Compensation For Damage Of Religious Shrines - II

Click here for Part I

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What is the issue?

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While SC's order has protected Art 27, it seems to be lacking clarity on the larger question of protecting fundamental rights in general.

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What are the drawbacks in this regard?

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- **Right to life and liberty** - The state government had argued that in a secular country it can't spend government money for any religious purposes.
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- This protects the freedom of religion guaranteed under Article 27.
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- However, this fails to address the fact that if religious places of weaker sections of population are targeted, it essentially has an impact on their rights to equality and personal liberty as well.
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- **Fundamental rights** - SC accepted the state's argument that the writ power of the High Court is limited in terms of awarding compensation.
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- This is because, right to property being a constitutional right, do not fall under the writ jurisdiction of the HC under Article 226.
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- However, the recent developments, especially the judgement on Right to Privacy, seem to be giving wider scope to the fundamental rights.
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- The various **fundamental rights** are **no more compartmentalised** and seen in isolation but are rather jointly read and dealt as a broader concept.
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- **States' role** - In this case, the state has fall short of its duty and

responsibility in maintenance of law and order.
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- Thus it is being argued that the compensation is not being sought for the maintenance of any particular religion but for the failure of the government in fulfilling its basic duty.
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- **Expenditures on religious activities** - The court seems to have missed the fact that governments are routinely spending money on various religious activities.
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- This includes the states' funding on devaswoms, expenditure on trips, yatras, and pilgrims of different religious sects, maintenance of temples, etc.
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Source: Indian Express

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