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'Against Idea Of Secularism': Deity Moves Allahabad High Court Challenging 'UP Bankey Bihari Temple Trust Ordinance'

Sparsh Upadhyay

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A writ petition has been moved before the **Allahabad High Court** challenging the constitutional validity of **The Uttar Pradesh Shri Bankey Bihari Ji Temple Trust Ordinance, 2025**, which proposes a statutory trust to manage the historic Banke Bihari Temple in Vrindavan (Mathura).

The plea, filed by **Shri Bankey Bihari**, the presiding deity, along with Shebaits and members of the Sakhi Sect of the Haridasi Sampradaya, argues that the ordinance directly encroaches on their legal and constitutional rights and is in complete violation of **Articles 14, 19(1)(g), 25, 26, and 300A of the Constitution of India**.

The matter will be heard by a division bench of **Justice Arindam Sinha and Justice Manjive Shukla** tomorrow. It may be noted that the presiding Deity has moved the HC through **Gyanendra Goswami and Rasik Raj Goswami**, the Shebait of 'Shri Banke Bihari Ji'.

The plea submits that the Ordinance violates the Preamble to the Constitution of India, particularly the idea of secularism, which essentially restricts the State from participating actively and passively in matters of religion.

Calling the ordinance a "colourable exercise of powers", the petition states that what the State could not have done directly (e.g., build a temple from State funds), it is now attempting to do indirectly by "taking complete control over the assets and administration of the already existing temple".

> "***...in the guise of an independent Trust, is taking over temple assets, including the Idol / Deity, and handing it over to State agents, who have unbridled rights to alienate / transfer the assets to third***

> "***parties***", the plea states.

A major grievance raised in the petition concerns the composition of the Board of Trustees under the Ordinance, which comprises 18 members, 11 nominated and 7 ex-officio, all to be appointed by the State Government.

The petition, moved through **Advocate Lokesh Bhardwaj**, describes the Trust as "not autonomous, but appears to be a state agency which has been put in place to function at the instance of the State."

According to the petition, the temple is a private one founded, developed, and managed by the members of the Sakhi Sect of Haridasi Sampradaya, a religious denomination protected under Article 26 of the Indian Constitution. It also submits that the present Goswamis/Shebaits trace their lineage to Swami Jagannath, brother of Swami Hari Das, who founded the Idol / Deity in the 16th century.

The petition describes in detail the religious traditions followed by the Sakhi Sect of Haridasi Sampradaya and underscores the significance of the exclusive hereditary rights of Shebaits in the sewa-puja (worship) of the Deity.

It argues that just because the deity's darshan is open to the public, it does not change the nature of the temple from private to public.

> "***The State having no religion of its own and having been detached from the idea of religion itself can never be expected to protect, preserve and preach the idea of the Sakhi sect of the Haridasi Sampradaya, which is a religious denomination protected under Article 26 of the Constitution. This itself is enough to disqualify the state to be entrusted with the responsibility of endowment***", the plea states.

Further, the petition challenges the very composition of the Board of Trustees, saying that the 3 members to be nominated from Vaishnav Sampradaya do not necessarily need to be from the Sakhi Sect, and the 3 members to be nominated from non-Vaishnav traditions can never be expected to uphold the teachings of a rather opposite school of thinking.

Raising concerns over the State's role in the appointment of priests, the petition argues: "*How can a State which otherwise has a contradictory interest to that of religion, be expected to play a fair role in the appointment of Priests, who are at the face of the religion itself*".

The petition also alleges discrimination under Article 14, challenging the de-classification of the Sakhi Sect to include other Sampradayas. It also points to the absence of similar takeovers of mosques, churches and gurudwaras. The plea also states:

> "***There clearly cannot be any difference between a rich God and a poor God. If the State endeavors to maintain a rich God, it shall also be the duty of the State to maintain the poor God***".

Against this backdrop, the petition prays for declaring the Ordinance unconstitutional and in violation of Articles 14, 19 (1)(g), 25, 26, and 300A, as well as the basic structure of the Constitution of India.

It also prays that the state be directed not to interfere in the administration and management of the Shri Banke Bihari and permit the incumbent shebaits / goswamis to manage and administer them as per their respective turns.

In related news, the Allahabad High Court today continued to criticise the Uttar Pradesh Government's move to bring an Ordinance proposing a statutory trust to manage the

historic Banke Bihari Temple in Vrindavan (Mathura), remarking that the government was committing a 'sin'.

This remark has come two days after the Supreme Court also questioned the UP government's "tearing hurry" in promulgating the Ordinance for taking over management of the Bankey Bihari temple in Vrindavan, Mathura.



A bench of Justice Rohit Ranjan Agarwal today made sharp oral remarks questioning the State's attempt to control temple management through statutory mechanisms as it urged the state government to "leave the temple alone".

During the July 30 hearing, the same bench had made scathing remarks against the Ordinance and questioned the constitutional propriety of the State Government for attempting to enter the religious domain.

It had orally remarked thus:

> "***Ye hum allow nahi karenge ki State ko religion mein enter karne dein. I will ask the government how is government entering into religion…(to state) Aap bahar ki vyavastha dekhiye, andar mat ghusiye…Aap scheme of administration banaiye (temple ki), but aapka aadmi nahi hoga andar… Constitution ka koi religion nahi hai, government ka koi religion nahi hai to kyu ghuss rahe hain?"*** [Translation: We will not allow the State to enter into religion. I will ask the government as to how is the government entering into religion?...(to the State) You look after the external arrangements; do not enter the internal [affairs]…you may frame a scheme of administration (of the temple), but your person will not be inside…the Constitution has no religion, the Government has no religion, then why are you interfering?]

The Court had further remarked that the Hindu religion is the most affected. He said:

> "***…iss desh mei hindu ke saath mazak ho raha hai…aap Tirupati Temple manage kar rahe h, aap Vaishno Devi manage kar rahe, ek mosque ek church mahi manage kar rahe…dont get into religion"***. [Translation : (to state) you are managing the Tirupati Temple, you are managing Vaishno Devi, but you are not managing even a single mosque or church…don't get into religion.]

The Court had also slammed the internal temple managers (Goswamis), accusing them of ruining the sanctity of the temple and chasing money.

Tags

Allahabad High Court | Banke Bihari Temple | Banke Bihari Corridor | Uttar Pradesh Shri Bankey Bihari Ji Temple Trust Ordinance 2025



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High Court Denies Bail To Accountant Accused Of Embezzling ₹4 Crore From Donations To A Religious Institution In Varanasi

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The **Allahabad High Court** has rejected the bail applications of an accountant accused of embezzling over ₹4 crore belonging to a religious institution in Varanasi by allegedly forging bank deposit receipts and siphoning off public offerings.

Given the nature and gravity of the allegations, a bench of **Justice Krishan Pahal** found that the case did not warrant bail.

The Court, however, directed the trial court to decide the case expeditiously, in accordance with law, if there was no legal impediment.



Briefly put, the applicant (Vivek Kumar) was employed as an accountant at the ***Sadguru Sadafaldev Vihangam Yoga Sansthan***, which has branches in several locations, including Varanasi, Prayagraj and Gaya.

The informant, a member of **Swarved Mahamandir Dham Mudli Umraha, Varanasi**, alleged that on September 23, 2025, the applicant approached the office to account for ₹20,000 received as an offering (chadhava) to the institution and produced a deposit receipt purportedly issued by HDFC Bank.

The receipt raised suspicion among office employees. Upon visiting the bank branch, they allegedly discovered that the deposit receipt was fake.

A subsequent examination of the accounts allegedly revealed that several other bank receipts the applicant had previously submitted were also forged and counterfeit.

The prosecution further alleged that the applicant attempted to bribe bank personnel to cover up his activities and the incident was reportedly recorded on the bank's internal server.

The prosecution also alleged that the applicant's brother, Abhishek Kumar, a chartered accountant, actively colluded in the alleged embezzlement, causing the institution losses of crores of rupees.

The applicant was further accused of formatting his mobile phone before the investigating agency could seize it, to conceal incriminating material.

He was thus booked under Sections 419, 420, 467, 468, 471, 409 and 120-B of the Indian Penal Code (IPC). He was arrested in October last year.

Seeking bail in the case, the applicant's counsel submitted that he had been falsely implicated and had no connection with the alleged offences.

It was argued that he had worked with the institution for approximately 12 years and had no criminal antecedents.

It was also claimed that the criminal case was a counterblast to a complaint lodged by his brother alleging the abduction and kidnapping of his wife and their 1.5-year-old child by influential officials of the institution.

The State and the informant opposed the bail applications, contending that the applicant allegedly embezzled more than ₹4 crore from public offerings dedicated to the institution while occupying a position of trust.

They described the alleged offence as a systematic siphoning of religious donations through numerous fraudulent transactions.

They also pointed to the applicant's alleged acquisition of substantial assets and property investments, which they claimed were disproportionate to his modest official salary.

Against this backdrop, the Court rejected both bail applications and directed the trial court to decide the case expeditiously, provided there is no legal impediment.

It clarified that its observations were confined to disposing of the bail applications and would not affect the merits of the case at trial.

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