | Nūnvāvālā    | 55 | Malsīsariyā  | 75 | Sultāniyān     |
| 16 | Jalebīcor     | 36 | Nemāṅī       | 56 | Malānūrkkā   | 76 | Sānvalarāmkā   |
| 17 | Jālān         | 37 | Nopānī       | 57 | Maskarā      | 77 | Hardāskā       |
| 18 | Jaitukā       | 38 | Noparāykā    | 58 | Mahavāl      | 78 | Hālan          |
| 19 | Jhahhūkā      | 39 | Patāsiyā     | 59 | Musaṅiyā     | 79 | Udayarāmkā     |
| 20 | Jhunjhunvālā  | 40 | Paramānandkā | 60 | moṛā         | 80 | Urkkā          |

According to the charitable objects mentioned above, we are able to discern the temple's dual nature implied in the name of the 'public' religious and charitable institute. One is for the community of the temple managers, known to be the Bansal gotra. The other is for the public, especially needy people in general. Because of the original connection of Rani Sati, i.e., Narayani Devi being said to be a woman belonging the Jalan lineage, the temple managers seem to retain the familial implication of the Bansal gotra to which the Jalans belong. After independence, the temple was faced with the inevitable task of opening up to the public if it wished to be acknowledged as a public religious and charitable institute. Such publicness would bring the temple economic benefit as income-tax deduction; therefore, the temple managers realized the need to conduct 'charities' benefiting the public, especially needy people in general.

For instance, the five-storied grand gate of the temple (*Sinhadvar*) houses a free dispensary of homeopathic medicine for the poor in Jhunjhunu since the 1940s<sup>15</sup>. In 1955, *Shree Rani Satiji Balika Senior Secondary School* was started within the temple premises, which introduced basic education for girls in the English medium in the town. Furthermore, during the refurbishment of the B. D. Khetan Government Hospital, Jhunjhunu (est. 1963), the temple donated enough money to build another building for medical and educational purposes in 1975.

Following the Indian government's guideline to demolish 'quasi-public' religious and charitable institutes, the temple managers, precisely speaking, the donor-cum-trustees of the trust fund called *Rani Sati Sahayeta Kosh*, reformed the management structure and registered the charitable society called *Shree Rani Satiji Mandir* in Calcutta in 1957. This was done with the intention of acquiring independent and autonomous management of the temple as well as the income-tax deduction, by forming a 'proper' public religious and charitable institute. Therefore, the freedom of management of the religious institute as well as its subsidiary economic benefits should be a clear motive of the temple managers. On the other hand, creating a public institute made them face their social responsibility to the public, as it were. That is why they actively conducted the charities mentioned above.

### **3-2. Legitimacy as the temple manager**

After independence and especially after 1957, the temple seemingly tried to solve the difficult task of satisfying the 'public charitable purpose' legally by gradually limiting its usage exclusively for the members of the Bansal gotra, the Agrawals. The first step towards this was the completion of 'legal possession' of the temple as a whole. In the 1960s, there was a series of incidents between a Brahman priest and temple managers that represent the completion of temple possession by the managers. The priest's name was Ramdari and he was the *pradan pujari* (main priest) of the Rani Sati temple, the fourth-generation descendant of the *kulguru* (family priest) of the Jalans, traditionally

servicing at an old shrine of Rani Sati. According to the priest family, the first kulguru was Jaganram, who was the great-grandfather of Ramdari. Jaganram was said to accompany Tandandhas, a son of Seth Jarilam, on the occasion of the battle against the troops of a king of Hisar. When Narayani Devi immolated herself, Jaganram was also there, and he ordered by her to take her ashes to Jhunjhunu with her servant named Rana. Since then, Seth Jaliram appointed Jaganram in charge of her alter as the pradan pujari (this tale will be narrated in detail below)<sup>16</sup>.

Alongside the formation of the trust fund in 1912 and the commencement of temple construction from the 1920s, the traditional position of this priest family conspicuously begun to fade away. The new temple managers demanded that Ramdari confer all rights of donations to them after the creation of the charitable society in Calcutta in 1957. Conflict between the temple managers and Ramdari reached the Calcutta High Court, which issued an interim order to separate the income of the temple according to both interests. The court suggested that the managers should only control donations meant for construction and renovation of the temple while Ramdari should have the right to use donations made as offerings to the priest [*Navayug Rājasthān* (26 Aug. 1962)].

After the interim order of the Calcutta High Court, Ramdari consented to a proposal of compromise from the temple managers, which suggested that he could also participate in the managing committee as a member. However, the ‘promise’ was never fulfilled; the managers employed another priest instead and fired Ramdari [*Śekhāwātī Paramvīr* (9 Aug. 2010)]. This incident was a significant benchmark demonstrating the completion of the legal possession of the temple by the managers, i.e., the Marwari-Jalans.

Subsequently, they engaged in another important task to prove their legitimacy as temple managers. This was compilation of ‘origin tales of Rani Sati’, one of the charitable objects listed in the Memo in 1957. It goes as follows:

The first ancestor of the Jalans was believed to be Jaliram (*Jālīrām*), who was a minister of a state called Hisar (in Haryana) in 1293. The minister was looking for a suitable woman for his oldest son, Tandandhas (*Tandhandās*) and found Narayani Devi, a daughter of a wealthy merchant, Gurusahaymal, resided in Maham village near Hisar, as a bride of Tandandhas. Narayani Devi, soon to be the wife of Tandandhas, was a beautiful and wise woman having tremendous religious knowledge and power. The minister set up a marriage ceremony for them and promised to send his son to bring Narayani Devi to their home at the time of the custom called *mukrāvā*. However, because of an accidental murder of the prince of Hisar by Tandadhas, Jaliram, instead, had to escape to Jhunjhunu along with all his family members to protect his son. In the time of the mukrava back to Maham village near Hisar, Tandandhas and his attendants were under attack by the angry Hisar lord and Tandandhas was killed. Witnessing the

massacre of Tandandhas and his attendants, Narayani Devi received miraculous power (*śakti*). She became Rancandi (*Raṅcaṅdī*) and slaughtered every single army of the Hisar lord. After the incident, she took a vow to immolate herself with her husband's corpse and ordered her attendant named Rana (*Rāṇā*) to make a funeral pyre. Upon the pyre, she, with her husband's corpse on her lap, generated shakti from inside herself and burned herself and her husband. Soon after the incident, she emerged as a form of Rani Sati and ordered her attendant, Rana, to collect her ashes in a pot and to load the pot on her horse. The horse, without guidance, stopped in Jhunjhunu. Rana told the whole story to Jaliram. Jaliram respectfully commemorated her in Jhunjhunu and venerated as their kuldevi. Because of her miraculous mercy, his descendants enjoyed prosperity and were known to be Jalans, and Jhunjhunu was known to be the 'homeland (*mūl sthān*)' of the Jalans [Barūā 1964: 43].

This story appears in the book named *Śrī Sūrajmaljī Jālān* published in 1964, which was written by Rishi Jaimini Kaushik Barua, one of the famous historians of the Marwaris, as a history of the Jalans. Surajmal Jalan (1881 – 1938) was a Marwari industrialist in the early twentieth century who migrated from Ratangarh (Churu District) to Calcutta and with the financial and business support of his father in law, became the founder of a large industrial firm called Surajmal Nagarmal in the 1910s, which led to the commercial success of a jute trading company [Barūā 1972: 417-422]. The book was published by his son, Mohanlal Jalan, commemorating the successful life of his father. Since Mohanlal was one of the trustees of the Rani Sati temple, this book was canonized as an 'official history' of the temple.

The origin tale of Rani Sati is interestingly equivalent to the history of the Jalans<sup>17</sup>. It illustrates Jhunjhunu as the homeland of the Jalans, and narrates the genealogy from the first ancestor, Jaliram, to the seventh, Tulsiram<sup>18</sup>. Because of severe warfare at Jhunjhunu in 1736 (VS 1793), the Jalans and the Tulsyans left their homeland and moved to adjacent towns such as Bikaner and Fatehpur<sup>19</sup>. Due to the migration, they were called 'Jhunjhunuwala', meaning the one coming from Jhunjhunu, by the native residents [Barūā 1964: 45].

As Tomas Timberg narrates '(m)any Marwaris bear the names Singhania and Jhunjhunuwala, though most of them now hail from other towns – to indicate that their ancestors lived in Singana and Jhunjhunu' [Timberg 1979: 110]. Mohanlal, the publisher as well as composer of *Sri Surajmalji Jalan*, was also from Ratangarh and never lived in Jhunjhunu, which would suggest that this book proves the legitimacy of the trustees, who never lived in Jhunjhunu nevertheless, for behaving the temple managers.

### **3-3. Defining ‘community’ for fulfilment of the public utility**

The most important point of the mythical birth tale of the Rani Sati is that it lists seventy-eight lineages diverting from Jaliram in the process of his descendants’ dispersion from Jhujhunu [Barūā 1964: 46]. This is an original version of the List. From a comparison of the original with the contemporary version, the exclusion of ten lineages as well as the new entrance of twelve other lineages is discernible. As time goes by, the list is continuously refurbished by changing names of some lineages and by acknowledging others newly emerged. Precisely speaking, the list is not equivalent to all the lineages belonging to the Bansal gotra, in which those who do not see Rani Sati as their kuldevi are also observable. In other words, the temple managers consciously chose the lineages to be included in the list in order to acknowledge the patrilineal structure starting from Jaliram, which proves who belongs to the Bansal gotra.

What is the significance of the clear formulation of the Bansal gotra as families of Rani Sati? Such an endeavour seems to conflict the idea of the public utility with which the temple as a public charitable and religious institute should accord. Interestingly enough, those activities that only serve the interests of a particular community sometimes came to be categorized as fulfilling public utility legally by the 1970s. As shown by the case of *Trustees of Gordhandas Govindram Family Charity Trust v. Commissioner of Income Tax, Bombay* in 1951, the government began to scrutinize the meaning of public utility conspicuously after independence<sup>20</sup> and those associations that reflected the ambiguous status of an alleged ‘public’ religious and charitable institution focusing on ‘private’ community interests, were on the verge of having their certificate of income-tax deduction cancelled.

However, it is not necessary that every member of the public should have the right to a benefit. In protest against the government scrutiny, many ‘quasi-public’ associations filed petition to courts for arbitration from the late 1940s onwards, which began to analyse the meaning of the term ‘public’ and to signify a definite group of people as a ‘cross-section of the public’. In the early 1970s, the judiciary somehow agreed that the idea of public utility can be assured if ‘the section of the community sought to be benefited must be sufficiently defined and identifiable by some common quality of a public or impersonal nature’ [Rajaratnam et. al. 2012: 159]. In other words, if the religious and charitable object targets a cross-section of the public such as an observable group of people bigger than the family and relatives belonging to the settlers and trustees of the said association, it can assure the public nature.

If the ‘public’ religious and charitable institute aims to support those who are not even in economically, politically, and socially weaker positions but to satisfy such an observably bigger section of the people, it is admitted to fulfil the ‘public charitable purpose’ by the judiciary. Hence the composition of the List by the temple managers was an endeavour not only to define the Bansal gotra for the temple’s usage but also to prove

its activities were legally within the legitimate circle of the cross-section of the public and accordingly of the general public utility.

#### 4. Regulating Freedom of Worship: Rani Sati Temple after 1988

Since the emergence of the temple in the public sphere, particularly following the formation of the trust fund *Rani Sati Sahayeta Kosh* in 1912, the Rani Sati temple had been searching for an appropriate form of management adapting newly installed legal guidelines on income tax and the public trust in the early twentieth century, which resulted in economic profitability as well as freedom of the management. Registration of the charitable society *Shree Rani Satiji Mandir* in Calcutta in 1957 crystalizes the temple's dual nature of a 'public' religious and charitable institution focusing on the 'private' interest of certain community members of the Jalans and the Bansal gotra. Acquisition of income-tax deduction and relative freedom of management due to the 'public' nature of the temple however caused the temple managers to carry the burden of the task they have to do for the public. Charitable activities such as management of the educational and medical facilities in the name of the temple were an interim solution for such demands. Meanwhile, the temple managers figured out a way to ensure the coexistence of their clear favouritism towards a particular community with the fulfilment of the state's direction towards a more public nature of the temple. Being fully aware of the legal framework on the general public utility whereby the charitable society was expected to benefit a large enough portion of a group, at least larger than kin-relations of the settlors and the trustees, the temple managers tried to prove their activities for the community, i.e., the Bansal gotra could coexist with the said definition of general public utility by composing the community history of the Jalans and the List in 1964.

However, the temple reached the biggest turning point in its management history in the late 1980s. Implementation of the Commission of Sati (Prevention) Act (hereinafter referred to the Act) in 1988 and subsequent intervention of the Rajasthan State Government was to trigger a drastic transformation of the temple management. Since the 1988 Act aimed to prohibit worship of immolated widows, the temple had to initiate lawsuits to protect the basic right of religious freedom against public interference of the state.

Veen Das interprets the series of court battles by the temple as cultural politics to protect the 'rights of a community' from political intervention that wielded hegemonic authority to erase the 'national shame' of sati by replacing it with a much 'healthier' version of Indian history instead [Das 1995: 107]. However, the story of public intervention by the state and its acceptance by the temple is not so simple. The precedents of court battles show that legal legitimacy of the Act is seemingly ambiguous. While the state must prohibit the satimata worship, it must also protect the rights of religious



freedom at the same time. Analysing a series of court battles by the temple, this chapter discloses the process of forming a legal discourse that gradually curtails the space for worship and the permissive religious activities of the worshippers within the temple premises. It represents the multiplicity of the ‘freedom of worship’ in the regulated temple.

#### **4 – 1. Court battles on the Rani Sati temple**

Because of the Deorala Incident, the then Rajasthan Legislative Assembly legislated the Rajasthan Sati (Prevention) Ordinance on 1 October, 1987, which a few months later was revised as an Act by the Parliament of India on 3 November 1988. According to the Act, while the act of widow burning is an offense liable to punishment up to execution, the ‘glorification of sati’, referring to acts to promote widow burnings as well as the worship of the satimatas is also illegal, and the guilty party may face imprisonment for less than one year.

The Act, which was enacted after thirteen feminist groups along with many supporters demonstrated against the practice of sati at Deorala in 1987, was meant to control sati by the rule of law<sup>21</sup>. Das interprets the enactment of this Act as a complete hegemony of the State against traditional values [Das 1995: 110-111]. On the other hand, in the precedents on the legal restrictions of the Rani Sati temple management, the Act has not worked as well as the State had hoped. For example, when the District Magistrate of Jhunjhunu (hereinafter referred as the DM) tried to shut the temple down in August 1988 based on the legitimacy of the Act, the annual *mela*, held on 10 September of that year, was halted by the DM’s forces. The managing committee of the temple filed a lawsuit in the Calcutta High Court on 18 August 1988 against public interference of the Rajasthan State Government violating Section 25 (on the basic rights of religious freedom) and Section 26 (on the freedom of management of religious institutes) in the Indian Constitution.

On 30 August, the High Court of Calcutta granted an interim order to allow the temple’s followers’ the basic rights of religious freedom to conduct daily rituals (*puja*) and services (*seva*), but also upheld the the DM’s legitimate prevention actions regarding the *mela*. The interim order explains that the citizen’s religious freedom inside the temple complex should be protected and respected as an endeavour in the ‘private area’ while festivals conducted outside the temple complex should be restricted by the rule of law as an event in the ‘public area’. Based on this decision, the annual *mela* was permitted within the temple complex although promotion and publication of the *mela* outside the site was completely prohibited. On 1 September, the Supreme Court also agreed with the interim order given by the High Court of Calcutta. The Supreme Court also commented that the prohibition of rituals and festivals inside the temple complex should be reserved for temples that contain an idol of Rani Sati, i.e., a form of a trident (*trishul*), along with that of Shiva and Hanuman. The court could not define what the ‘glorification of sati’

meant exactly<sup>22</sup>.

The later precedents show that such a judgment allowing the basic rights of religious freedom on the basis of the dichotomy of the private as inside the temple and the public as outside the temple continues. As Robert Minor indicates, Articles 25 and 26 of the Indian Constitution ensure that people enjoy freedom of worship as well as freedom of managing religious and charitable institutions but are these rights are subject to “public order, morality and health” and ensure the government’s right to regulate and restrict “any economic, financial, political or other secular activity which may be associated with religious practice” [Minor 1993: 293]. In accordance with this principle, the annual *mela* conducted outside the temple premises should be prohibited due to its high potentiality to disturb the public order.

Because the discussion about the inside of the temple premises is not clear, a single conclusion is however difficult to reach. Since the ‘glorification of sati’ referred to in the Act contains all the possible elements of religion, the Act theoretically has a potential to prohibit all conducts and performance inside the temple<sup>23</sup>. The problem of the Act is its feasibility. While it has a legal legitimacy to restrict the temple management due to any violation relating to the glorification of sati, coexistence of idols of the *satimata* and other Hindu deities within the temple premises becomes a great obstacle in judging which parts should be restricted. If the Act explains the rituals, ceremonies, idols and construction of temples relating to the *satimata* worship that can be termed the glorification of sati, it also needs to explain the cultural/religious viability of the restriction. After the interim order of the Supreme Court on 1 September 1988, a basic theme disputed in the subsequent lawsuits on the Rani Sati temple has been regarding what kind of rituals and performance can be categorized as the ‘glorification of sati’ inside the temple.

For instance, on 9 September 1988, one day before the commencement of the annual *mela* inside the temple premises, the Calcutta High Court issued an interim order to halt the ‘grand festival of red veils (*chunari mahotsav*)’ within the site. Utilization of a *chunari*<sup>24</sup> was understood to symbolize the glorification of sati in the festival so that was banned even inside the temple<sup>25</sup>.

Furthermore, on 4 November 1996, the temple trust was organizing a grand Vedic ceremony (*yajna*) in front of the main temple enshrining Rani Sati in order to celebrate the seven-hundred-years’ anniversary of the goddess. An NGO named *Mahila Atyachar Virodhi Janandolan* (civil movement to resist women’s oppression) filed a public interest litigation petition in the Jaipur High Court. According to the association, this *yajna* ceremony violated the glorification of sati. The court gave an interim order to permit commencement of the ceremony with the condition that the site had to be moved at least sixty meters from the main temple. The judgment said the *yajna* was not meant for Rani Sati but for Durga, and therefore the temple was not liable for the violation. However, the

utilization of *chunaris*, *kalash* (a pot filled with water) and *chappan bhog* (fifty-six kinds of sweets for the gods) was not allowed due to the violation of the glorification of sati [Rājasthān Patrikā (28 Nov. 1996)].

These cases enable us to comprehend that the legal precedents from 1988 to 1996 deal only with the basic rights of religious freedom and the legal adaptability, or viability, of the glorification of sati rather than with the ‘rights of a community’. In other words, through a series of the court battles, the temple trustees tactically chose to limit the affiliation of the followers based on their lineage (*kul*) or clan (*gotra*) despite their favouritism towards the Jalans and the Bansal gotra, but insisted on the significance of the ‘generality’ of the followers and their basic rights of religious freedom. The survival tactics and process of transformation of the temple management can be interpreted as emphasizing the social significance of the temple for the public in Jhunjhunu rather than for a particular community.

#### **4 – 2. Restrictions and surveillance of the temple by the state**

The DM’s interference in the management of the Rani Sati temple also commenced from 1988. First the income-tax deduction, which the charitable society *Shree Rani Satiji Mandir* enjoyed because of its ‘public’ nature was withdrawn, so that it was regarded as a ‘private’ religious and charitable institute irrespective of its previous status. Then, the managing board was mandated to submit an annual income report regarding the temple’s management to the Rajasthan State Government. As we have witnessed, it was normally sent to the Income Tax Department of West Bengal where the society was registered in 1957. It is however under the surveillance of the DM of Jhunjhunu. In 1988, the DM finally halted a project to expand the temple’s construction into the rest of the site that the charitable society possessed, i.e., approximately twenty-four hectares.

Responding to the state intervention, several notice boards, from 1988, stating that ‘*Hum sati pratha ko virodh karte hain* (we are against the custom of sati)’ were installed in the temple premises, which was an attempt to indicate that the Rani Sati temple was publicly against the sati tradition. The installed notices also banned the use of any materials banned by the court for use in *puja* for *satimatas* such as *chunari*, *kalash* and *chappan bhog*.

Feminist and human rights organizations also functioned as unofficial censors in the imposition of such restrictions and interventions according to the DM. For example, the All India Democratic Women’s Association, which filed a petition for the public interest litigation on the temple in 1988 and won the part in their petition regarding the banning of the use of *chunaris* in the rituals, actually sent its members to check on whether or not the legal interventions to the annual *mela* of the temple were being implemented until the 1990s<sup>26</sup>.

Responding to these interventions against the temple management, the managing

committee has been involved in direct and indirect financial donations provided to the Jhunjhunu Municipal Corporation, e.g., construction of a public library in 1995 and to an auditorium within the municipal corporation grounds in 2013 in the name of charities by the temple. The charity efforts that the temple has been making since 1988 may be interpreted as a tactical endeavour to maintain a peaceful relationship with the DM and to prevent possible disastrous consequences, e.g., closing of the temple.

#### **4 – 3. Private religious and charitable institute and ‘rights of the community’**

The court battles and the state intervention on the Rani Sati temple after 1988 have actually shown us the struggle of the temple to seek opportunities both to restore its relationship with the Rajasthan State Government and to regain its social and cultural authority as a centre of pilgrimage and charities in Jhunjhunu. There was a tactical emphasis on the public significance of the temple’s character and that any reference to Rani Sati worship should be seen not as the ‘rights of the community’, i.e., of only the Jalans, but as the basic rights of religious freedom, i.e., for everyone wishing to visit the temple. However, we have to assess whether their tactics are effective in terms of the feasible management of the temple after 1988. The above-mentioned precedents from 1988 to 1996 indicate that all rituals or religious and charitable activities are being censored and sometimes categorized as ‘crimes’ in the court room. In other words, freedom of worship of the followers has been constantly regulated in the so-called ‘private space’, i.e., inside the temple premises and the regulation would be even harder potentially.

While the managing committee of the temple might have realized that their way of survival was seemingly wrong, they have actually changed legal tactics in the court battle against the Rajasthan State Government starting in 2002. This would hugely be influenced by the transformation of the nature of the temple management as well. After 1988, the state confiscated the certificate of the income-tax deduction and cancelled the public nature of the charitable society *Shree Rani Satiji Mandir*. Since the Rani Sati temple became a ‘private’ religious and charitable institute, it does not need to maintain the said dual status balancing favouritism towards a particular community as well as general charities for the public. Newly filed petitions by the temple have been mainly discussing the ‘illegality’ of the public interference and surveillance of the state government<sup>27</sup>. According to the advocate representing the temple, the definition of the ‘glorification of sati’ must be understood as having two sides, ‘worship’ and ‘glorification’. While the former is religious performance based on innate emotion of any human beings, the latter is propagation of such religious activities anonymously in the public space. Following this definition, we can discern that organizing events and publishing books or pamphlets by the trust outside the temple is ‘glorification of sati’ and so illegal. On the other hand, such activities are closely related to ‘worship of sati’ for

followers and pilgrims who are willing to visit the temple of their own will and participate in these activities when they occur inside the temple premises. Among the conscious followers, those who belong to the Bansal gotra and the Jalans, in particular, believe in Rani Sati as their *kuldevi* since she was the deified wife of a son of their first ancestor, Jaliram. Hence, the ‘worship of *satimata*’ must be protected as one of the ‘rights of the community’.

This legal interpretation of the ‘glorification of sati’ is surely not objectively neutral but rather skewed by the advocate representing the temple for the benefit of his client. It is also a case pending and not given a final conclusion yet. His interpretation to reconsider the definition of the ‘glorification of sati’, however, is worth analysing when I propose the following two viewpoints: First, the temple seemingly contravenes the Act because of its lack of cultural legitimacy especially with regard to the ‘glorification of sati’. For example, Ashis Nandy criticizes the Act as being potentially destructive towards the Hindu tradition. Since the custom of sati has, though it was a distorted image of the Hindu tradition, developed to some extent under prevailing Hindu perceptions like ‘self-sacrifice of a wife for her husband (*pativrata-dharma*)’ or ‘power of femininity (*stri-shakti*)’, the Act can potentially cause the banning of the publication of the Ramayana, which contains a lot of such themes [Nandy 1995: 38-39]. According to his insight, the ‘glorification of sati’ can be a synonym for the illegalization of the traditional perspectives of Hindu femininity. The temple is therefore requesting to abolish only the ‘glorification of sati’ from the Act based on its lack of religious legitimacy.

Second, the temple emphasizes that Rani Sati worship is not only for general (anonymous) followers but also for those who belong to the particular ‘community’. Because of the genealogical relationship with Narayani Devi, the Rani Sati temple became the symbol of the ‘homeland’ of her descendants, i.e., the Jalans and the Bansal gotra in the legal discourse, especially after 2002. In other words, it is possible to understand that the temple’s legal tactics had changed to signify ‘rights of the community’ in the matter of religion rather than the basic rights of religious freedom for the (anonymous) public.

Based on these interpretations, the year 2002 can be seen as a turning point in the court battle. Since the central body of the management had to restructure the temple as a private religious and charitable institute in 1988, it moved to emphasize religious and charitable benefits for the particular ‘community’ in order to regain the ‘freedom of the management’. The new civil case against the Rajasthan government has two aims: to abolish ‘glorification of sati’, which may violate freedom of worship and the other to protect the ‘rights of the community’, namely the Jalans and the Bansal gotra. If the two aims are successfully accomplished, not only would religious activities within the temple premises be completely free from regulations, but also those outside the temple would be allowed because of protection of the ‘rights of the community’.

By analysing the series of the court battles on the temple from 1988, this chapter has managed to disclose the intricate process of constructing the following legal discourse: First, to what extent can a temple as a site for religious endeavours in contemporary India be defined either a 'private' or 'public' space, and second, to what extent can freedom of worship be protected either inside or outside such a regulated temple. For the Rani Sati case especially after 2002, the freedom of worship and that of the management could be safely protected when the anonymous followers of the temple who obtain the basic rights of religious freedom are selected and categorized into 'rights of the community', i.e., the Jalans and the Bansal gotra.

## 5. Conclusion

This paper has analysed the historical transformation of the temple management by the Marwari merchants, by referring to the Rani Sati temple situated in Jhunjhunu, Rajasthan, especially by focusing on the interaction between the state and religion in colonial and post-colonial India. The formation of the trust fund called *Rani Sati Sahayeta Kosh* in 1912 enables us to comprehend the characteristics of the newly installed policy and guidelines to control religious and charitable properties by the colonial government in the early twentieth century. Based on legalization and institutionalization of the religious and charitable property in terms of public trusts and income tax, the colonial government characterized 'public charitable purposes' as including both religious and charitable activities and granted such 'public' institutions non-taxable status in Bengal District. Subsequently, many wealthy Marwaris merchants in Calcutta stepped into these 'ventures' in order to transform their 'private' business assets into the 'public' religious and charitable properties.

*Rani Sati Sahayeta Kosh* was a typical example of this type of venture, which induced many contributors who formerly resided in Jhunjhunu but migrated to Calcutta to participate due to the economic incentives such as income-tax deduction. In particular, those who knew about the economic profitability of the public trust, which allowed contributors to be the settlors as well as the trustees who then defined the beneficiary as their kinsmen or relative members, were closely involved in such 'ventures' to distribute benefits to their family members in the form of public religious and charitable property.

On the other hand, participation in public trusts prompted the trustees to face their social responsibility with promotion of good public welfare. This tendency became a mandate after India's independence in 1947. Following the legal policy and guidelines on religious and charitable property developed in the colonial period, the Indian state prohibited conventional 'ventures' to distribute business profit to their family members in the form of public religious and charitable properties and revised such institutions more openly for the public. That is why trustees of the Rani Sati temple created the charitable

society *Shree Rani Satiji Mandir* in 1957 to act as the central governing body of the temple management. Despite the public nature obtained through charities for the public such as management of educational and medical institutes in the name of the temple, the temple remained ostensibly 'private' limiting the usage of some facilities such as guesthouses exclusively to those belonging to the Jalans and the Bansal gotra. This ambiguous nature of the temple, somewhere between public and private, was solved by the composition of the lineage history of the Jalans and the List in 1964. The List especially ensured that the Bansal gotra constituted a large enough group that met the definition of a 'cross-section of the public', the legal idea proposed in the 1970s, of an observably bigger section of the people than the family and the relatives belonging to the settlors and trustees, so that the temple could be accepted as having fulfilled the 'public charitable purpose' requirement by the court.

Although the temple enjoyed autonomous rights of management as a public religious and charitable institute, the Deorala incident and subsequent implementation of the Act in 1988 prohibiting the custom of sati as well as 'glorification of sati' became the biggest turning point in the history of the temple's management. Because of the 'illegality' of Rani Sati worship, the Rajasthan State Government cancelled its public nature and begun to regulate the space of worship inside as well as outside the temple. Although the hegemony of the state intervention had a great impact on subsequent actions of the Rani Sati temple management, the managers were simultaneously trying to negotiate with the state mediated by the court for the possibility retaining the autonomous rights of management. The process of negotiation has started with an emphasis on the significance of basic rights of religious freedom for every anonymous follower and pilgrim, which caused the temple to endure the state circumscription of the space of worship. From 2002, the temple managers have changed their tactics of negotiation by focusing on the 'private' nature of the temple which signifies that Rani Sati worship can be protected in the form of promotion of the private interests of a particular community, i.e., the Bansal gotra. This new direction insisting on the 'rights of the community' during the negotiation with the state in the civil court from 2002 onwards represents visible transformation of the nature of the temple management, from a 'public' religious and charitable institute to a 'private' one. Analysing the changes over the course of a hundred years or so of this temple management from 1912 to the present, we are able to understand that such a transformation is due to the constant negotiation with the state for actualizing the autonomous rights of the management by the temple managers.

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### Note

<sup>1</sup> The paper is based on a historical survey and interviews with the members relating to the Rani Sati temple in Jhunjhunu and Kolkata. They were mostly conducted from January to September 2012, including findings of the follow-up survey in December 2013 and in April 2014.

<sup>2</sup> The full text of Article 25 of the Constitution is as follows: 25. (1) Subject to public order, morality and

health and to the other provisions of this part, all persons are equally entitled to freedom conscience and the right freely to profess, practice and propagate religion. (2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law; (a) regulating or restricting any economic, financial, political or other secular activity which may be associate with religious practice; (b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus. Explanation I. The wearing and carrying of kripans shall be deemed to be included in the professions of Sikh religion. Explanation II. In sub-clause (b) of clause (2), the reference to Hindus shall be construed as including reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly. How the codifying process of the constitution categorized the ‘Hindu religion’ as including the Sikh, Jaina, and Buddhist religions is explained by Robert Baird [1993: 41-46].

<sup>3</sup> The number of sati incidents from 1947 to 1987 is reported to be around forty [Oldenburg 1994: 101].

<sup>4</sup> Jalan is a name of one of several lineages (*kul*) that constitute the Agrawal sub-caste. A lineage is a unified unit that acknowledges the patrilineal line from the first ancestor to the present members. The clan (*gotra*) is the next larger category of kul, an endogamy unit. The word ‘gotra’ denotes the common descent from a mythical sage of its first ancestor.

<sup>5</sup> Public domain image by Anthur, Wikimedia Commons, [https://commons.wikimedia.org/wiki/File:Rajasthan\\_Jhunjhuner\\_district.png](https://commons.wikimedia.org/wiki/File:Rajasthan_Jhunjhuner_district.png) (on visited 24 August 2016)

<sup>6</sup> Public domain image by Gabriel, Wikimedia Commons, [https://commons.wikimedia.org/wiki/File:Kolkata\\_map.jpg](https://commons.wikimedia.org/wiki/File:Kolkata_map.jpg) (visited on 25 August 2016).

<sup>7</sup> Referring to Section 2 (‘Definition’) of the Charitable Endowments Act 1890 (No.6 of 1890), from <http://bombayhighcourt.nic.in/libweb/acts/1890.06.pdf> (visited on 1 October 2015).

<sup>8</sup> The definition of the term ‘public charitable purpose’ in section 4 (3) of the 1922 Income Tax Act was referred to *All India Spinners’ Association v. Commissioner of Income Tax Act, Bombay*, (1944) 12 ITR 482 (PC), p.486.

<sup>9</sup> *Trustees of Gordhandas Govindram Family Charity Trust v. CIT* (1952) 21, ITR, 231 (Bom.), p.233.

<sup>10</sup> *Ibid*: 235.

<sup>11</sup> The full text of Article 26 of the Constitution is as follows: 26. Subject to public order, morality and health, every religious denomination or nay section thereof shall have the right, (a) to establish and maintain institutions for religious and charitable purposes, (b) to manage its own affairs in matters of religion, (c) to own and acquire movable and immovable property, and (d) to administer such property in accordance with law.

<sup>12</sup> Religious and charitable institutions are publicly registered in West Bengal by West Bengal Societies Registration Act, 1961. Those who are willing to form such a ‘public’ institution submit its memorandum and rules and regulations including religious and charitable purposes to Department of Society Registration, the West Bengal, for the registration. At same time, they apply for certificate of income tax deduction to Department of Income Tax, which examines public utility of the religious or charitable institutions. The West Bengal Societies Registration Act, 1961 (No.24 of 1961) <http://www.commonlii.org/in/legis/wb/act/wbsra1961357.pdf> (visited on 20 May 2016).

<sup>13</sup> Although the Memo prescribes affiliation to the Bansal gotra for eligibility to be trustees and members, its actual nomination is conventionally limited to those who belong to the Jalans, Tulsyans, and Ruiyas. These three lineages are said to be legitimate groups descending from the first ancestor, Seth Jaliram.

<sup>14</sup> *Bhadrapad* is the sixth month of the Hindu lunar calendar, which is synonymous with the months of August-September in the Gregorian calendar. *Amavasya* is the fifteenth day of the dark moon lunar phase. The second biggest festival of the Rani Sati temple is *Margashirsha Krishna Navmi*, which is the day on which Narayani Devi immolated herself and, in other words, the birthday of Rani Sati. *Margashirsha* is the ninth month of the Hindu lunar calendar or November-December in the Gregorian calendar. *Krishna Navmi* is the ninth day of the dark moon lunar phase.

<sup>15</sup> Presently, the homeopathic medicine is distributed for five rupees for each medicine.

<sup>16</sup> My sincere thanks to Mr. B. S. Sharma (alias), who helped me to compose his family genealogy and legend from interview with him (9 September 2011 and 3 April 2012). However, his family legend and genealogy has been discarded by the temple managers as complete ‘heterodoxy’.

<sup>17</sup> This is a lineage version of the ‘caste histories’, especially focusing on concretization of community identity based on *varna*, *jati* or even lineage (*kul*). Such strong consciousness of the kin ties led local intellectuals to compose an intensive scale of the family (caste) genealogies in the vernacular languages from the later nineteenth to the early twentieth century. This type of vernacular publication is understood to



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be a local response to the caste-centred policies of the colonial government, in particular that of the decennial censuses from 1871 to 1931, in order to claim social precedence over others [Dirks 2001, Sarkar 2002]. In particular, Baniyas like Agrawals did not intend to use caste identities for political purposes, but rather sought to instil a sense of pride in their primordial identities. Dipankar Gupta notes that ‘the origin tales of the nonscheduled castes rarely question established norms and customs other than staking their claim as to an exalted past’ [Gupta 2005: 420].

Although *Surajmalji Jalan* was written in 1964, it relies on many elements of the ‘colonial imagination’ in terms of caste. For instance, it utilizes a clear referential frame, namely, the ‘eighteen gotra structure’ of the Agrawals. Some caste histories published in 1870s, e.g., Bharatendu Harishchandra’s *Agaravāloṃ kī Utpatti* (1871), had already defined the Agrawals as comprising eighteen gotras deriving from eighteen (precisely speaking 17.5) sons of the first ancestor, Maharaja Agrasen [*Harīscandra* 1952: 11]. Although names and contents of gotras change from publication to publication according to each author’s understanding, the eighteen gotra structure remains as a frame of reference of the Agrawals [Babb 2004: 192-194].

For information on the Jalans, Chanda Raj Bhandari et. al. compiled *Agravāl Jāti kā Itihās* in 1937, which contains a brief explanation on the histories of the Jalans, the Tulsyans and the Ruiyas. Unfortunately, it does not include any related information of the Rani Sati temple, except that ‘there was a noble man named Jaliram in VS 1352 (1297) and his family members and descendants flourished because of his fame’ [Bhaṇḍārī et al. 1937: 235].

<sup>18</sup> Tulsiram was the first ancestor of the Tulsyan lineage. Since his fifth son named Damodardas constructed *bāvrī*, an enormous stepwell functioning as water storage as well as irrigation tank, in Jhunjhunu in 1722 (VS 1779), his descendants were called the Tulsyans.

<sup>19</sup> Those who migrated to Fatehpur from Jhunjhunu were known as Ruiya. Maniram allegedly moved to Ramgarh (Sikar District of Rajasthan) from Fatehpur and engaged in the cottons (*ruī*) trade. Because of his fame, his descendants were called the Ruiyas [Bhaṇḍārī et al. 1937: 235].

<sup>20</sup> *Trustees of Gordhandas Govindram Family Charity Trust v. CIT* (1952) 21, ITR, 231 (Bom.)

<sup>21</sup> For the influence of the implementation of the Act in Deorala and the present situation of the family in law of Roop Kanwar after the public intervention, please see [Courtright and Goswami 2001].

<sup>22</sup> *State of Rajasthan vs. Shree Rani Satiji Mandir*, JT 1988, 3-825.

<sup>23</sup> ‘Definition: (omission) (b) “glorification” in relation to sati, whether such sati, was committed before or after the commencement of this act, includes, among other things. (i) the observance of any ceremony or the taking out of the procession in connection with the commission of sati; or (ii) the supporting, justifying or propagating the practice of sati in any matter; or (iii) the arranging of any function to eulogize the person who has committed the sati; or (iv) the creation of a trust, or collection of funds, or the construction of temple or other structure or carrying on of any form of worship or the performance of any ceremony threat, with a view to perpetuate the honor of, or to preserve the memory of a person who has committed sati.’, in The Commission of Sati (Prevention) Act, 1987, (No.3 of 1988).

<sup>24</sup> *Chunari* is a red tie-dyed wedding veil in Rajasthan.

<sup>25</sup> *All India Democratic Women’s Association and Jawadi Samiti vs. Union of India*, AIR, 1989, SC 1280.

<sup>26</sup> According to an interview with Ms. S. S. Raman, a member of the All India Democratic Women’s Association, Delhi, they however did not continue to implement the censorship from 2000 onwards (7 September 2012).

<sup>27</sup> *Shree Rani Satiji Mandir Jhunjhunu vs. State of Rajasthan and Ors*. Civil Writs 8569 of 2002, Rajasthan High Court: Jaipur Bench. I do not possess any document of the case due to its ongoing nature but a judgment is now pending. My sincere thanks to Mr. A. Vajpai, an advocate who helped me to summarize the basic points of the dispute from interviews with him (18 September 2009 and 28 October 2011).

## References

- All India Spinners' Association v. Commissioner of Income Tax, Bombay*, 1944, Vol. 12, Income Tax Reports, 482, (Privy Council).
- Trustees of Gordhandas Govindram Family Charity Trust v. Commissioner of Income Tax*, 1952, Vol. 21, Income Tax Reports, 231 (Bombay).
- All India Democratic Women's Association and Jawadi Samiti vs. Union of India*, All India Reporter, 1989, Supreme Court 1280.
- State of Rajasthan vs. Shree Rani Satiji Mandir*, Judgment Times, 1988, 3-825.
- Navayug Rājasthān* (Jhunjhunu)  
*Rājasthān Patrikā* (Jaipur)  
*Śekhāvāṭī Paramvīr* (Jhunjhunu)
- Babb, Lawrence A., 2004, *Alchemies of Violence: Myths of Identity and the Life of Trade in Western India*, New Delhi: Sage Publication.
- Baird, Robert, 1993, "On Deining 'Hinduism' as a Religious and Legal Category", *Religion and Law in Independent India*, New Delhi: Manohar, pp.41-58.
- Barūā, Ṛṣi Jaimilī Kouśik, 1964, *Śrī Sūrajmaljī Jālān: Madhu Maṃgal Śrī*, Kolkata: Seṭh Sūrajamal Jālān Pustkālāy.
- \_\_\_\_\_, 1972, *Maim apne Māvārī Samāj ko Pyār Kartā hūm*, Vol.3, Kolkata: Jaiminī Prakāśan.
- Bayly, C. A., 1978, "Indian Merchants in a 'Traditional' Setting: Benares, 1780 – 1830" in *The Imperial Impact: Studies in the Economic History of Africa and India* (eds.) Clive Dewey and A. G. Hopkins, Bristol: Athlone Press, pp.171-193.
- \_\_\_\_\_, 1983, *Rulers, Townsmen and Bazaar: North Indian Society in the Age of British Expansion 1770 – 1870*, New Delhi: Oxford University Press (2001 Edition)
- Bhaṇḍārī, Candrarā, Bhramarlāl Sonī aur Kṛṣṇalāl Gupt, 1937, *Agavāl Jāti kā Itihās*, Indore: Agravāl Histṛī Office, Vol.2.
- Birla, Ritu, 2009, *Stages of Capital: Law, Culture, and Market Governance in Late Colonial India*, Durham: Duke University Press.
- Chatterjee, Nandini, 2011, *The Making of Indian Secularism: Empire, Law and Christianity, 1830 – 1960*, New York: Palgrave Macmillan.
- Courtright P. B. and N. Goswami, 2001, "Who was Roop Kanwar? Sati, Law, Religion, and Postcolonial Feminism", in (ed.) Gerald J. Larson, *Religion and Personal Law in Secular India: A Call to Judgment*, Bloomington: Indiana University Press, pp.200-225.
- Das, Veena, 1995, "Communities as Political Actors: The Question of Cultural Rights" in *Critical Events:*

- An Anthropological Perspective on Contemporary India*, New Delhi: Oxford University Press, pp.84-117.
- Dhavan, Rajeev, 2001, "The Road to Xanadu: India's Quest for Secularism", in Gerald James Larson (ed.) *Religion and Personal Law in Secular India: A Call to Judgment*, Bloomington: Indiana University Press, pp.301-329.
- Dirks, Nicholas, 2001, *Castes of Mind: Colonialism and the Making of Modern India*, Princeton: Princeton University Press.
- Galanter, Marc, 1993, *Law and Society in Modern India*, New Delhi: Oxford University Press.
- Gupta, C. S., 1964, "Rani Sati Fair in Rajasthan: Fairs and Festivals", in *Census of India 1961*, Vol. 14, Rajasthan, Part 7-B, Delhi: Government of India Publications, pp.85-91.
- Gupta, Dipankar, 2005, "Caste and Politics: Identity over System", in *Annual Review of Anthropology*, Vol.34, pp.409-427.
- Hardgrove, Anne, 2004, *Community and Public Culture: The Marwaris in Calcutta*. New Delhi: Oxford University Press.
- Hariścāṃdr, Bhāratendu, 1952, "Agravāloṃ kī Utpatti", *Bhāratendu Granthāvalī*, Vol.3, Kāśī: Nāgrīpracāriṇī Sabhā, pp.3-12.
- Harlan, Lindsey, 1992, *Religion and Rajput Women: The Ethic of Protection in Contemporary Narratives*, Berkley: University of California Press
- Hawley, John Stratton, 1994, "Hinduism: Sati and its Defenders", J. S. Hawley (ed.) *Fundamentalism and Gender*, New York: Oxford University Press, pp.79-110.
- Haynes, Douglas, 1987, "From Tribute to Philanthropy: The Politics of Gift Giving in a Western Indian City", in *Journal of Asian Studies*, 46-2, pp.339-350.
- Jhunjhunuwala, S. R., 1985, "Memorandum and Rules and Regulations of Shree Rani Satiji Mandir", Home Department, Rajasthan State Archives (Jaipur), pp.1-29.
- Kane, P. V., 1974, *History of Dharmashastra: Ancient and Medieval Religious and Civil Law in India*, Poona: Bhandarkar Research Institute, Vol.2, Pt.1
- Komatsu, Hisae, 2013, "Gandhian or Babylonian? A Study of Images of the Marwari in 1920s-30s Northern India" (in Japanese), in *Contemporary India*, Vol.3, pp.131-151.
- Mahajan, Gurpreet, 2008, "Religion and the Indian Constitution: Questions of Separation and Equality", in Rajeev Bhargava (ed.) *Politics and Ethics of the Indian Constitution*, New Delhi: Oxford University Press, pp.297-310.
- Markovits, Claude, 2008, *Merchants, Traders, Entrepreneurs: Indian Business in the Colonial Era*, New Delhi: Permanent Black.
- Minor, Robert, 1993, "Auroville and the Courts of India: Religion and Secular", in Robert Baird (ed.) *Religion and Law in Independent India*, New Delhi: Manohar, pp.293-312.
- Nandy, Ashis, 1995, "Sati in Kali Yuga: The Public Debate on Roop Kanwar's Death", in Ashis Nandy (ed.) *The Savage Freud and Other Essays on Possible and Retrievable Selves*, Delhi: Oxford University

Press, pp.32-52.

Noble, William and Ram Sankyan, 1994, “Signs of the Divines: Sati Memorials and Sati Worship in Rajasthan”, Karine Schomer, *et.al.* (eds.) *The Idea of Rajasthan: Explorations in Regional Identity*, Vol.1, New Delhi: Manohar, pp.343-390.

Oldenburg, V. T., 1994, “The Roop Kanwar Case: Feminist Response”, in J. S. Hawley (ed.) *Sati: The Burning and the Curse*, Oxford: Oxford University Press, pp.101-130.

Parameswaran S., 2013, *Law Relating to Societies Registration: An Exhaustive Commentary on The Societies Registration Act, 1860 along with State Amendments and State Rules*, New Delhi: Universal Law Publishing Co.

Rajaratnam S, *et.al.*, 2012, *Law and Procedure on Charitable and Religious Institutes* (12<sup>th</sup> Edition), Kolkata: Snow White.

Sarkar, Sumit, 2002, “Identities and Histories: Some Lower-caste Narratives from Early Twentieth-century Bengal”, in *Beyond Nationalist Frames: Relocating Postmodernism, Hindutva, History*, New Delhi: Permanent Black, pp.38-80.

Sen, Ronojoy, 2010, *Articles of Faith: Religion, Secularism, and the Indian Supreme Court*, New Delhi: Oxford University Press.

Śarmā, Girijā Śamkar, 1988, *Mārvādī Vyāpārī*, Bīkāner: Kṛṣṇā Jansevī Eṇḍ Ko.

Thapar, Romila, 1988, “Perspective in History” in *Seminar*, No.342, February, pp.14-19.

Timberg, Thomas, 1979, *Marwaris: from Traders to Industrialists*, Delhi: Stosius Inc.

Vaid, Sudesh and Kumkum Sangari, 1991, “Institutions, Beliefs, Ideologies: Widow Immolation in Contemporary Rajasthan”, in *Economic and Political Weekly*, 26-17, pp.WS2-WS18.

Van den Bosch, Lourens, 1990, “A Burning Question: Sati and Sati Temples as the Focus of Political Interest”, in *Numen*, 37-2, pp.174-194.

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**Tetsuya TANAKA**

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