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Plaintiff Deities. Ritual Honours as Fundamental Rights in India*

Daniela Berti

In September 2007, Senator Ernie Chambers from the Legislative District of North Nebraska, along with some members of an atheist organization, filed a provocative lawsuit in a district court, accusing god, whom he considered to be responsible for spreading fear across the globe and for causing ‘fearsome floods, horrendous hurricanes, earthquakes, plagues, famine, genocidal wars, birth defects, terrifying tornadoes and the like’.¹ In an online newspaper article, ‘Nebraska Senator Sues God to Stop Terror Threats’ (Singel 2007), the gesture was presented as motivated by an attempt by the senator and the other plaintiffs² to have the national motto, ‘In God We Trust’, removed from US currency. The atheists had in fact declared that their repeated use

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¹ *Ernie Chambers v. God*, Docket 1075 page 462, District Court of Douglas County, Nebraska, 14 September 2007.

² The terms ‘plaintiff’ and ‘petitioner’ are used synonymously in this chapter.

of federal currency bearing the national motto forced them to endorse the idea of the existence of god each time they undertook a financial transaction (Singel 2007). The lawsuit was eventually dismissed by a New York judge who ruled that because the defendant had no address, legal papers could not be delivered to his home.³ A similar argument was used in the same year in a district court of the state of Jharkhand to settle a long-standing dispute regarding some plots of land that one of the parties considered as belonging to the gods Ram and Hanuman. The judge summoned the two gods to ‘appear before the court personally’. An article that featured in the BBC news with the headline ‘Hindu Gods Get Summons From Court’ reports that the gods failed to reply and the letters—as the judge himself explained—were returned to the court as the addresses were found to be ‘incomplete’ (Tewary 2007).

We can reasonably assume that the argument put forward in both of these lawsuits—that the god could not be contacted by the court— was a kind of procedural reasoning used by the judge to find a possible outcome to the dispute. Both cases illustrate the law’s ‘amazing trick’, the law’s art of setting up verbal ground upon which one can then confidently proceed (Scheiber [1984: 236–7], quoted in Sarat and Kearns [1993: 196]). Interestingly, an identical argument was used in a criminal case filed five centuries before the American and Indian cases, in an ecclesiastic court in Autun (France), against some rats in a diocese. They had been accused of eating and of intentionally destroying barley crops in the jurisdiction. When the rats failed to appear in court, their defence lawyer’s tactic was to invoke the notion of fair process, and more specifically to challenge the original writ for failing to give the rats due notice (Ewald 1995).

In spite of the similar procedural argument used in all these cases, these lawsuits do not have the same implications in the socio-cultural and judicial contexts in which the argument was used. In fact, contrary to both the god referred to on the American currency and to the rats in the French diocese, gods in contemporary India enjoy an indisputable institutional status which makes the idea of involving them in a court case far from anedoctal as presented by the press.

³ The judge explained in his ruling that a plaintiff must in fact have access to the defendant for the case to proceed.

From a legal point of view, in India a god is regarded as a juristic person and as such he may not only own land (and therefore 'have an address') but may also file a case in a court of law through his representative, the temple administrator. In the High Court of Himachal Pradesh alone, there are at least 20 cases pending with a village god or goddess as the main petitioner or respondent, and cases involving gods are also pending at various district courts in the state.

It should be noted that the notion of a god as a juristic person is regarded by judges in a figurative or ideal sense, even though the exact consequences this notion may have are still open to debate.⁴ While some judges strongly stress the difference between a legal 'artificial' meaning of this notion and what they consider to be either the 'spiritual' or the 'popular' view, in a number of high court and Supreme Court decisions, the distinction between legal and religious reasoning is not entirely clear. In some rulings, particularly those concerning god's land issues or god's income tax, it sometimes comes as a surprise to see a sudden shift from very technical, legal considerations based on acts of law or previous rulings to quotations from Vedic or shastric texts to an elaborate philosophical, historical, or theological analysis of the meaning of the notion of god, of an idol, or of religion in general. As a matter of fact, some judges clearly appear to be personally interested in religious topics and may use the judgment as a way to express their own personal ideas on these issues.

On the other hand, however, what judges often define in their judgments as 'the popular view' does not correspond to a homogenous kind of thinking either. At village level, people may have a different understanding of what is meant by the idea of a god owning properties or filing a court case. Even those who have a devotional view and consider that a god may speak, for example, through a human medium or through a material support, may sometimes spurn this idea as being a strategy used to defend some personal or political cause. This especially occurs, for example, in the context of village conflicts which have both ritual and political implications and where people may start accusing each other of falsely speaking in the name of the god.

⁴ *Yogendra Nath Naskar v. Commissioner of Income-Tax, Calcutta*, AIR 1969 SC 1089: [1969] 3 SCR 742.

The conflict I am going to discuss in this chapter, between the followers of two village gods, has to be understood by taking into account this constant shift of the people involved in the case from a ‘god-oriented position’ to a much more secular and utilitarian one. While in a previous work (Berti 2009a) I have analysed attempts to resolve this conflict in the locality in which it takes place through ritual and administrative proceedings, here my analysis focuses on the way in which the case has recently been brought to court and how it has generated a language of rights and legal arguments.

This shift of the conflict from a ritual and administrative arena to the judiciary may evoke a process of ‘judicialization’, a notion used in legal sociology to illustrate, on the one hand, the growing recourse to law courts to settle conflicts and, more specifically, the broadening of the court’s sphere of competence at the expense of politicians and/ or administrators (Commaille et al. 2010; Kaluszynski 2007). In a comparative study of India and Indonesia, Sezgin and Künkler (2014) oppose ‘judicialization’ to ‘bureaucratization’, to measure the way in which religious issues have been publicly regulated in a democratic context, where they are handled by the judiciary, against the way they are regulated in authoritarian contexts, where they are often handled by the government or the public administration. Relying on previous work, they show how the judicialization of religion in India dates back to the colonial period when British rulers ‘empowered Anglo-Indian judges to rule over theological, dogmatic disputes, and questions of religious identity’ (Derrett [1999], Smith [1963], and Williams [2006], all cited in Sezgin and Künkler [2014: 450]), leading judges to virtually assume the role of ‘theological authorities’ (Dhavan and Nariman [2000], as quoted in Sezgin and Künkler [2014: 450]; Fuller [1988]; Galanter [1989]). They also interpret the process of judicialization as a strategy used by the executive or the administration to shift blame for unpopular decisions onto the judiciary, given that the latter is more immune to popular pressure than other branches of power (Sezgin and Künkler 2014: 450).

A similar but somewhat inverted tendency has been observed by Shankar (2012: 58), who argues that despite increasing judicialization, India’s judiciary is marked by a ‘balancing act between supporting government actions and holding the executive accountable for its performance’ (2012: 58). In fact, the author shows how the court’s

strategy in India is to ‘avoid conflict with the political wings while preserving for the court a pro-citizen reputation’ (2012: 58).

Rather than contradicting each other, these works reveal how the question of the relationship between the executive and the judiciary in India is far from being reduced to a single process. With regard to god-related issues in particular, historians have demonstrated how the question of the relationship between the executive and the judiciary has always been complex, tense, and unpredictable, and how it has considerably evolved over the years. In his work on South Indian temples, Appadurai (1981) has shown how, once the colonial state had taken over the Hindu king’s role of protecting the temple deity both by ensuring its services and as an ultimate recourse in an attempt to settle a conflict, the supervision of temples shifted from a unitary model where the king was the judge-cum-administrator to an institutional structure where bureaucracy was separate from the judiciary. The author has also shown how in spite of the general British reluctance to arbitrate religious disputes, the relationship between the executive and the judiciary was far from stable. It was characterized by alternating periods, with an emphasis sometimes on self-management of the temples, sometimes on extending bureaucratic control or, on the contrary, on its gradual withdrawal in favour of the court. As the author remarks, one major outcome of the permanent interaction between the temple, the administration, and the court has also been the transformation of the language of conflict: On the one hand, the process of transforming previously ritually constructed privileges into bureaucratically and legally defined ones; on the other hand, the appropriation by native litigants of a legal language and the adaptation of this language for their own purposes (Appadurai 1981: 165). This transformation from ‘contexts’ into (legal) ‘texts’, and from ‘texts’ into ‘contexts’ (Appadurai 1981: 15) is particularly evidenced in relation to ritual honours, an issue which is also at the heart of the case presented here.

Breckenridge (1977: 105) has shown that many nineteenth-century court cases systematically reinterpreted the king’s role with respect to Hindu temples depriving him, among other powers, of his authority to make decisions in the resolution of conflicts concerning ritual honours. Honour-related conflicts consequently started to be brought to court. Although these court cases were ‘not framed in terms of ritual

honours, honour and its misuse was of central concern to both the plaintiff and the defendants' (Breckenridge 1977: 100). Furthermore, during the postcolonial period, honour-related issues were a frequent source of conflict, especially during royal festivals where the attribution of honorific roles was visibly important and frequently converged with electoral strategies (Balzani 2003; Price 1989; Sundar 2001). This also results from the fact that many descendants of royal families have undertaken a political career and have tried to re-enact king-like activities focusing on ritual honours for their political benefit. Other politicians too, even those who do not have a royal legacy, occasionally try to appropriate symbols of ancient royal power in the public ritual space (Berti 2009a; Peabody 1997). As a consequence, the political authorities that are likely to mediate these ritual conflicts are often accused of taking sides with their own political allies, which prompts the other party to turn to the court in the hope of securing a better result. The transformation of the ritual language of honours into a legal issue is also present in the case discussed here. As in the case of South Indian temples, in the conflict I analyse in this chapter, the issue of ritual honours is at the very heart of devotees' competitive interactions. However, here competition does not occur between temple servants but allegedly between village deities, who are presented by their people as 'real actors', capable of expressing their will or intention through their mediums or their palanquin.

After briefly outlining the historical framework of the conflict, the arguments laid out by the parties in the court file will be analysed to show how the shift to the courtroom has transformed the nature of the case, from being a conflict between gods' supporters over a ritual honour to being a conflict between them and the state administration over a religious right. The analysis of various documents from the court file will also show how the shift to the courtroom has introduced a discrepancy between the legal arguments used in framing the writ petition and those that appear from the 'non-legal' documents included in the annexes as 'evidence' to support the plaintiffs' claim.

A Question of Honour

The case concerns a long-standing conflict that occurs every year at the time of the Kullu Dussehra festival, when the village deities of the

region are brought to the district capital in their palanquins by their village followers (*harye*) to pay annual homage to the god of the royal temple Raghunath. In the past, the festival was patronized by the raja whose descendant, Mahesvar Singh, still lives in the royal palace and is the owner of the Raghunath temple. Although Mahesvar Singh, who is the 'private owner' of the temple today, still heads Raghunath's cult and continues to enact many king-like activities in relation to this god, he is no longer the patron of the Dussehra festival, which, though celebrated in honour of Raghunath, is now under government control (Berti 2009a).

The most important ritual moment of the festival is the rath yatra (the chariot procession) during which Raghunath's royal chariot, in which the statue of the god is placed, is pulled by the crowd of devotees over a distance of a few hundred metres. The procession is defined by participants as referring to the victory of Rama over Ravana. Village deities are supposed to take part in the chariot procession with their palanquins, which are positioned to the left and right of the royal chariot.

While the position of the deities' palanquins on the left-hand side of the chariot has never been a cause for concern, there has been a long-standing dispute over the position to its immediate right, which is called the dhur position. This honorific place has a long, complex, and contested history involving various groups of villagers and different actors whose mutual rivalry has evolved over the course of time. Two groups of villagers—those who come from the area belonging to the deity Shringa Rishi and those from the area belonging to the deity Balu Nag—claim a right to occupy this position. Every year, clashes take place during the procession with villagers carrying these two deities' palanquins, rushing along with the palanquins through the crowd, and forging their way amongst the other gods' palanquins situated on the right-hand side of the chariot, to forcibly occupy the position, all the while claiming that the deity itself is pushing them along with its palanquin.

Over the years, the protagonists of the conflict, who include not only villagers but also politicians, lawyers, and other members of the local elite, have argued the case on at least two different and interrelated counts that also appear in the court file that I discuss here. One is a religious discourse that consists in identifying these village deities

as figures of the epic tradition. According to this discourse, the god Shringa Rishi is portrayed as the guru of Rama in the Ramayana; he has therefore the right to stand with his palanquin on the right of Rama's chariot during Dussehra. The other god, Balu Nag, is presented by his supporters as Shesh Nag and consequently as an avatar of Lakshmana. Identified as Rama's brother and as a warrior, supporters of Balu Nag claim that it is them who have to walk on the right side of the chariot.

The other count concerns electoral politics according to which the Dussehra Committee's decision to attribute the right-hand position to a particular deity would be influenced by local politicians' desire to show their predilection for the deity whose supporters belong to the constituency in which they are standing as candidate.⁵ According to this discourse, at the time of the demarcation of the constituencies in 1966, Balu Nag's territory, although geographically close to Shringa Rishi's, had been strategically included in another constituency, a reserved constituency where only a scheduled caste candidate could be elected. The alleged aim at the time was to exclude Balu Nag's leader—who was from a Thakur caste—from the electoral competition. Although the political situation has changed, these kinds of political stakes are the source of chronic rivalry between the two groups of deity supporters.⁶

Over the last 15 years, a number of local-level religious/political authorities have tried in vain to settle the conflict. At village level, the gods have been regularly consulted by their followers through their mediums but no solution has been found. At the Dussehra festival in 2001, the raja, Mahesvar Singh, a Member of Parliament at the time, even organized a so-called *jagti puch*, a large-scale consultation of various village gods, including Shringa Rishi and Balu Nag, to find out what the gods had to say through their mediums.⁷ The results of

⁵ The positions and statements reported in this chapter must be considered as reproducing the particular point of view of people involved in the conflict.

⁶ For a more detailed account of these political stakes and their transformation, see Berti (2009a).

⁷ Reference to this kind of collective consultation is made in oral stories which recount how in times of drought, for instance, the king used to organize a *jagti puch* by ordering all the village gods' mediums to come to his

the consultation were not unanimous. Some gods' mediums, speaking in the name of the gods, even blamed people, including Mahesvar Singh, of acting in their own political interest. 'Oh Maharaja! You have to keep politics out of religion!'—said Balu Nag's medium⁸ during the consultation.

Another attempt to settle the conflict came from the *kardar sangh*, the association that is made up of *kardars*, temple administrators for the village deities. The administrators were asked to vote for one of the two gods in the presence of the president of the Dussehra Committee (at the time, Mahesvar Singh) and of the deputy commissioner. Most votes were in favour of Shringa Rishi, but Balu Nag supporters rejected the decision saying—as mentioned in *The Tribune*—that

'the tradition and Devniti [the rules related to the gods] could not be decided by human voting.... We have not taken even the *nazrana* [the allocation given by the administration]...as a mark of protest' (*The Tribune* 2005).

Shringa Rishi's supporters refused to accept any compromise. Shringa Rishi's priest told the newspaper that since his god is Raghunath's guru his position on the right-hand side of the chariot was 'non-negotiable' (*The Tribune* 2005). Devotees of both gods agreed to perform a ritual procedure to question god Raghunath himself about the matter.⁹ but as owner of the Raghunath temple,

palace in order to ask the deities to give rain. It is said that, when the request was not satisfied, the king considered the mediums responsible for the gods' failure. He would threaten to cut off their heads if rain did not fall at once. This consultation usually takes place in Nagar, one of the former royal capitals. On a wall of the temple situated inside the Nagar palace, a panel recalls the practice of jagti puch: 'Even now during the great hour of natural calamities, other miseries and to decide matters of importance with regards [sic] to god[s] and goddesses all the representatives of god[s] and goddess[es]...[are] assembled at this holy place. Head of the Kullu raj family with the order of devi-devta organize the function with traditional reverence...all the gurus who are present at the occasion express the view of their devta after going into trans [sic].' See also Vidal (1988: 237).

⁸ Oral proclamation by the medium in September 2001.

⁹ The procedure consists in writing on a few pieces of paper alternative replies to the question that is asked, and of arranging the pieces of paper in front of the god's statue inside the temple. The temple is then closed for a period of time and when it is reopened the papers are examined. The paper

Mahesvar Singh did not agree to this. He justified his refusal saying that: 'The devtas do not fight, they are above politics. The dispute is only an ego clash' (*The Tribune* 2005).

Over the years the case has received more and more media coverage. As a consequence of the tussles that took place every year during the procession, the Kullu district commissioner decided 'to ban' the two deities from the procession in accordance with section 144 of the Code of Criminal Procedure (under Chapter X, 'Maintenance of Public order and Tranquillity').¹⁰ Since 2008, neither Shringa Rishi nor Balu Nag has been sent invitation cards to attend Dussehra. Each year, the two deities' palanquins are brought to the festival but the police surround their tents to prevent their respective followers from carrying the palanquins to where the procession takes place. During the Dussehra festival organized in 2008, the Indo-Asian News Service (IANS) provided an article under the title 'Deities under

that has moved indicates the god's reply. This is a way of consulting god Raghunath, who is never supposed to manifest himself in a medium or in a palanquin. In fact, the decision to consult the god gave the king another say in the case. Since the king was also the owner of Raghunath's temple, he had to authorize the divination proceedings.

¹⁰ Section 144(1) reads: 'In cases where, in the opinion of a District Magistrate, a Sub-divisional Magistrate or any other Executive Magistrate specially empowered by the State Government in this behalf, there is sufficient ground for proceeding under this section and immediate prevention or speedy remedy is desirable, such Magistrate may, by a written order stating the material facts of the case...direct any person to abstain from a certain act or to take certain order with respect to certain property in his possession or under his management, if such Magistrate considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury to any person lawfully employed, or danger to human life, health or safety, or a disturbance of the public tranquillity, or a riot, or an affray.' The practice of banning a deity is not new. A settlement officer in the nineteenth century referred to an order enacted in the presence of an assembly of village elders, banishing the palanquin and the attendants of a local god from an entire district to prevent the god's attendants from extorting monetary offerings from people in the name of the god and threatening them with the god's displeasure if they refused to give in to their demands (quoted in Emerson n.d.: Chapter IV, p. 14).

“house arrest” for Kullu Dussehra finale’, which was published by various Indian news services. As reported in *Thaindian News* (2008):

Two important local deities of Himachal Pradesh have been placed under ‘house arrest’ to prevent their followers from participating in the finale of the centuries-old Kullu Dussehra festival because every year the two sides clash with each other. The district administration has imposed Section 144 of the Criminal Procedure Code and asked the followers of Shringa Rishi and Balu Nag not to bring the deities for the concluding ceremony of the week-long Dussehra festival Wednesday.

In 2011, a writ petition was filed at the Himachal Pradesh High Court in the name of the god Shringa Rishi through his temple administrator, against the state administration, accusing them of preventing the god from taking part in the procession. I analyse the court file to see how the case has been framed and on what grounds it has been argued.

‘Devta Shringa Rishi v. State’: Moving on to Legal Issues

In the writ petition filed in 2011 at the Himachal Pradesh High Court, the deity Shringa Rishi is presented as the ‘main plaintiff’. However, as mentioned in the file, being a ‘perpetual minor’, the deity filed the case ‘through his kardar’ (the temple administrator). The definition of a deity as a ‘perpetual minor’ is a legal fiction introduced by the British and aimed at officially recognizing the idea—which is attested to in India since times of old—that a god can be the recipient of a donation and can become the owner of temple property (Colas 2012; Davis 2010; Sontheimer 1964).

A first consequence of bringing the case before the court is the personalization of the conflict. While, at local level, people used to speak of the conflict as involving Balu Nag’s or Shringa Rishi’s ‘supporters’, or their ‘harye’ (people living within an area belonging to a god), here divine and human petitioners must also be named, as well as the place where they live, and the role they play in relation to the main petitioner, that is ‘Devta Shring Rishi Ji [*sic*] through his Kardar, Sh. Virender Kumar’.¹¹ Four other people related to other village deities

¹¹ *Devta Shring Rishi Ji v. State of Himachal Pradesh* at Shimla, CWP No. 3757 of 2011, High Court of Himachal Pradesh, 20 March 2012.

are included as co-petitioners. The respondents, those whom the petitioner addresses, have to be named as well. In descending order, there is the State of Himachal Pradesh through its chief secretary, hence the state-level administrative and political authority; the Kullu deputy commissioner, that is at district level; and the Dussehra committee, the administration that organizes the festival.

Contrary to the tone used in temple consultations where the deity, addressed by devotees as ‘malik’ (owner) or ‘maharaj’ (king), gives orders and arbitrates conflicts by speaking through his institutional medium, in court the deity is presented as someone who needs to be protected and whose rights have to be defended. At the beginning of the writ petition, it is thus written that:

[I]njustice has been done to the petitioners [that is to the god and the other petitioners] regarding the performance of traditional ceremony during Dussehra Festival Kullu and customary obligation toward the [sic] Raghunath Ji during Rath Yatra, which the petitioner[s] are performing since 1863 A.D. and their Fundamental Rights and rights under article[s] 25 and 26 of the Constitution of India, ha[ve] been infringed, hence they are filing and maintaining the present petition to get justice. (Court file)

The honorific position of ‘walking’ on the right-hand side of Raghunath’s chariot during the Dussehra festival is presented by the plaintiffs as a ‘customary obligation’ that the god Shringa Rishi must fulfil vis-à-vis the royal god, Raghunath. Consequently, by preventing the god from taking part in the festival, the administration was accused of ‘infring[ing] the petitioners’ fundamental right under articles 25 and 26 of the Constitution’ which deals with the freedom to practise one’s religion and to manage religious affairs. The petitioners have explicitly expressed their opposition towards the state for interfering ‘in their system of belief’, and accuse the respondents of ‘depriving the petitioners of performing their duties towards Deities’ (Court file).

The petitioners accused the state administration of interfering in their practice ‘under the garb of public order’. Reference was also made by the plaintiffs to the affidavits sworn by different political and religious figures/authorities who had certified that ‘the position of the god Shringa Rishi’s palanquin during the festival is at the right-hand-side of Lord Raghunath’. These affidavits are presented

as being ‘self-explanatory’, as ‘evidence’ proving that the god Shringa Rishi had been taking part in the festival ‘since the year 1939 and [that it] takes its place on the right side of Lord Raghunath Ji’. The writ petition ends with the standardized statement that ‘there is no other efficacious remedy’ for obtaining justice ‘except to approach this Hon’ble Court’.

Evidence in the Annexes

The shift of the conflict from a ritual and administrative arena to a court of law reveals a major transformation in the very nature of the case. In fact, while at local level, the conflict was commonly known to oppose the gods Shringa Rishi and Balu Nag, at the court level the case was filed by the god Shringa Rishi against the state administration, without including the god Balu Nag (or any of his supporters) among the respondents. According to a lawyer who was very much involved in Balu Nag’s cause regarding the position of honour, the idea of ‘not making Balu Nag a party’ to the court case was the result of a strategy aimed at securing permission for Shringa Rishi to take part again in the festival and to reserve the right-hand side for him without presenting this claim as being linked to the problem opposing this god and Balu Nag. We will see later how this strategy is presented by the supporters of the two ‘rival gods’.

Although no mention of the god Balu Nag was made in the main text of the petition, reference to the ongoing (out-of-court) conflict between the two gods appeared in affidavits, previous orders, attestations, and committee reports that testified to previous attempts made by the administration to find a solution to the conflict. Obviously, since the documents were submitted by Shringa Rishi’s supporters, they all support the view of their god’s superiority.

A letter included in the file, written by a sectarian organization, the All India Sikhbal Brahman Mahasabha Pushkar, states that:

The whole world knows this, that Ram with his four brothers were born into this universe by the yagya which was performed by Shringa Rishi for King Dashrath.... So it is our entreaty, as scholars, that a deity who is able to give sons by his yagya and who is worshipped by the Lord Ram and by Lakshman and by the whole world secures the right-side position during the festival. (Court file, my translation from Hindi)

Another document in the annexes was an official record providing the list of deities taking part in the festival, with the amount of money the festival committee assigned to each of them. The document shows how god Shringa Rishi is the village deity who receives the largest amount of money compared to the other village deities on the list—which would be proof of his importance in the local pantheon.¹²

A number of letters were also written by local religious and political authorities.¹³ One affidavit came from Mahesvar Singh, who, after recalling his role as the ‘first servant’ (*chhaaribardar*) of Lord Raghunath as well as his present role as a political leader, ‘certifies that’

the Devta Shringa Rishi Jee of Banjar whenever participated in Dussehra festival and occupying [sic] the right side i.e. next to rath of Lord Raghunath Jee.... [The above practice] continued without any hindrance and none of the deities who participated in the festival ever objected as the other deities occupied the second, third and so on the right side of devta Shringa Rishi Jee. (Court file)

Parallel to this religious argument, a political explanation to the conflict is provided by other documents in the annexes. One example is a letter written in 2006 by Dilaram Shabab, a former member of legislative assembly (MLA) (deputy) from Shringa Rishi’s area and author of a book on Himachal Pradesh, *Kullu: Himalayan Abode of the Divine* (1996). In the letter addressed to the chief minister of Himachal Pradesh, the author starts by explaining how Raja Jagat Singh created the Dussehra festival in the seventeenth century to ‘subordinate the village gods to the royal god Raghunath’. He then refers to Lal Chand Prarthi, a previous local MLA and the main promoter of the festival’s revival and author of a book (1971) on the culture of the region. Describing him as a ‘veteran artist’ and ‘literary luminary’, he relies on the authority of this politician-cum-writer to ‘prove’ Shringa Rishi’s

¹² One of the criteria for attributing the sum of money is the ‘celebrity status of the deity’ (*puratav kirti* or *shobha*).

¹³ Another letter from a local 89-year-old writer, who was also an MLA and member of the Dussehra Committee in 1966, testifies to how Shringa Rishi ‘has always taken part in Dashera since time immemorial’. The same claim is made by an affidavit from the priests of the royal god Raghunath and other functionaries from the royal temple.

right to the honorific position during the procession. He reports how Lal Chand Prarthi

has given [in his book] a vivid account of the life and times of Shringa rishi, his temple and sanctuary, situated higher up on the mountain top above Banjar in Kullu. To give an emotional touch and identity to the festival Shringi [Shringa Rishi] was assigned to hold the 'Dhoor' on [the] right side and Hadimba to occupy the front row at the time of [the] rath yatra. (Court file)

In the letter, the festival is portrayed as having 'continued unchanged for over 300 years' until 1971, when a scuffle during Dussehra opposed the king of the region to the then chief minister and the festival started to be used strategically as a political arena. As Shabab reports in his affidavit, in 1981,

when assembly elections were approaching, the hardliners of Balu Nag armed with lathies barged into the right side enclosure of the rath [palanquin] with their deity. They went out of their way to undermine the sanctity of the ceremony connected with the yatra.... This time they said, 'Balu Nag is Shesh Nag and Laxman', therefore, Balu Nag should hold the right side during the rathyatra. (Court file)

In order to contrast this claim and to show the superiority of Shringa Rishi over Balu Nag, Dilaram Shabab referred to the quantity of land owned by the two gods: 'They [Balu Nag's supporters] should know that Balu nag with only 142 bighas of land stood much below in the merit list of the land endowment grantees of the erstwhile waziri saraj...whereas Shringi [Shringa Rishi] enjoyed top position with 952 bighas (source old revenue record).' (Court file).

Here the larger amount of land owned by a god is supposed to show the importance the god had in the eyes of the previous kings and thus it is implicitly presented as proof of that god being the rightful holder of the honorific position on the right of Raghunath's chariot. After referring to the vote of the temple administrators in 2001 at which 'out of 175 kardars 165 voted in favour of Shringi Rishi', he continues the letter by addressing the chief minister:

Sir, the case is like that of a proverbial saintly sage caught in politics of confrontation.... You have initiated the process to give a new lease of life to the dying devta institution. We, therefore, seek your kind intervention and humbly request that the District Administration and

Kullu Dussehra Committee may please be directed to adhere to the traditional and customary rights of Shringi rishi during the rath yatra, and the unethical and oppressive behaviour on the part of Balu Nag hardliners is firmly set at rest. (Court file)

The documents in the annexes show that even before the case had been brought to the court, the conflict had already shifted to a more bureaucratic logic of decision-making focused on written documents, votes, and expert reports. Although villagers continue to rely on a more ritualistic kind of decision-making—with the gods being directly consulted through their mediums or their palanquins¹⁴—the administrative/judicial officers who were called upon to judge the case no longer relied on the gods' words but asked the people 'to bring evidence'.

A leading argument that emerges from the documents presented at court by both petitioners and respondents relies upon previous decisions that the administrative or political authorities had taken at different levels when called upon to settle the conflict between the two gods. In the next section I briefly go through these administrative documents as the court refers to them in its decision.

Banning the God from the Festival

At the administrative level, the conflict between the two gods over the honorific position opposed two government authorities: the Kullu deputy commissioner, who is responsible for the general administration of the district, including law and order:¹⁵ and the divisional commissioner of Mandi (a district near where the festival is held) who is also the chief representative of the state government in the division and who is hierarchically superior to the deputy commissioner.

¹⁴ When the palanquin is being carried, the god may be asked to give his opinion about something or to give a reply: There is a coded language which has to be interpreted—if the palanquin points to someone in the public with its long poles, it may reproach them for something or, on the contrary, express its joy at seeing them. This has to be interpreted according to the social context.

¹⁵ The deputy commissioner is an integral part of the executive organ of the state and is also a quasi-judicial authority.

The two officers had a different role to play in the case. The deputy commissioner—who had decided to ban the two gods from the festival in 2006—had the role of ‘respondent’ for it was mainly against him that the case had been filed. As for the divisional commissioner, he was not a ‘party’ to the case but he appeared a number of times in the file documents as the one who had been previously called upon by the government to make inquiries or to give his opinion regarding the conflict. In 2007, the government even asked him to prepare a report on the history of the festival and this was included in the court file.

In this report the divisional commissioner mentioned the attempt he had previously made to settle the dispute, and how he had advised the parties ‘to produce evidence/proof’ of the actual place that had been assigned to the god in previous years. After briefly recalling the religious identity of the two gods, he referred to the political dimension of the conflict by explicitly associating the gods’ respective areas with the division of the territory into assembly constituencies.

Both the devtas belong to [the] Banjar area of Kullu district. The temple of Shri Shringa rishi ji is situated in Village Baggi in Kullu Assembly constituency and the temple of Shri Balu Nag Ji is situated in Village Shikari Kothi of Anni Assembly Constituency. As a result, there is a divided opinion regarding the so-called ‘Dhur’ [the honorific position]. Since the peaceful and amicable resolution of this long-standing dispute, as it appears, is beyond the reach of the Administration due to the political allegiance of each of the Devtas, it is suggested that the parties may be invited at the Govt. [Government] level to motivate them to reach an amicable settlement considering the international stature of this Festival. (Court file)

Not only was political relevance given to the two gods by identifying them in relation to their respective constituencies, but top government politicians were asked to intervene to resolve a conflict that the administration had failed to settle.

In his report, the divisional commissioner also laid out the terms in which an amicable settlement might be reached. For him, one possible solution would be to assign the honorific position to one god on the first day of the procession and to the other god on the last day of the procession, or to one god one year and to the other god the next year. This would be ‘subject to the condition [that the Devtas] would agree to the proposal mutually’.

The reference made by the divisional commissioner to the ‘gods’ agreement to the compromise’ may appear to be an acknowledgment on the part of the administration of the role that the gods themselves played in the conflict. It did not, however, lead the administrator to question the gods through their mediums or palanquins. Instead, it was suggested in the report that in order to ‘ascertain the truth’ about which of the two gods had the right to occupy the honorific position, a ‘Committee of Historians’ had to be set up ‘with a fixed time frame’ (Court file: annexes). Though gods were certainly not attributed the role of decision-makers, administrative officials did use ‘religious arguments’—referring for example to the gods’ identities, or relying on epic stories concerning the two gods.

At the time of the above-mentioned report, the Mandi divisional commissioner supported the Kullu deputy commissioner’s decision to ban the two deities from the festival. He defined this decision as a ‘diplomatic stance [aimed at avoiding] a direct confrontation between the contending parties and the Police Administration’. By contrast, in a letter dated a year later (2008), the divisional commissioner, who had probably changed, completely disagreed with the decision to ban the deities from the festival.¹⁶ As he wrote in this report addressed to the deputy commissioner: ‘I don’t at all agree with the [decision] that both the devtas namely Shringa rishi ji and Balu nag ji should not be extended invitation for [the] Dussehra Festival during the year 2008’ (Court file).¹⁷

The divisional commissioner then went on to take sides more explicitly with Shringa Rishi by trying to give a first-hand account of Shringa Rishi’s supremacy at the time when he himself was appointed Kullu deputy commissioner:

I have [myself] been Deputy Commissioner [of] Kullu and have conducted Dussehra in the year 1999 and I had been associated with the organization of the Dussehra in the year 1976 when I was first posted in Kullu. The position of Shri Shringa Rishi ji is on the right of Lord

¹⁶The signature was different. Since the letters in the file had been written many years before, I could not say what motivated the new Divisional Commissioner to adopt a different position from his predecessor’s.

¹⁷It was in fact the Deputy Commissioner himself who, acting under the state government’s authority and as Chairman of the Dussehra Committee, ruled not to allow the two deities to attend the festival.

Raghunath ji and his resting place is also fixed permanently near the Office of Superintendent of Police Kullu. All these matters are verifiable and have been continuing since 1660 AD. (Court file)

The historical validity of Shringa Rishi's position as asserted by the Mandi divisional commissioner was contested by the Kullu deputy commissioner, who, in his reply to the court in 2011, argued that although 'the participation of the deity [in] the festival has not been proved by any ancient historical record', various administrative records attested to the fact that the 'deity Shringa Rishi ji did not participate in [the] Dussehra festival from 1955 to 1966'.¹⁸

Shringa Rishi's 'proven' absence from the festival over this nine-year period was used by the respondent to show that what Shringa Rishi's supporters presented as a 'customary tradition' had already been broken in the past by Shringa Rishi's people themselves who had not brought their deity to the festival. The deputy commissioner, therefore, tried to counter the petitioners' claim that by banning the deity from the festival, he would be held responsible for putting an end to their customary and religious obligation.

One last important point put forward by the deputy commissioner in his reply to the Court was that the god Balu Nag had not been involved in the case:

The petitioners have not implicated the representatives of Sh. Balu Nag ji, who is a necessary party to the petition, since the dispute between these two deities and their haryans (supporters/devotees) is ongoing. The petitioners have concealed true and complete facts from the Hon'ble court. The real controversy between the petitioners' deity and deity Balu Nag ji has been deliberately concealed for the reasons best known to the petitioners. The representative of the Balu Nag ji has not been impleaded as a necessary party to the dispute in question. (Court file)

He concluded by asking the judge to dismiss the petition as it 'suffers from a nonjoinder'—that is of not having included the god Balu Nag as a party to the case.

¹⁸ Following several land reforms, very few village deities continued to attend the festival and Dussehra was on the verge of becoming a thing of the past; it was only in 1966 that there was a festival revival when the state took over its management and provided people with money to come to the capital (This letter is in the annexes).

The disagreement between the two administrative officers was probably one of the reasons that led Shringa Rishi's people to take the case to the court. However, with the case shifting to the court, the issue evolved from a competition between two gods over an honorific place to taking issue with the administrative ban from the festival.

The Court's Handling of the Case

The writ petition was registered by the Himachal Pradesh High Court on 12 September 2011. A first hearing was fixed a few weeks later at the court of a judge who is well known in court circles for being a rather religious judge. However, the case was adjourned, according to a lawyer, because the judge did not want to hear the case.

Some weeks later, the case was assigned to another court. The judge wrote in a first order that 'this was a problem for the deities and that it was not the role of the court to handle it'. He referred the matter back to the local political authority, that is, to the Kullu deputy commissioner—among the respondents in the writ petition—who was called upon again by the court as the competent authority to decide on the matter.

After the hearing a letter was sent by the advocate general to the deputy commissioner of Kullu:

While hearing the matter, the Hon'ble Court observed that this is a matter for the Deity (Devta Shringa Rishi) and that the General Public's sentiments are involved.... The Hon'ble Court observed that in spite of giving the directions or touching the merits, the Deputy Commissioner, Kullu will hear the petitioner...and the decision taken on [the] representation of the Petitioner may be intimated to this office. (Court file: reply)

The deputy commissioner once again summoned the supporters of the two gods to his office to hear their arguments. He subsequently provided the court with the minutes of this meeting in which he again raised the issue of Balu Nag's exclusion:

Though Shringa rishi claims that he alone had rightful claimed [*sic*] over the said position, another deity, namely Shri Balu nag... also claims that he enjoys the position on the right-hand side which he has been occupying for centuries.... The situation has forced the

district administration to impose restrictions on participation in [the] Dusshera procession apprehending breach of peace and tranquility. (Court file: reply)

He also mentioned that over the years he had called at least three meetings with both parties to propose various compromises, yet no agreement had been reached. He then concluded that:

No definitive conclusive evidence had proved that only Shringa rishi or only Balu nag was entitled to occupy the position on the right. From the document produced it cannot be established that the petitioners have a better claim as compared to that of Shri Balu nag.... With due deference, it is not humanly possible to assess the strength/power of any deity or to assign any preference over another, hence both are equally venerable. Supremacy of both is equally acknowledged. (Court file: reply)

The Kullu deputy commissioner seemed to undermine the issue of honour and to establish a form of equality between the deities. However, this more 'secularist option' was not to be the one chosen by the court.

In his final order, the judge—who, in the meantime, had been changed again¹⁹—did not even refer to the decision taken by the deputy commissioner. He first pointed out that, as the matter concerned the deity, it 'should and ought not have been brought before the court'. He also made it clear that he did not intend 'to adjudicate on the rights of each and every deity or individual but only on the participation of the petitioner-deity in the Kullu Dussehra festival'— which, as a matter of fact, had the consequence of appearing to be a way of excluding Balu Nag from his decision. He then referred to the letter addressed by the Mandi divisional commissioner to the Kullu deputy commissioner in 2008 to express his decision in favour of Shringa Rishi. The judge wrote in his judgment, '[this letter] clearly brought on record the manner in which the deities were participating in the Dussehra festival. The grievance of the petitioners herein is that since 2010 deity Shringa rishi has not been invited to participate in the festival which fact [*sic*] is illegal and arbitrary' (Court order).

He also reported on two other points raised by the divisional commissioner in his letter, that, (a) the gods' administrators (the kardar

¹⁹ The final court hearing was held before another single bench, which was different from the previous one.

sangh) had already decided by vote that ‘Shri Shringa rishi ji will move to the right of Lord Raghunath ji’, and (b) that ‘therefore, Deputy Commissioner of Kullu and [the] police have to provide fullest security and ensure that the tradition which has already started should not be disturbed’. After noting that imposing a ban would never solve the problem, he concluded his judgment by confirming the divisional commissioner’s decision: ‘In these circumstances, this Court sees no reason as to why this practice [that Shringa rishi is on the right-hand side of Raghunath] should not be followed in letter and spirit, which should take care of all the grievance[s] of the petitioners. It is directed accordingly. This order does not determine or circumscribe the right of any other participant in the festival’ (Court order).

Paradoxically, although the judge had said in the previous paragraph that he did not intend to adjudicate on the rights of each and every deity or individual but only on the participation of the petitioner- deity in the Kullu Dussehra festival, by validating the divisional commissioner’s decision—which was about the competition over the honorific place—that was exactly what he was doing. And in fact, after the judgment, the newspapers unanimously presented this decision as a way of acknowledging god Shringa Rishi’s right to the honorific position to the detriment of Balu Nag. An article was published in an online English newspaper (*Business Standard* 2012) as ‘Diety [sic] Gets Justice from High Court in Himachal’. Another (*HP Hill Post* 2012) reported that ‘[t]he battle for one-upmanship among the followers of two deities—Shringa Rishi and Balu Nag—has been settled with Justice Dev Darshan Sud of Himachal Pradesh High Court directing the festival organizers to honour Shringa Rishi during the centuries- old Kullu Dussehra festival’.

Nevertheless, Balu Nag’s supporters did not accept the court’s decision. One month before the beginning of Dussehra 2012, *The Times of India* reported for example that, even though god Balu Nag had not received an invitation from the Dussehra Committee, Balu Nag’s followers had decided to bring him to the festival anyway. Balu Nag’s priest made the following statement to the press: ‘Our god’s orders are supreme. We would have to take part in Dussehra at any cost and we are ready to face any kind of opposition from [the] police and followers of Shringa Rishi.... We cannot break our tradition. We would follow orders only from our deity.’ (*The Times of India* 2012)

In the end, the Kullu deputy commissioner decided to prevent both deities from taking part in the festival, arguing that it would at least avoid more unrest. An article in *The New Indian Express* (2013) reported that the deities were under ‘house arrest’ in their tents: ‘They were allowed to meet the principal deity Lord Raghunath only in the presence of the Magistrate and police personnel, but were stopped from accompanying him during the chariot-pulling ritual. Kullu DC Rakesh Kanwar said Rishi [Shringa Rishi] and Nag [Balu Nag] were not being allowed to move beyond their designated places.’ Some months after the court decision, a writ petition was brought to the high court, this time in the name of the god Balu Nag versus god Shringa Rishi. The case is still at the court pre-admission stage but the fact that the case has actually been filed makes it ‘pending’ (*The Times of India* 2013).

Meanwhile, as reported in the newspapers, Shringa Rishi’s administrator suggested organizing an umpteenth consultation, bringing together a number of gods (jagti puch) to validate the gods’ decision and to make it ‘binding on us all’ (*The Tribune* 2013a). Interestingly, he proposed holding this jagti puch in the presence of the Deputy Commissioner, which may be interpreted as a way of getting the administration to take into account the gods’ words (*The Tribune* 2013a).

Of Gods and Votes: A Never-ending Case

We have seen that one possible interpretation of the conflict, which has also been evoked in some of the documents in the file, refers to the extension of Shringa Rishi’s territory—which is known as a god’s *har*, the jurisdiction of a specific god (Berti 2009b). According to one of their leaders, the decision by Shringa Rishi’s followers to file a court case was orchestrated by the raja, Mahesvar Singh, and was aimed at currying favour with devotees of this god who are included in the constituency where he was running for election. He was also of the opinion that the idea of not including Balu Nag among the respondents of the petition, and thus of ‘not making him a party in the case’, was a strategy specifically aimed at ensuring that, in the event of a favourable decision by the court, only Shringa Rishi would be invited back to attend the festival.

You see, Mahesvar Singh is trying to survive as a politician. He has left the party [the Bharatiya Janata Party (BJP)]. As son of the Rana [King] he is saying that we should simply obtain the order so that Shringa Rishi people can be invited to Dussehra. He wants to be seen as doing something for them because he wants their votes. He wants to show that he is helping Shringa Rishi to secure the position on the right-hand side and he would like to stop us [Balu Nag's people].²⁰

The importance that Shringa Rishi's followers represent in terms of a vote bank had been mentioned during an enthralling court case that had been filed at the High Court of Himachal Pradesh in 1986. The case had been filed by Mahesvar Singh against his political opponent Satya Prakash Thakur who was running for the Congress party in the same constituency and who had won the Legislative Assembly election. Mahesvar Singh had challenged Satya Prakash's victory accusing him of using the argument of 'divine displeasure',²¹ among various other illegal practices, to prompt Shringa Rishi's followers to vote for him rather than for Singh. He was accused of circulating among voters posters mentioning that the deity Shringa Rishi 'had predicted darkness in the success of the petitioner'. As reported in the order issued by the election commission, by publishing and distributing these posters, 'threats were given to the voters to vote for respondent No. 1 [the Congress leader] so that they [the voters] might not incur the displeasure of the deity'.

This case filed by Mahesvar Singh is one of the many episodes in the conflict between the supporters of the two deities, which is also closely related to electoral rivalry over Shringa Rishi's territory. Even though Mahesvar Singh's name does not appear in the writ petition (except in the annexes), at local level he does play a major role in the conflict. During one of the numerous meetings he had with the

²⁰ Interview held at Kullu in 2012.

²¹ Section 508 of the Indian Penal Code deals with acts caused by inducing a person to believe that he will become an object of divine displeasure. Section 123(2)(a)(ii) of the Representation of the People Act, 1951 deals with persons who 'induce or attempt to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure' (this is treated as 'interference with the free exercise of the electoral right' of the candidate or elector).

deities' administrators at his palace in 2001 in an attempt to find a compromise between the parties, Mahesvar Singh referred to what was, according to him, the reason behind the conflict between Shringa Rishi and Balu Nag's supporters. He evoked a conflict that had taken place in the past between his father, Raja Mahendar Singh and Bali Ram, Balu Nag's hereditary priest. In his view, this long-standing personal rivalry over the *dhur* had become a 'prestige issue', the aim of which was to cause tussles at the Dussehra festival, which would damage his own political image. He said for instance, '[A]s soon as I became MLA in 1982 this quarrels [sic] between his father and Balu Nag's priests started. Whenever elections took place, Balu Nag people say: "if we don't get the *dhur* we'll tear the stomach of the raja".'²²

Today, the political content of the case has evolved. A recent change took place during the last elections when Mahesvar Singh was denied a ticket by the BJP, which prompted him to form a new political party. His departure from the BJP has provoked a scission within the association of temple administrators, most of whom were his allies in the past; they have now split in two factions. Almost half of the 447 administrators have split into the recently formed Dev Sanskriti Charitable Trust, an association led by Mahesvar Singh's political rival and backed by the former chief minister from the BJP, the party for which the raja had been leader for many years (*The Tribune* 2013b).

As we have seen, all the political aspects of the conflict, though partially evoked in the documents in the annexes to the court file, are not of primary importance in framing the petition itself, nor, of course, in the text of the judgment which does not even mention the name of the one who, as everybody knows, is the other party to the case, the god Balu Nag.

* * *

The common feature between all these processes and other cases reported in the literature regarding the 'bureaucratization' or 'judicialization' of religious conflicts is the effort people have made in ensuring 'public resonance' to the case (Rojo 2004). This was partly the consequence of the implications behind the conflict in terms

²² Interview held at Kullu in 2012.

of electoral politics, but it was also in some way a real question of ‘prestige’; prestige of getting their god to walk on the right side of the royal chariot and, most of all, having this right officially recognized by a state-level ‘decision-making’ authority, whether by the public administration or by the high court. Somehow, the real aim of the two groups of followers was to secure the position for their own god to the detriment of the other.

In the end, the conflict did certainly contribute to increasing the ‘prestige’ of these two gods—or at least their reputation. As we have seen, not only were stories about these two deities always referred to in newspaper articles but, especially during Dussehra, journalists monitored on a day-to-day basis the fluctuations in the conflict, interviewing the followers and reporting what they said.²³

Another aspect that emerges from the case is the multiplicity of decision-making authorities, which ultimately made it likely that any decision would be contested by referring to the decision taken by another decision-making authority. This had led, for example, to Balu Nag’s people refusing the court order, saying that they would only follow the order given by their god whereas, just a few days later, they themselves filed a case against Shringa Rishi. In fact, we have seen how recourse to the courts is not intended to replace alternative ways of settling the conflict. On the one hand, although the plaintiffs had stated in the file that they had ‘no other efficacious remedy’, except to approach the court, they had in fact continued to look for both political and ritualistic solutions. These two decision-making bodies were moving even closer to each other as shown by the idea put forward by Shringa Rishi’s administrator to ask the deputy commissioner to be present at the gods’ consultation (jagti puch)—as a way, here again, of getting the state to validate the god’s decision. On the other hand, judges themselves were reluctant to use their decisional power in such issues. Even when the judge eventually agreed to handle the case he made it clear in his judgment that ‘it was not the role of the court to handle the matter’ and he referred the case once again to the local administration.

²³ A blog has also been created (https://pipl.com/n/Balu_Nag/) and one of the posts on the NDTV website, an online Indian channel, is entitled ‘Balu Nag’s News’ (<http://www.ndtv.com/topic/balu-nag/news>).

This coexistence of multiple interpretations of the conflict evokes what Presler (1987: 37) wrote about South Indian temple administrations, that they are informed by ‘several clusters of ideas and sentiments’, ‘each defining differently what temples are and what they should be’. According to him (1987: 37–8), this is not only due to the ‘set of categories, assumptions and organizational forms introduced by colonialism which sat uneasily with those of South Indian culture and history’:

The problem stems also from the fact that temples engage an unusually diverse set of groups and individuals, with structurally very different interests, and culturally very different assumptions. Some sense of this diversity is suggested by the fact that those who are typically interested in temple matters include lawyers, priests, land- owners, tenants, bureaucrats, urban educated elites, caste groups, legislators, district judges, government development workers, grain wholesalers, panchayat boards, newspaper journalists and ordinary worshippers.

The shift that occurred in the court case discussed here—from competing for a ritual honour to demanding a fundamental right— was probably partly motivated by the lawyers’ strategy to set a more acceptable, legal framework for the case than merely relying on the ‘prestige issue’. It was also the result of a discrepancy between the ‘legal’ arguments of the writ petition, where the issue was not apparently to decide on gods and honours, and the annexes to the file, where all the affidavits, the reports, and the other ‘evidence’ referred to the conflict between the two gods. The court decision maintained this ambiguity in the case.

On the one hand, while insisting that the case was ‘a matter for the deity’, the judge referred the case to the administration and, somehow paradoxically, to the administrative office against which the case had been filed. On the other hand, although the judge somehow tried to convey in his judgment that he did not intend to adjudicate on which of the two deities should hold the honorific position, by validating the decision of the divisional commissioner to the detriment of the deputy commissioner’s decision, he implicitly reestablished the supremacy of Shringa Rishi to the detriment of Balu Nag—resulting in the case not being settled.

References

- Appadurai, Arjun. 1981. *Worship and Conflict under Colonial Rule: A South Indian Case*. New York: Cambridge University Press.
- Balzani, Marzia. 2003. *Modern Indian Kingship*. Oxford: School of American Research Press.
- Berti, Daniela. 2009a. 'Kings, Gods, and Political Leaders in Kullu', in Marie Lecomte-Tilouine (ed.), *Bards and Mediums: History, Culture, and Politics in the Central Himalayan Kingdoms*, pp. 107–36. Almora: Almora Book Depot.
- . 2009b. 'Divine Jurisdiction and Forms of Government in Himachal Pradesh', in Daniela Berti and Gilles Tarabout (eds), *Territory, Soil, and Society in South Asia*, pp. 126–48. New Delhi: Manohar.
- Breckenridge, Carol Appadurai. 1977. 'From Protector to Litigant—Changing Relations Between Hindu Temples and the Rājā of Ramnad', *Indian Economic and Social History Review*, 14(1): 75–106.
- Business Standard*. 2012. 'Diety [sic] Gets Justice from High Court in Himachal', 19 May. Available at http://www.business-standard.com/article/pti-stories/diety-gets-justice-from-high-court-in-himachal-112051900352_1.html, last accessed on 2 October 2015.
- Colas, Gérard. 2012. *Penser l'icône en Inde ancienne*. Paris: Brepols Publishers (Bibliothèque de l'École Pratique des Hautes Études en Sciences Religieuses).
- Commaille, Jacques, Laurence Dumoulin, and Cécile Robert (eds). 2010. *La juridicisation du politique*. Paris: Librairie Générale de Droit et de Jurisprudence.
- Davis, Richard H. 2010. 'Temples, Deities, and the Law', in T. Lubin, D.R. Davis, Jr., and J.K. Krishnan (eds), *Hinduism and Law: An Introduction*, pp. 195–206. Cambridge, Cambridge University Press.
- Emerson, W.H. n.d. 'Mss Eur E321', typescript of unpublished anthropological study. London: Oriental and India Office Library.
- Ewald, William. 1995. 'Comparative Jurisprudence (I): What was it Like to Try a Rat', *University of Pennsylvania Law Review*, 143(6): 1889–2150.
- Fuller, Christopher J. 1988. 'Hinduism and Scriptural Authority in Modern Indian Law', *Comparative Studies in Society and History*, 30(2): 225–48.
- Galanter, Marc. 1989. *Law and Society in Modern India*, edited and with an introduction by Rajeev Dhavan. New Delhi and New York: Oxford University Press.
- HP Hill Post*. 2012. 'Himachal Deity Gets Back Role in Dussehra', 19 May. Available at <http://hillpost.in/2012/05/himachal-deity-gets-back-role-in-dussehra-festival/45237/>, last accessed on 2 October 2015.
- Kaluszynski, Martine. 2007. 'La fonction politique de la justice: regards historiques: Du souci d'historicité à la pertinence de l'historicisation', in

- J. Commaille and M. Kaluszynski (eds), *La fonction politique de la justice*, pp. 9–23. Paris: Éditions La Découverte.
- The New Indian Express*. 2013. ‘Kullu Dusshera Fete Begins’, 15 October Available at <http://www.newindianexpress.com/nation/Kullu-Dusshera-fete-begins/2013/10/15/article1836113.ece>, last accessed on 2 October 2015.
- Peabody, Norbert. 1997. ‘Inchoate in Kota? Contesting Authority through a North Indian Pageant-Play’, *American Ethnologist*, 24(3): 559–84.
- Prarthi, L.C. 1971. *Kulut Desh ki Kahani*. Kullu: Nil Kamla Prakashan.
- Presler, Franklin A. 1987. *Religion under Bureaucracy: Policy and Administration for Hindu Temples in South India*. Cambridge: Cambridge University Press.
- Price, Pamela G. 1989. ‘Kingly Models in Indian Political Behaviour: Culture as a Medium of History’, *Asian Survey*, 29(6): 559–72.
- Rojo, Raul Enrique. 2004. ‘Justice et citoyenneté: la juridictionnalisation des conflits sociaux au Brésil et au Québec’, *Revue juridique Thémis*, 38: 125–89.
- Sarat, Austin D. and Thomas R. Kearns (eds). 1993. *The Fate of Law*. Ann Arbor: University of Michigan Press.
- Scheiber, H. 1984. ‘Public Rights and the Rule of Law in American Legal History’, *California Law Review*, 72(2): 217–51.
- Sezgin, Yüksel and Mirjam Künkler. 2014. ‘Regulation of “Religion” and the “Religious”: The Politics of Judicialization and Bureaucratization in India and Indonesia’, *Comparative Studies in Society and History*, 56(2): 448–78.
- Shankar, Shylashri. 2012. ‘The Judiciary, Policy, and Politics in India’, in Björn Dressel (ed.), *The Judicialization of Politics in Asia*, pp. 56–76. Oxon: Routledge.
- Singel, Ryan. 2007. ‘Nebraska Senator Sues God to Stop Terror Threats’, *Wired*, 17 September. Available at <http://www.wired.com/2007/09/nebraska-senato/>, last accessed on 2 October 2015.
- Sontheimer, Günter Dietz. 1964. ‘Religious Endowments in India: The Juristic Personality of Hindu Deities’, *Zeitschrift für Vergleichende Rechtswissenschaft*, 67: 45–100.
- Sundar, Nandini. 2001. ‘Debating Dussehra and Reinterpreting Rebellion in Bastar District, Central India’, *Journal of the Royal Anthropological Institute*, 7(1): 19–35.
- Tewary, Amarnath. 2007. ‘Hindu Gods Get Summons from Court’, *BBC News*, 7 December. Available at http://news.bbc.co.uk/2/hi/south_asia/7132124.stm, last accessed on 2 October 2015.
- Thaindian News*. 2008. ‘Deities Under “House Arrest” for Kullu Dussehra Finale’, 13 October. Available at http://www.thaindian.com/newsportal/uncategorized/deities-under-house-arrest-for-kullu-dussehra-finale_100106476.html, last accessed on 2 October 2015.

- The Times of India*. 2012. 'Balu Nag Refuses to Obey Court Order', 13 September. Available at <http://timesofindia.indiatimes.com/city/chandigarh/Balu-Nag-refuses-to-obey-court-order/articleshow/16376519.cms>, last accessed on 2 October 2015.
- . 2013. 'Balu Nag Tussle Takes a New Turn as Jamlu Devta Stakes Claim', 26 September. Available at <http://timesofindia.indiatimes.com/india/Balu-Nag-tussle-takes-a-new-turn-as-Jamlu-Devta-stakes-claim/articleshow/23072751.cms>, last accessed on 2 October 2015.
- The Tribune*. 2005. 'Dasehra Panel Blamed for Row Over "Devtas"', 17 October. Available at <http://www.tribuneindia.com/2005/20051017/himachal.htm#3>, last accessed on 2 October 2015.
- . 2013a. 'Kardars of 2 Feuding Devtas for Amicable Solution', 16 October. Available at <http://www.tribuneindia.com/2013/20131016/himachal.htm#7>, last accessed on 2 October 2015.
- . 2013b. "'Factional fight' among kardars, CM skips function", 20 October. Available at <http://www.tribuneindia.com/2013/20131020/himachal.htm#7>, last accessed on 2 October 2015.
- Vidal, Denis. 1988. *Le culte des divinités locales dans une région de l'Himachal Pradesh*. Paris: Éditions de l'Orstom.