Compensation for damage of religious shrines

Why in news?

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The Supreme Court has set aside a Gujarat HC order on repair of shrines damaged in Gujarat riots.

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What was the case about?

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- A PIL filed by the Islamic Relief Committee of Gujarat (IRCG), demanding a survey on and compensation for the religious places damaged in 2002 post-Godhra communal riots.
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- The Gujarat High Court ordered the state government to give monetary compensation to all religious places damaged.
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- It did not set any limit on the compensation amount and directed the state government to pay in favour of persons in charge of the religious places.
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- It also appointed principal district judges as special officers to decide the amount required for restoration of religious places within the territorial limit of their respective court.
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- SC has reversed the High Court’s order.
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What is the rationale behind the SC's order?

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- SC has accepted the state's argument that using “substantial part” of the tax-payers’ money for paying damages to destroyed religious structures would **violate Article 27 of the Constitution.**
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- Article 27 forbids the state from compelling a person to pay taxes for promotion or maintenance of any particular religion or religious denomination.
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- The HC's order was challenged by the **state government** which came up with a **new compensation scheme**.
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- The scheme places the riot-affected religious structures on par with “houses destroyed or damaged” in the violence.
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- It agrees to pay a maximum of Rs 50,000 as compensation to all places of worship damaged in the riots.
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- The SC has agreed to this scheme, as the maximum amount as ex-gratia assistance is fixed.
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- Also, the power to determine the ownership or administration rights of religious places concerned is conferred on the district collector.
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- Moreover, the terms and conditions for claiming the amount are clearly prescribed in the scheme and are reasonable.
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Source: The Hindu

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