

Rasu Vs. The Superintendent of Police, Trichy District, Trichy and Others

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Court : Chennai Madurai

Decided On : Nov-26-2015

Judge : S. Vaidyanathan

Appeal No. : W.P. (MD) No. 20559 of 2015

Appellant : Rasu

Respondent : The Superintendent of Police, Trichy District, Trichy and Others

Judgement :

(Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 3rd respondent dated 16.11.2015, quash the same and consequently, direct the respondents to grant permission and police protection for "Gramiya Adal Padal Vizha" scheduled to be held on 23.11.2015 at 7.30pm., at Sri Shenbaga Vinayagar Temple premises located at Akkiyampatti Village, Palayapalayam Post, Marungapuri Taluk, Trichy District.)

1. This writ petition has been filed, seeking to quash the impugned order of the 3rd respondent dated 16.11.2015, declining to grant permission to conduct "Gramiya Adal Padal Vizha". The petitioner also sought a direction to the respondents to grant permission and police protection for "Gramiya Adal Padal Vizha" scheduled to be held on 23.11.2015 at 7.30pm., at Sri Shenbaga Vinayagar Temple premises located at Akkiyampatti Village, Palayapalayam Post, Marungapuri Taluk, Trichy

District.

2. On 20.11.2015, this Court had passed an interim order, permitting the petitioner to conduct the programme with certain conditions and the said order is extracted below:

"4. Considering the cause exposed by the petitioner, this Court is of the view that an interim direction can be issued for conducting the above said programmes. Accordingly, the third respondent is directed to permit the petitioner to conduct Bharatha Nattiyam schedule to be held on 22.11.2015 from 07.30 p.m. to 10.30 p.m. and Village Cultural Programme (Gramia Adal Padal) on 23.11.2015 from 07.30 p.m. to 10.30 p.m. at Sri Shenbaga Vinayagar Temple premises located at Akkiyampatti Village, Palayapalayam Post, Marungapuri Taluk, Trichy District with the following conditions:

(i) The petitioner and other participants shall not shout, raise any slogan for or against any party or party leader, any caste, community or creed.

ii) The petitioner shall ensure that no untoward incident is caused disturbing the public peace and tranquillity.

iii) Songs praising communal leader or having communal overtones should not be played.

iv) Mike sets should not be used during the programmes.

v) The petitioner will ensure that no flex board or hoardings depicting particular community or leader will be displayed.

(vi) No flex boards in support of any political party or religious leader be erected.

(vii) If there is any violation of any one of the conditions imposed, the concerned Police Officer is at liberty to take necessary action, as per law and stop such performance;

(viii) Similarly, the Police is empowered to stop the programme, if it exceeds beyond the permitted time.

(ix) If the third respondent finds that the conditions are violated and there is any problem they have got right to stop the programme and bring the same to the notice of this Court.

(x) To enhance the spiritual ambience among the devotees, thronging to worship God/Goddess, there should be a dress-code for men and women, including children, which are as follows:

For Men:

a) Dhoti or pyjamas with upper cloth

For Women:

a) saree or half saree with blouse, churidhars with upper cloth

For Children:

a) Any fully covered dress -

(xi) The police shall not allow the devotees inside any Hindu Temple, who wear bermudas, shorts, mini skirts, middies, sleeveless tops, low waist jeans, short length t-shirts etc.

(xii) The second respondent is directed to issue necessary permission, incorporating the above conditions. ?

5. Post the matter on 25.11.2015 for reporting as to whether the conditions imposed by this Court as stated above have been duly complied with or not. It is made clear that in the event of non-compliance of the conditions, further orders will be passed in this case."

3. When the matter is taken up today for hearing to ensure compliance of the conditions imposed by this Court, the counsel for the petitioner has submitted that the "Gramiya Adal Padal Vizha" was conducted in a disciplined manner without causing any hindrance or disturbance to the general public, strictly in accordance with the conditions imposed by this Court. The said submission has been affirmed

by the respondents.

4. This Court, in furtherance to the above interim order, would like to suggest the State Government and the H.R.andC.E. Department in prescribing certain "Dress Code" to the devotees, including children, who enter the Temple for worship.

5. At this juncture, V.R.Shanmuganathan, Special Government Pleader, appearing for the respondents has stated that H.R.andC.E. Department is not a party to this writ petition and he has also stated that in the event of this Court prescribing "Dress Code", the matter / suggestions will be placed before the State Government for taking appropriate decision within eight weeks, because it is the policy decision of the Government. He further added that the Temples, which are not coming within the control of the Government, may be allowed to prescribe their own choice of dress code.

6. Since the H.R.andC.E. Department is not a party to this writ petition, they are *suo motu* impleaded as 4th respondent in this writ petition and V.R.Shanmuganathan, Special Government Pleader takes notice for R4.

7. The main object of prescribing Dress Code to the devotees is to restrict some of the devotees visiting the Temple wearing improper clothing. It is worthwhile to mention that the famous Shree Somnath Temple has recently imposed a dress code banning short skirts and shorts by exhibiting a board about 200 metres away from the main temple to the effect that "Not allowed inside the temple improper disrespectful dress" (as per the news hosted in the internet by The Times of India dated 11.06.2014). Though the language carved in the board is not clear, yet it conveys the meaning that the devotees, who wear improper and disrespectful dress, will not be allowed to enter the Temple. Even the Tirumala Tirupati Devasthanams, which manages the country's richest temple in Chittoor District of Andhra Pradesh, started implementing a "dress code" for everyone including VIP pilgrims, who want to have the break darshan of Lord Venkateshwara in the morning and evening.

8. All the religions in the world preach a decent, neat and disciplined dress code for worshiping their respective Gods. According to Christianity, a general lesson

from the New Testament is that "we should dress for public worship in a way that is generally considered appropriate. Standards of dress are different from church to church and change over time, but we should avoid any style of dress that is offensive or sends a message opposing the church community's values".

9. The Islamic religion is very particular in following their own dress code, while entering the Mosque, that is to say, women should have all skin covered; ankle-length skirts or pants are required. Sleeves should reach to each wrist and the hair should be covered by a headscarf. Pants or skirts that are too revealing, clingy, or tight should not be worn and the dress permissible to men for worship is that they should wear long pants and plain shirts without messages or slogans when visiting mosques. Short-sleeved shirts are acceptable as long as the sleeves are not shorter than average and in the event of any doubt, it was suggested to wear long sleeves.

10. Therefore, keeping in mind all the above factors, this Court is of the view that prescribing dress code for devotees of the Temples of Tamil Nadu is inevitable, so as to enhance the spiritual ambience among the devotees, thronging to worship God/Goddess. Accordingly, this Court directs the State Government and the H.R.andC.E. Department to consider implementing the following dress code to the devotees of Temples.

For Men:

a) Dhoti or pyjamas with upper cloth or formal pants and formal shirts.

For Women:

a) saree or half saree with blouse, churidhars with upper cloth.

For Children:

a) Any fully covered dress

For Police, Fire and Rescue Personnels and Security Guards:

a) No bar to wear uniforms, prescribed by their respective departments inside the Temples.

11. The State Government is directed to take a decision on this issue as expeditiously as possible. Till such time, the Dress Code mentioned in Paragraph No.10 (supra) has to be followed in all the Temples with effect from 01.01.2016. The fourth respondent is directed to send circulars to all the Temples to strictly adhere to the Dress Code, by way of intimation in the notice board to all the devotees. However, it is made clear that there are certain procedures being followed in some of the Temples, like Tiruchendur, by prohibiting boys and men to wear upper cloth, while entering the Temple for worship and the same can be followed by such Temples till a decision is arrived at by the Government. Likewise, the temples, which are not coming within the purview of the Government, shall strictly enforce their own traditional dress code to create a righteous atmosphere for worshipping God/Goddess.

Police shall not allow devotees inside any Hindu Temple of Tamil Nadu, who wear dresses other than the one prescribed above.

With the above direction, this Writ Petition is disposed of.

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