
(2014) 12 P&H CK 0156

In the Punjab And Haryana At Chandigarh

Case No : C.W.P. No. 7345 of 2014 and C.R.M. M-9195 of 2014

Dalip Kumar Jha and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 01-12-2014

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 9, 92
Constitution of India, 1950 — Article 14, 14, 15, 16, 16
Criminal Procedure Code, 1973 (CrPC) — Section 154, 174, 176, 236, 482
Evidence Act, 1872 — Section 50
Registration of Births and Deaths Act, 1969 — Section 2(b)
Transplantation of Human Organs and Tissues Act, 1994 — Section 2(d), 2(e)

Citation : (2015) 1 RCR(Criminal) 1

Hon'ble Judges : M.M. Singh Bedi, J

Bench : Single Bench

Advocate : R.S. Bains and S.P. Soi, Advocates for the Appellant; Reeta Kohli and Hanspal Virk, A.A.Gs, Advocates for the Respondent

Judgement

M.M. Singh Bedi, J.—This Court has been called upon to adjudicate the conflict whether the belief and practice of the followers of spiritual personality Sh. Ashutosh Ji Maharaj that he has been in state of "Samadhi" despite having been declared clinically dead, would constitute an essential and integral part of religion for claiming the protection under Articles 25 and 26 of the Constitution of India. Dalip Kumar Jha, petitioner, has approached this Court for enforcement of his religious belief that being son of above said Godman, he has got right to dispose of the body as per the religious rituals. I intend to dispose of C.W.P. No. 7345 of 2014 and CRM M-9195 of 2014, as common question of law and fact has been raised in both the petitions and these have been ordered to be heard together.

2. C.W.P. No. 7345 of 2014 has been filed by petitioner Dalip Kumar Jha seeking issuance of a writ in the nature of Mandamus directing the respondents to handover the body of his father Shri Ashutosh Ji Maharaj @ Mahesh Jha, which has been retained by the members of Divya Jyoti Jagriti Sansthan, respondent

No. 3 under the patronage of State authorities for performing the last rights. He has also sought a direction to respondent No. 2 to initiate investigation in the circumstances regarding the death of his father.

3. CRM M-9195 of 2014 has been filed by Puran Singh claiming himself to be the Driver of Ashutosh Maharaj Ji for a direction that the unnatural death under suspicious circumstances of Mahesh Jha, @ Ashutosh Maharaj Ji should be inquired into and post mortem should be conducted and if something comes out suggesting commission of offence, matter should be investigated, in accordance with law.

4. Briefly stated the facts pleaded by the petitioners in their petitions relevant for adjudication of the controversy are that petitioner Dalip Kumar Jha in C.W.P. No. 7345 of 2014 claims himself to be son of Late Sh. Ashutosh Ji Maharaj who was a world renowned religious preacher and died on the intervening night of 28th/29th January 2014 at his Ashram in Nurmahal, Jalandhar, Punjab, under doubtful and mysterious circumstances. Maharaj Ji was born as Shri Mahesh Jha in the year 1946 at Village Lakhnaur, Police Station Lakhnaur, District Madhubani, Bihar out of the loins of Shri Devanand Jha and Smt. Padmavati. After completing his studies Sh. Mahesh Jha became a religious preacher assuming the name of Vedpravaktanand. Subsequently Sh. Vedpravaktanand founded the Divya Jyoti Jagriti Sansthan, for short "the DJJS", in the year 1983 and made Punjab the centre of his activities. Despite repeated threats, during the period of militancy he continued his spiritual mission and later assumed the name of Ashutosh Ji Maharaj and made Nurmahal, Jalandhar as his base. Being inspired by his spiritual work, several renowned people joined his mission. People contributed generously for his mission. He, as per assertion in the writ petition, at the time of his death, left moveable assets worth hundreds of crores and immovable assets worth thousands of crores of rupees in the Public Charitable Trust "Divya Jyoti Jagriti Sansthan". Several of the trustees wanted to misappropriate the assets but that was prevented by Maharaj Ji, who was a preacher but has not renounced the world by taking to Sanyas. He was in constant touch with his family since the year 1999. The petitioner was on visiting terms to Nurmahal Ashram. Maharaj Ji was a great Yoga practitioner without any ailment. Though he was hale and hearty but he suddenly reported to have sat on "Samadhi" (Deep Meditation). Petitioner pleaded that "Savikalp" or reversible "Samadhi" generally lasts for a few hours only. As per authentic texts on Yoga and opinion of great sages and yoga practitioners, the body is not subject to any kind of deformation or decay during Samadhi. Media reports dated February 3, 2014 and February 7, 2014 have been appended pertaining to the controversy in the difference of opinion between the innumerable disciples who believed that Maharaj Ji was not dead but was in "Samadhi", a state of deep meditation, although the doctors had declared the godman clinically dead on January 29, 2014. As per the press reports, the body was kept in open for a week but as the signs of decomposition started it was put in a refrigerator. The petitioner learnt about the alleged "Samadhi" of his father and made arrangements to visit

Nurmahal Ashram but as soon as the report his visit to Nurmahal Ashram flashed in National media, he started getting threatening calls on his mobile phone. The petitioner was threatened to go back and was not allowed any access to see his father. The petitioner claimed that the reports came out regarding the act of siphoning of moveable assets. He claimed that Maharaj Ji has not died a natural death but he suspected foul play behind his death by poisoning. The petitioner has pleaded that he came to learn that Puran Singh, the driver of Maharaj Ji has filed a criminal writ petition bearing C.R.W.P. No. 169 of 2014 without any positive outcome of the same. The medical certificate was produced in the file of the said writ petition by State of Punjab to the effect that Maharaj Ji was clinically dead. The petitioner was in constant fear of threat to his life. On account of his limited means, he approached the Government of Punjab through the Government of Bihar by first writing a communication dated February 7, 2014 to Divisional Commissioner, Darbhanga, Bihar, annexure P-3. He claims that he approached Government of Punjab through Binod Kumar Singh, a member of Bihar Legislative Council seeking the mortal remains of Maharaj Ji. The petitioner meanwhile, came to learn about the dismissal of the criminal writ petition vide order dated February 11, 2014, annexure P-5. Petitioner also lodged a complaint with Lakhnaur Police Station, Madhubani, Bihar, copy of which has been appended as annexure P-6. He also wrote a letter to Principal Secretary to the Government of Bihar mentioning therein the threat perception for him and pleaded that mortal remains of Maharaj Ji be sent to Bihar but the State of Punjab has not sent any reply to Government of Bihar or to the petitioner. Copy of the letter written by Principal Secretary, Home, Bihar dated February 15, 2014 has been appended with the petition as annexure P-7. The petitioner apprehends a great threat to his life on account of huge assets left by Maharaj Ji. Element of greed has been attributed to inmates of Ashram and trustees of DJJS. Despite repeated requests, the State of Punjab abstained from investigating the matter. The mortal remains of the deceased are not being sent for post mortem to determine the real cause of his death. As there was threat to the life of the petitioner, he had approached the Apex Court under Article 32 of the Constitution of India. Said petition was disposed of as withdrawn with liberty to the petitioner to approach this Court. Copy of the order passed by the Apex Court has been appended with the petition as annexure P-8. Petitioner claims that all persons responsible for the death of Maharaj Ji should be punished under due process of law. His right under Article 21 of the Constitution of India has been infringed. He has been denied constitutional right of equality before law and equal protection of laws. The State has failed in its duty to investigate the information pertaining to the death of Maharaj Ji. The abstinence by the State is abstinence from securing equal protection of law from the petitioner guaranteed under Article 14 of the Constitution of India. Petitioner claims that he has got absolute right under Article 25 of the Constitution of India of freedom of Conscience and State is duty bound to prevent and remove any illegal obstructions in exercise of his fundamental right and discharge of his religious obligations. Petitioner claims that a dead person is also entitled to protection under Article 21 of the

Constitution i.e. dead body has to be respected and dealt with dignity for its disposal. Petitioner claims his constitutional right under Article 25 of the Constitution claiming that he is free to practice the rituals and ceremonies and as per religious belief he is under social obligation to perform the last rites of the deceased at his native place i.e. Lakhnaur Jhanjarpur, District Madhubani, Bihar. Petitioner claims that the State is duty bound to get the matter investigated as there is reasonable suspicion that death of Maharaj Ji was unnatural. It is unreasonable and illegal action of the local administration not to release the mortal remains of Maharaj Ji which is violative of guarantee assured under Article 25 of the Constitution of India. The petitioner prays that a writ of Mandamus should be issued directing the respondents to make necessary arrangements to hand over the mortal remains of his late father to him and that investigation into the circumstances of death of Maharaj Ji should be ordered.

5. Written statement has been filed on behalf of State through DIG (Administration) contesting the writ petition on merits as well as by raising preliminary objections. The status of the petitioner as son of Maharaj Ji has been denied. It is asserted that Maharaj Ji having renounced his family was staying in Sansthan and never had any sort of relationship or contact with his family members. The petition is not maintainable on account of earlier petitions having been dismissed. A habeas corpus petition filed by Puran Singh seeking the release of Maharaj Ji was dismissed on February 11, 2014 being not maintainable. Mohinderpal Singh had filed a public interest litigation bearing C.W.P. No. 3393 of 2014 for seeking a direction for taking possession of all the assets belonging to the Dera "DJJS". The said petition was dismissed as withdrawn holding that Public Interest Litigation is not maintainable. Puran Singh filed CRM M-6808 of 2014 seeking a direction for conducting autopsy. It was dismissed as withdrawn on February 24, 2014 with liberty to seek alternative remedy. Another petition filed as C.W.P. No. 5792 of 2014 by Gurmail Singh for a direction and for appointment of High Powered Committee to determine logically the plea of the respondents regarding Maharaj Ji being under Samadhi. In view of said circumstances, a preliminary objection has been raised questioning the maintainability of the petition. Objection has been raised by the State that followers of Maharaj Ji are in lacs spread over not only in the country but all over the world. The issue before the Court is of faith and belief of one person alleging to be son of Maharaj Ji vis-a-vis lacs of devotees spread all over the world who are of the firm belief and faith that their Guru is in deep "Samadhi". The issue before the State is of faith and belief of lacs of devotees with which the State agencies at this stage would not like to interfere because it is a fundamental right of belief, faith and religion and interfering in the faith of an individual who is not interfering into other's faith and religion. It is claimed in the objections that the State has got no right and moral authority to interfere in the subject as faith and belief of the devotees cannot be judged through any judicial scrutiny. It is claimed that deceased was a Sanyasi and could not have been cremated. It has been pleaded that during the pendency of CRM M-9195 of 2014, a detailed

inquiry was conducted on the directions of the High Court in the clinical death of Maharaj Ji by SHO, by associating not only DJJS but also Puran Singh. Copy of the detailed inquiry report has been appended as annexure R-2. It is averred by the respondent State that as per the statements of the witnesses, open and discreet inquiry, there was nothing to indicate during inquiry that death of Maharaj Ji was unnatural or that it required any action under Section 174 Cr.P.C. None of the members of the Sansthan had any suspicion regarding the death of Maharaj Ji. So far as claim of post mortem is concerned, it is pleaded by the State that faith of the followers of Maharaj Ji that he being in "Samadhi" will wake up, will be shattered. In view of detailed inquiry having been conducted, no issue survives regarding any suspicion in the death of Maharaj Ji. It is pleaded in the written statement that the Memorandum of Association of Divya Jyoti Jagrati Sansthan categorically spells that the Society is registered under the Society Registration Act, 1860 and the affairs of the society are being run by the Governing Body comprising of seven members. No movable or immovable property stands in the name of Maharaj Ji or any other individual. The State has sent a letter annexure R-3 dated August 19, 2014 to the Principal Secretary, Department of Home, Patna by virtue of which the petitioner has been informed that the matter is sub judice in Punjab and Haryana High Court as such no action can be taken for the time being. In view of said circumstances, the dismissal of the petition was prayed for.

6. Divya Jyoti Jagrati Sansthan, respondent No. 3 has filed written statement through Narinder Singh, authorized signatory of said Society claiming that DJJS is a Society registered under the Societies Registration Act and that Maharaj Ji is the Guru who preaches and illuminates the life of crores of his devotees and disciples. However, no moveable or immoveable properties are in the individual name of Shri Ashutosh Maharaj Ji nor in the name of any other individual of the organization. There are 350 ashrams of the Society and the followers of Maharaj Ji are in crores not only in India but throughout the world. All these Ashrams are governed, run and managed by the Society. The writ petition has a direct bearing on the faith and belief of crores of the followers, devotees and disciples of Maharaj Ji. The locus standi of petitioner has been challenged Any indulgence granted at the instance of the petitioner in respect of Maharaj Ji, would not only amount to very negation of the pious faith and belief of such devotees/followers but would also lead to a berserk situation to peace and harmony. It is claimed by DJJS that when the news regarding Samadhi of Maharaj Ji was published in various newspapers, various petitions were filed before this Court. A CRWP No. 169 of 2014 was filed for release of body of Maharaj Ji which was dismissed by a detailed order dated February 11, 2014 observing that writ petition was not maintainable. One PIL bearing C.W.P. No. 3393 of 2014 was dismissed on February 24, 2014. CRM M-6808 of 2014 filed by Puran Singh was dismissed as withdrawn with liberty to avail alternative remedy vide order dated February 24, 2014, 4th petition was filed by Gurmail Singh as C.W.P. No. 5792 of 2014 as PIL which was dismissed on March 26, 2014 being devoid of any merit. Thereafter

Puran Singh again filed CRM M-9195 of 2014. In the said petition, the police has submitted detailed reply/investigation report stating that there has not been any foul play in the matter. In view of the aforesaid multifarious litigation, the petitioner was aware and conscious of the fact that his petition before this Court would not be maintainable for want of locus standi but the petitioner chose a novel method of approaching the Hon'ble Apex Court under Article 32 of the Constitution of India. The plea raised in the said writ petition did not find favour with the Apex Court. The petitioner withdrew the said writ petition with liberty to file the present petition. The above said conduct of proceedings shows that the petitioner not only lacks the locus standi but he completely lacks the bona fide. The claim of the petitioner is based on conjecture and surmises. The present petition is an abuse of the process of law and should be dismissed with costs. The petition involves disputed question of facts which cannot be decided. The petitioner being biological son of Maharaj Ji, has been denied. It has been pleaded that such a fact can be adjudicated only in a regular suit on the basis of documentary and oral evidence to be adduced by the parties. A family chart of the petitioner giving details of relationship has been appended as annexure R-3/5. A reference has been made to interview of the petitioner to India News wherein he had stated that his so-called father had left home one month after the birth of the petitioner. On the other hand, one Bhavendra Jha, who proclaims himself brother of Maharaj Ji had left home when the petitioner was one year old. There being huge contradictions, the claim of the petitioner is a bundle of lies. A CD containing statements of the petitioner has been appended as Annexure R-3/6. Reference was made to one Puran Singh who previously filed various petitions and issued various press statements requesting the sangat to send him money so that he could fight. He also mentioned that the fight he is taking on is not of his alone, but of his entire community. All this shows a deep routed conspiracy of which Puran Singh is a part who is found seeking money through his videos from people in India and abroad to fight against DJJS. A CD containing video recording of statements of Puran Singh has been appended as annexure R-3/7. The petition has been filed in connivance with Puran Singh. Both the them had appeared together in various newspapers making statements against DJJS. A specific stand has been taken by DJJS that Maharaj Ji is in the state of Nirvikalpa Samadhi since the intervening night of 28th and 29th of January, 2014 and his Holiness Ashutosh Ji Maharaj has millions of followers/devotees all over the world, who along with thousand of preachers strongly stand by their faith that the human abode of his Holiness Ashutosh Ji Maharaj should be protected and his state of Nirvikalpa Samadhi should not be disturbed at any cost. It has been submitted that Articles 25 and 26 of the Constitution of India guarantee right to freedom of religion. It is averred that if human abode of spiritual master is put to harm or destroyed by doing cremation, the said action will infringe upon the religious faith and belief of millions of followers all over the world, who earnestly believe that his Holiness Maharaj Ji is in the state of Nirvikalpa Samadhi. It is further pleaded that such action of the State at the behest of the petitioner would be hit by Articles 25 and 26 of the Constitution of India under which the

millions of followers have the fundamental right to ensure that no one should interfere with the Samadhi of Maharaj Ji till the time Maharaj Ji, on his own, regains consciousness and come out of Samadhi when his Holiness so desires. Further pleaded that the spiritual masters and Sanyasis cease to have any communication with biological son and as such petitioner cannot claim the corpus/body of Sanyasi. It is claimed that Maharaj Ji being in Samadhi will be deemed to be alive as such question of performing last rites by petitioner does not arise. It has been submitted that modern scientific mechanical instruments are incapable to detect life symptoms in a Yogi who is in Samadhi nor can any scientific instrument gauge Samadhi, therefore, inability of scientific methods and techniques to detect the state of Samadhi in the human abode of his Holiness Maharaj Ji only manifests in the limitations of the present day science and the same will not make a saint in Samadhi a dead person as saints at their own free will are capable of coming out of Samadhi. It has been averred that Maharaj Ji had entered into a deep Samadhi and had come out many times earlier.

7. On behalf of DJJS it has been pleaded that Maharaj Ji in deep Samadhi has withdrawn his consciousness and senses from the body and lifted his soul to higher astral and/or celestial level. On account of said Samadhi, the body of Maharaj Ji seems to have become lifeless but it is the ultimate and rebound faith of followers of Maharaj Ji that his holiness would return from Samadhi once the pious period of said Samadhi is over. The compendium of literature on Samadhi indicating as to what happens during the period of Samadhi collected from various sources written by different scholars in the field of Philosophy has been appended with the reply as annexure R-3/9. It is claimed that the body of Maharaj Ji deserves to be preserved which is the bounden duty of the said Sansthan and crores of followers of Maharaj Ji. It is stated in the reply that Maharaj Ji has withdrawn his consciousness from the gross body for Samadhi and he is still in communication with lots of his disciples and he communicates with them when they sit in Dhyana. He has communicated to his followers in their Dhyana (Brahm Gyan) that he is in Samadhi and will return at an opportune time. A reference has been made to religious scripture regarding preservation of body as Annexure R-3/10.

8. In R-3/10, a literature regarding preservation of body in Samadhi it has been emphasized stating that for Atma and Prana to manifest back, the preservation of the bodily case is must. Instance of preservation of Brahman Kumar by "Shri Ram", preservation of body of "Jesus Christ", preservation of body of "Saibaba", preservation of body of "Adi Guru Shankaracharya Ji", are referred to. Reference from mythology has been quoted to say that certain yogis got up after 200 years of Samadhi. It is claimed that Samadhi is the highest state of wisdom. It has been pleaded that where medical science ends, there begins the spiritual science. Instances have been quoted when people have been declared clinically dead by doctors and medical surgeons, had returned back to life. It is averred that even the medical science has its limitations. It is pleaded that there are varied

phenomena in nature and cosmos which are either undiscovered or unexplained by the modern science. Literature on the limitations of medical science and other wings of science has been appended as annexure R-3/11. It is further pleaded that though the petitioner has got no locus standi but even if it is presumed that he had any relation with Maharaj Ji, once a person has become Sanyasi, he relinquishes his relations with the worldly affairs and said person has got no past. Literature regarding "Sanyasis" has been appended as annexure R-3/14.

9. Contesting the writ petition on merits, it has been denied that the petitioner is the only son of Maharaj Ji. Rather it has been stated that a saint or perfect master (Puran Guru) takes sanyas only after renouncing the world, which Maharaj Ji has done 45 years back. He had been away from any sort of worldly desires and relations whatsoever. Biological son or other legal heirs do not have any right on the saint or his assets moveable or immoveable after he takes sanyas. The factum of death of Maharaj Ji has been denied and it has been averred that he has been in pious state of Samadhi i.e. deep meditation. Objection has been raised for using of words "late" or "died" for Maharaj Ji. It has been denied that Maharaj Ji was born as Mahesh Jha in the year 1946 at Village Lakhnaur, Madhubani, Bihar. Devanand Jha and Padmavati were not the parents of Maharaj Ji. The silence on the part of petitioner to claim relationship for the first time after 1946 has been pleaded as a circumstance regarding the falsehood of the claim of the petitioner. It is denied that he has got any right to the body of Maharaj Ji. It is pleaded that law does not confer any enforceable right upon him as Maharaj Ji had renounced the world and had no materialistic connections with relations of his pre-sanyasi life. It has been claimed that DJJS was founded in 1983. He did not have any other name. Since 1976, none of the disciples or preachers had ever come across any family member of Maharaj Ji. Maharaj Ji had always preached that spiritual masters should be known by their Brahma Gyan i.e. capacity of giving his profound knowledge of God or making one experience, God at the time of initiation. Thousands of preachers have taken to Sanyas under the spiritual guidance of Maharaj Ji and they had left their home and severed family and worldly connections and are spreading this profound knowledge of God amongst the people. The followers of Maharaj Ji who have taken sanyas are intellectuals being Engineers, Chartered Accountants, MBAs, Doctors, Lawyers and Scientists etc. who have dedicated their lives for the higher cause of world peace. Instances of Adi Guru Shankaracharya Ji has been quoted to say that he had left his body and entered the body of a King for one year and thereafter he came back and resumed his body. During one year his disciples protected the pious body of Adi Guru Shankaracharya. This instance is quoted in annexure R-3/12. Claim of the petitioner that he had visited Noormahal Ashram has been specifically denied to state that none, in Noormahal Ashram had received any communication from the petitioner. He had never visited DJJS ever since it was established. It is pleaded in the written statement of respondent No. 3 that Punjab Police and CRPF have been deputed to give security cover to Maharaj Ji since the year 2002 and that everything was in the knowledge of

security agencies of Punjab Police. The police had already reported that there has not been any foul play and that DJJS is being run smoothly by submitting accounts and returns, in accordance with law. Bona fide of the petitioner has been doubted in the reply. Claim of the petitioner that being son of Maharaj Ji he has got a right to perform the last rites is denied. He does not have any protection under Articles 25 and 26 of the Constitution of India as biological son, as per custom, cannot perform last rites of saint father as father no longer remains biological father rather saint becomes a spiritual father of all the masses and only disciples have the privilege of doing the last rights of a saint but it has been reiterated that Maharaj Ji is in Samadhi. It is pleaded that Maharaj Ji being in Samadhi, the millions of followers are entitled for protection from the State under Articles 25 and 26 of the Constitution of India i.e. no one can causes harm to the human abode of Maharaj Ji. It is averred that petitioner is hurting the religious sentiments of millions of followers and thousands of preachers/sanyasis in the Ashram by calling the pious state of Samadhi as death and repeatedly claiming for the last rites everywhere, which is infringement of right to faith and religious practices guaranteed by Article 25 of the Constitution of India. It has been admitted that the medical team had declared Maharaj Ji as clinically dead but at the same time report of the authorities, to the effect that there is no foul play, has been relied upon by the respondents.

10. Few followers, namely, Sadhvi Tapeshwari Bharti, Sadhvi Parma Bharti, Swami Amitesh and Swami Radhakrishnanand have moved a misc. application to intervene and filed written statement. They have pleaded in the written statement that Maharaj Ji is in "Samadhi" and as per customary laws, the biological son or biological family members ceased to have any relationship with sanyasis. It has been brought to the notice of the Court that the entire assets, properties-moveable or immovable, belong to Divya Jyoti Jagriti Sansthan (Regd. Society) which is maintaining regular audited accounts which are submitted to the concerned Income Tax Authorities on quarterly basis and that in order to contradict the false propaganda made by the petitioner regarding interest of the followers of Maharaj Ji in his moveable and immoveable properties, they have tried to bring it to the notice of the Court that the Society has got about 350 Centers throughout India and abroad. All the Centers are mainly involved in spiritualism and other social and welfare activities in most open and transparent manner. The people highly qualified from the reputed institutions are serving for the Society without any monetary benefits. It is averred in their application that every religion, sect or organization has its own thoughts and beliefs. The followers of Maharaj Ji have firm belief that he is in Samadhi. This can be fortified from various facts and personal experiences of various disciples. It is averred in the application that on many occasions Maharaj Ji had disclosed that he would go into Samadhi as such the followers of Maharaj Ji are of firm belief that he had gone in Samadhi. The philosophy of various authors and scholars has been referred to in an endeavour to persuade the Court to form an opinion that Samadhi is a state where the sense of identity is lost, body and mind becomes

dead to all external impressions. Certain reasons have been mentioned in the application to impress upon the people that Maharaj Ji is expected to return from his Samadhi. The prominent reasons expressed in the application are that Maharaj Ji had specifically told many of his preachers including the applicants about his going away in mystical way of Samadhi and his assured return. He had also predicted that during his Samadhi, his disciples will suffer from various challenges and problems. In his poems and compositions, his Holiness had predicted about future events which he had foreseen. He had predicted the Uttarakhand tragedy in one of his compositions and it came true. Similarly he predicted many things including challenging times which his disciples will face while he is away. Certain interactions and predictions which are foundations of the faith and firm belief that Maharaj Ji is going to return sooner or later, have been mentioned in the application of the followers, quoting certain precedents of various sages who had gone into Samadhi. It is the belief of the followers of Maharaj Ji that he would return from Samadhi and it was the duty of his disciples to take care of his body till he returns. It is averred in the application that the applicants want to apprise the Court on the facts, scriptural evidences and scientific relevance and approval of Samadhi where Yogi appears practically dead to the outer world.

11. Considering themselves well-versed with the topic of Samadhi, the applicants Sadhvi Tapeshwari Bharti, Sadhvi Parma Bharti, Swami Amitesh and Swami Radhakrishnanand have asserted that Maharaj Ji is a perfect spiritual master and the spiritual masters and Sanyasis cease to have biological families once they renounce the world and take the path of spirituality. They claimed that it is customary law and well recognized religious practice that the mundane relationships, responsibilities and duties of the persons taken to Sanyas comes to an end and so ends the rights of the biological son to lodge claim over the body and properties of the Sanyasi. Petitioner being biological son of Maharaj Ji has been denied. Claiming themselves to be spiritual sons and daughters of Maharaj Ji, it has been claimed that they have got preferential and better rights over the human abode of Maharaj Ji and the issue of handing over the human abode of Maharaj Ji do not arise in view of preferential right of the applicants. The human abode of Maharaj Ji should remain with the applicants. The locus of petitioner has been challenged.

12. The matter was taken up on different dates of hearings. The petitioner had moved an application to place on record annexures P-9 to P-16 as additional documents vide CM 13022 of 2014, that name of father of petitioner is recorded by Sarpanch on February 15, 2014 and in the electoral roll name of petitioner is recorded as son of Mahesh Jha. Annexure P-11 is a certificate dated August 24, 1988 indicating the birth certificate of the petitioner showing his date of birth as July 8, 1972 and passing 10th standard examination from D-High School, Lucknow in 1988. Bank statement of petitioner indicating his address has been sought to be placed on record as annexure P-12. Land possession certificate and affidavits of Sarpanch Ranjana Devi and Jiten Jha are to the effect that petitioner

is the only son of Navedi Devi and Mahesh Jha. Annexure P-16 has been projected as a letter alleged to have been written to the petitioner by Maharaj Ji, shown to have been posted vide registered letter receipt dated April 29, 1999, issued from Patiala by postal authorities. Contents of letter annexure P-16 show that in the type written letter the train to be boarded from Patna to Jalandhar and various addresses of Maharaj Ji have been mentioned.

13. On the basis of the arguments raised on behalf of counsel for the petitioner as well as counsel for the respondents and the pleas raised by the followers of DJJS, the controversy involved in the case can be adjudicated under the following questions of law:-

1. Locus standi of the petitioner in context to the material made available on the record and the relevant law on the subject;
2. Maintainability of the writ petition and determination of religious rights of the contesting parties under Articles 25 and 26 of the Constitution of India;
3. Present biological status of Ashutosh Maharaj Ji as per the material available on the record;
4. Mode of disposal of the body of Maharaj Ji in case he is medico legally declared to be clinically dead or under suspended animation i.e. in "Samadhi";
5. Legal analysis of the claim of the parties, preservation of the body in context to the constitutional right under Articles 25 and 26 of the Constitution of India;
6. Locus standi and right of Puran Singh in CRM M-9195 of 2014 seeking post mortem on the body of Maharaj Ji and investigation;
7. Conclusion and relief.

1. Locus standi of the petitioner in context to the material made available on the record and the relevant law on the subject:

14. The petitioner has approached this Court to exercise his right to claim the body of Maharaj Ji in the capacity as son of Mahesh Jha resident of House. No. 348, Village and PO Lakhnaur, District Madhubani, registered as voter as per record of Election Commission of India at Place Jhanjharpur. As per annexure P-9, his ID Card, he was 22 years of age on January 1, 1995, meaning thereby that he was born in 1973.

15. Presuming his date of birth as 1973, his expected age in the year 2014 will be 41 years. His mother as per annexure P-10, photocopy of the voter's card, is Navedi Devi, aged 40 years in the year 1995. Her age in the year 2014 is expected to be 59 years. School certificate annexure P-11 has been placed on record indicating that the date of birth of petitioner is July 8, 1972 having passed middle examination in the year 1988. Annexure P-12 indicates that he has a saving bank account in Jhanjharpur w.e.f. February 8, 2011. Annexure P-14 is the affidavit of one Ranjana Devi aged 40 years, Mukhiya of Village Lakhnaur,

West Gram Panchayat, stating that she knows Navedi Devi wife of Mahesh Jha @ Ashutosh Maharaj and that the petitioner is the only son of Navedi Devi and Mahesh Jha. Mahesh Jha @ Ashutosh Maharaj after birth of his son Dalip Kumar Jha went out of the house for earning livelihood and thereafter he never returned home. She has stated in the affidavit that Mahesh Jha @ Ashutosh Maharaj is the husband of Navedi Devi and father of Shri Dilip Kumar Jha. The said Ranjana Devi has mentioned her age as 40 years whereas the petitioner is more than 40 years of age. She does not appear to have any personal knowledge regarding the relationship of petitioner with Maharaj Ji. She was born after Maharaj Ji had left his village in 1972. The affidavit annexure P-14 appears to have been procured to mislead the Court.

16. Similarly there is a declaration of Jeetan Jha, aged 49 years resident of District Madhubani who has stated as under:-

"3. That Late Sh. Bhakti Nath Jha was having the only daughter Smt. Nabedi Devi who was married as per Hindu Rites in the year 1968 in Village Lakhnour Post Office Lakhnour PS Lakhnour, Tehsil Lakhnour Sub-Division Jhanjharpur, District Madhubani with the third son of Late Sh. Devanand Jha who was named Sh. Mahesh Jha. After the marriage they cohabited as husband and wife for about 4 years in village Lakhnour as wife of Mahesh Jha and during this period, a son Sh. Dilip Kumar Jha was born in the year 1972 out of his loins.

4. Immediately after the birth of a son Sh. Mahesh Jha left his parents and wife and his son and society of the village and after leaving his relatives he left for preaching Sanatan Dharm and went out of the village.

5. That since the year 1972 Sh. Mahesh Jha remained out of the village. During this period several members of his family have expired.

6. That after the year 1972 when his only son Dalip Kumar Jha attained the age of discretion, he started searching for him and in the year 1999 he came to know about the whereabouts of his father Sh. Mahesh Jha founder of Divya Jyoti Jagriti Sansthan who had named himself as Sh. Ashutosh Maharaj.

7. When Sh. Dilip Jha son of my sister came to know about it, he disclosed the same to his mother Smt. Nabedi Devi who both came to me in my village Lohna and disclosed about this fact to me and I being the only maternal uncle started helping my nephew for search of the husband of my sister being a guardian of Dilip Kumar Jha.

8. That first of all we enquired about the Phone No. 182642203 of Divya Jyoti Jagriti Sansthan, Jalandhar and on this number my nephew talked to Sh. Mahesh Kumar Jha and took appointment to see him and in the year 1999, the place of meeting was fixed at Delhi in Plot No. 3 Pocket D, SM Pritampura Vistar, Delhi, Phone No. 011-7027878.

9. That during the year 1999, I alongwith my nephew went to Delhi and stayed with Sh. Bhavendra Jha who is younger brother of Mahesh Kumar Jha in Delhi,

Pritampura Rohini, Sector - 14 and after a thorough enquiry, I and Dr. Sh. Bhavendra Jha and Dalip Jha, all the three went to Pritampura as disclosed above and met Sh. Mahesh Jha and appraised him about the latest position of his family village and society and requested him to come back but he did not agree to change his way.

10. That in the year 1999, I and my nephew and Dr. Bhavendra Jha younger brother of Mahesh Jha had several meetings and conversations on telephone continuously with Sh. Mahesh Jha. He gave me affection of a brother-in-law and he gave my nephew affection of a son and he gave affection of a brother to his younger brother Dr. Bhavendra Jha."

17. He has executed this affidavit on September 20, 2014 during the pendency of this petition, after the petitioner was questioned regarding providing prima facie evidence about his relationship with Maharaj Ji on the basis of the conduct as required under Section 50 of the Evidence Act. On the face of it, affidavit of Jeetan Jha who is 49 years of age in 2014 is indicative of the fact that he was born in 1965. He would be of 2/3 years of age when Navedi Devi allegedly married to Mahesh Jha. His affidavit having been procured during the pendency of the petition and he having not attained the age of discretion when Mahesh Jha allegedly married Navedi Devi, is on the face of it an attempt to mislead the Court. The relationship and marriage of Maharaj Ji with Navedi Devi and petitioner as son could have been established by some material which is admissible in evidence under the law. It is interesting to note that birth Certificate of the petitioner which could have easily be obtained from the Registrar of Births and Deaths, has not been obtained or produced. The date of marriage remains an uncertainty. As per Section 50 of the Evidence Act, when the Court has to form an opinion as to the relationship of one person to another, the opinion, expressed by conduct, as to the existence of such relationship, or any person who, as a member of the family or otherwise, has special means of knowledge on the subject, is a relevant fact: Opinion on relationship, is relevant, when the Court has to form an opinion as to the relationship of one person to another, the opinion, expressed by conduct, as to the existence of such relationship, or any person who, as a member of the family or otherwise, has special means of knowledge on the subject, is a relevant fact. Though in the exercise of jurisdiction under Article 226 of the Constitution of India, it was not necessary for this Court to enter into the disputed question of fact regarding the date of birth of the petitioner or his relationship to Navedi Devi or Mahesh Jha who is stated to be Maharaj Ji but since the disputed question of fact required to be determined prima facie on the basis of the material produced by the petitioner, it became incumbent for this Court to exercise the jurisdiction to prima facie examine the disputed question of fact regarding the relationship of the petitioner, and Mahesh Jha. It is pertinent to observe here that photograph of Mahesh Jha who had been husband of Navedi Devi and father of petitioner, has not been brought on the record. No proof regarding the identity of Mahesh Jha claiming to be father of the petitioner has been brought to the notice of the

Court. It is not absolute bar for High Court in exercise of jurisdiction under Section 226 of the Constitution of India to enter into the controversy regarding seriously disputed question of facts some time in view of judgment of Supreme Court in ABL International Ltd. and Another Vs. Export Credit Guarantee Corporation of India Ltd. and Others, . The present writ petition could not have been rejected solely on the ground that the petitioner has got an alternative remedy of approaching Civil Court as the major issue involved in this case pertains to determination of right of belief and conscience regarding status of body of Maharaj Ji.

18. Annexure P-16 is a letter written in vernacular purported to have been sent by Maharaj Ji on April 24, 1999 by registered post to the petitioner. The said letter alongwith envelop has been produced on the record during the course of hearing of the proceedings. The said letter was allegedly written by Maharaj Ji from Noormahal to the petitioner saying that he missed his son and his wife but expressed his remorse for having left them in anger. It is mentioned in the application that for previous few years, Maharaj Ji remained in Delhi, after he became a saint and was named as Ved Pravaktanand. Thereafter he formed his own institution Divya Jyoti Jagriti Sansthan. In the said letter, it is mentioned that he had named himself as Ashutosh Maharaj and resided in Chhimbiyan Mohalla, District Jalandhar where the petitioner could reach by train by boarding it for Jalandhar which is available from Patna. Howrah-Amritsar Mail or Howrah-Amritsar Express coming from Patna to Jalandhar. It is mentioned in the letter that Bus service is available from Jalandhar to Noormahal and that the petitioner was invited by Maharaj Ji by giving his address and phone number. Seven addresses of different places i.e. Jalandhar, Faridkot, Ludhiana, and Delhi had been mentioned. A photo alongwith the letter was also sent for the convenience of the petitioner.

19. On asking of the Court, the original letter and the original affidavits have been placed on record. The photograph of Maharaj Ji which appears to be a coloured print from another photograph, has also been handed over. A perusal of the letter indicates that contents are typed in Hindi on an electronic type writer. It is framed as an official letter with signatures of Maharaj Ji with a date mentioned as 24.4.1999. The envelope indicates that it was posted from Patiala. It is not understood as to how letter sent from Noormahal, Jalandhar was posted by registered post from Patiala. The name of sender and recipient is not mentioned in the receipt pasted on envelop. Letter is apparently a forged document which does not inspire confidence. Even otherwise, disputed question of fact regarding the author and recipient of the letter cannot be gone into by this Court in the exercise of jurisdiction under Article 226 of the Constitution of India but prima facie the letter appears to be a crude piece of forgery, tailor made to suit the requirement of the occasion, to help the petitioner.

19A. So far as affidavits are concerned, as discussed above, these have been procured to help the petitioner. These have been prepared during the pendency

of the writ petition after questions were asked to the petitioner regarding the opinion of any person having special means of knowledge as expressed by conduct to establish relationship between petitioner and Maharaj Ji, as discussed above. These are not of much relevance to determine the relationship.

20. Though the jurisdiction vests in a Civil Court under Section 9 of C.P.C. to determine the relationship between the petitioner and Maharaj Ji but since the claim has been raised regarding relationship, an attempt has been made to prima facie scrutinizes the material placed on the record in context to Section 50 of the Evidence Act. Said Section enacts that when Court has to ascertain a question of relationship between two or more parties, at the hand of any person having special means of knowledge as expressed by conduct would be admissible in evidence. In order to admit any evidence under Section 50 of the Indian Evidence Act, it is required to fulfill three conditions i.e. (1) The person must be proved to have special means of knowledge; (2) (a) the opinion alone is evidence; (b) the opinion as expressed by conduct only is evidence; or in other words, (i) conduct only can be given in evidence; (ii) from the conduct given in evidence, the Court is to see whether it is the result of any opinion held by the person; and (3) the opinion which is relevant must be the one as to the existence of the relationship. The opinion may be of a member of the family, or an outsider: it is enough if he has special means of knowledge on the subject.

21. As discussed hereinabove, the affidavits have been produced of the persons who were not existing at the time when Maharaj Ji had left his native place. None of the persons has come forward to prove the conduct of Maharaj Ji or to establish the conduct that the petitioner had been seen with Maharaj Ji on any family gathering i.e. occasion of marriage, occasion of birth of any one in the family or on any other function of the family. It is thus held that prima facie there is no material available to satisfy this Court that the petitioner is the son of Maharaj Ji having a right to claim the body. Nothing said in this context will prejudice the right of the petitioner to establish his relationship in accordance with law by approaching the Court of competent jurisdiction to decide disputed question of fact. Any observations made in this case is only in context to the right of the petitioner to claim the body of Maharaj Ji.

22. In view of the above circumstances, this Court is of the opinion that petitioner does not have any locus standi to file the present petition having not been able to prima facie establish his relationship with Maharaj Ji. He might be son of one Mahesh Jha but whether said Mahesh Jha is Ashutosh Maharaj Ji, cannot be presumed while deciding this petition under Articles 226 of the Constitution of India. Any observation made will not prejudice the right of the petitioner regarding the inheritance and claim of succession of Maharaj Ji, in accordance with law, by establishing relationship.

23. The exercise of jurisdiction to determine the relationship had been necessitated on account of the document relied upon by the petitioner and the plea taken by the petitioner to establish his relationship with Godman Ashutosh

Maharaj Ji.

2. Maintainability of the writ petition and determination of religious rights of the contesting parties under Articles 25 and 26 of the Constitution of India:

24. The claim of the petitioner warrants adjudication of few facts like whether petitioner is the biological son of Maharaj Ji son of Devanand Jha, born out of his wedlock with Navedi Devi resident of Village Lakhnaur, Tehsil Lakhnaur, Sub-Division Jhanjharpur, District Madhubani; whether he was married to Navedi Devi in the year 1968; whether Dalip Kumar Jha was born in the year 1972 out of the loins of Mahesh Jha; whether Mahesh Jha left his parents, wife and petitioner and other friends and relatives for preaching Sanatham Dharam; whether the relationship of petitioner to Mahesh Jha being his son is substantiated by sufficient evidence from the opinion of the persons who had special means of knowledge regarding the conduct of the parties; whether Mahesh Jha, father of the petitioner is Ashutosh Maharaj who had founded "DJJS"; whether Jiten Jha son of Bhakti Nath Jha is maternal uncle of petitioner; whether Bhirinder Jha resident of Pitampura, Rohini is brother of Mahesh Jha and had been in touch with Mahesh Jha @ Ashutosh Maharaj of DJJS; whether Maharaj Ji had been in contact with the petitioner; whether Ranjana Devi who is aged only 40 years and Jeetan Jha who is aged around 50 years are related to Mahesh Jha; what is the legal status of DJJS; what are the aims and objectives of the Society; whether the society owns property; whether the petitioner has got any legal enforceable right to seek any mandamus against the State for claiming the body of Maharaj Ji in the capacity of near relative; whether the body of Maharaj Ji is a property within the meaning of civil law and provisions of Article 26(2)(d) of the Constitution of India; whether any legal right of the petitioner stands infringed under Articles 14, 16, 25 or 26 of the Constitution of India; whether the followers of DJJS have got a religious right under Articles 25 and 26 of the Constitution of India; whether the belief of followers of Maharaj Ji that he is in Samadhi i.e. deep Meditation is an integral part of religion; whether scientifically the body maintained under refrigeration in DJJS deserves to be declared alive despite the medical report that he is clinically dead from January 29, 2014; whether provisions of Section 92 C.P.C. debar civil suit as well as the present writ petition; whether the petitioner as well as the followers of Maharaj Ji are entitled to protection of Articles 25 and 26 of the Constitution of India which articles are not only confined to the doctrine of right of belief is extended to the acts done in pursuance of religious and guaranteed rights for rituals, observances, ceremonies which are essential part of religion; whether the belief of petitioner and followers of Maharaj Ji constitute an integral or essential part of religion; what constitute an integral or essential part of religion with reference to the doctrine practices, tenets and historical background of given religion; whether the present dispute enable this Court to exercise discretionary jurisdiction under Article 226 of the Constitution of India; whether the writ petition deserves to be dismissed relegating the parties to avail alternative remedy of getting their dispute resolved as per provisions of Section 9 C.P.C. by a Civil Suit or by availing the remedy

under Section 92 C.P.C. or any other law pertaining to religious endowments; and denominations.

25. No doubt a party can be relegated to avail alternative remedies in case their exists alternative remedy to get their respective rights adjudicated before another forum but peculiar circumstances of the present case where the petitioner is seeking disposal of the body, respondent No. 3 is refusing to the disposal of the body claiming the same to be in Samadhi i.e. under deep meditation and State having raised its hands vide letter dated May 27, 2014, annexure R-3 (Colly) written by Under Secretary Home to the Principal Secretary of Government of Bihar that mortal remains of Maharaj Ji cannot be sent to petitioner for the purpose of last rites by his legal heirs as the matter is sub-judice before the Punjab and Haryana High Court, Chandigarh and no action can be taken for the time being. Instead of postponing the adjudication of respective rights of the parties, it will be expedient in the interest of justice to consider the same and to look into the matter to form an opinion as to what is the religious practice regarding the disposal of a body or mortal remains and whether the retention of body under refrigeration is practice of religious faith according to the tenets of Hindu religion, custom and usage the right protected by Articles 25 and 26 of the Constitution of India, without expression of any opinion regarding the rights, title and interest of the parties in the other moveable or immoveable properties of the DJJS. A question regarding maintainability of a writ petition arose in *Mrs. Sanjana M. Wig Vs. Hindustan Petro Corporation Ltd.*, regarding maintainability of writ petition in matters of violation of public law or fundamental rights. It was held that there is no absolute bar to access to legal remedy under writ jurisdiction merely because there is an alternative remedy available. It was held that if it is a case of violation of public law and the alternative remedy is not effective relief, the writ petition would be maintainable. In the said case the High Court had dismissed the writ petition in limine on the premise that there existing an arbitration clause in an agreement between the parties. The Apex Court observed as follows:-

"12. The principal question which arises for consideration is as to whether a discretionary jurisdiction would be refused to be exercised solely on the ground of existence of an alternative remedy which is more efficacious. Ordinarily, when a dispute between the parties requires adjudication of disputed question of facts wherefore the parties are required to lead evidence both oral and documentary which can be determined by a domestic forum chosen by the parties, the Court may not entertain a writ application. [See *M/s. Titagarh Paper Mills Ltd. v. Orissa State Electricity Board and Another* ((1975) 2 SCC 436) and *Bisra Stone Lime Co. Ltd. and Another Vs. Orissa State Electricity Board and Another*, .

However, access to justice by way of public law remedy would not be denied when a lis involves public law character and when the forum chosen by the parties would not be in a position to grant appropriate relief.

13. A Division Bench of this Court in *ABL International Ltd. and Another Vs.*

Export Credit Guarantee Corporation of India Ltd. and Others, , observed that in certain cases even a disputed question of fact can be gone into by the court entertaining a petition under Article 226 of the Constitution of India, holding:

"28. However, while entertaining an objection as to the maintainability of a writ petition under Article 226 of the Constitution of India, the court should bear in mind the fact that the power to issue prerogative writs under Article 226 of the Constitution is plenary in nature and is not limited by any other provisions of the Constitution. The High Court having regard to the facts of the case, has a discretion to entertain or not to entertain a writ petition. The Court has imposed upon itself certain restrictions in the exercise of this power. (See Whirlpool Corporation Vs. Registrar of Trade Marks, Mumbai and Others, and this plenary right of the High Court to issue a prerogative writ will not normally be exercised by the Court to the exclusion of other available remedies unless such action of the State or its instrumentality is arbitrary and unreasonable so as to violate the constitutional mandate of Article 14 or for other valid and legitimate reasons, for which the Court thinks it necessary to exercise the said jurisdiction."

14. In Harbanslal Sahnia and Another Vs. Indian Oil Corpn. Ltd. and Others, , Lahoti, J., (as His Lordship then was), relied upon Whirlpool Corporation Vs. Registrar of Trade Marks, Mumbai and Others, observing that in an appropriate case, in spite of availability of the alternative remedy, the High Court may still exercise its writ jurisdiction in at least three contingencies: (i) where the writ petition seeks enforcement of any of the fundamental rights; (ii) where there is failure of principles of natural justice; or (iii) where the orders or proceedings are wholly without jurisdiction or the vires of an Act is challenged.

15. We may, however, notice that the Bench did not notice the earlier decisions in M/s. Titagarh Paper Mill Ltd. (supra) and M/s. Bisra Stone Lime Co. Ltd. (supra). However, there cannot be any doubt whatsoever that the question as to when such a discretionary jurisdiction is to be exercised or refused to be exercised by the High Court has to be determined having regard to the facts and circumstances of each case wherefore, no hard and fast rule can be laid down."

26. I have considered the facts and circumstances of this case and I am of the opinion that this Court cannot shirk its duty to consider the rival claims of the parties to decide the controversy which requires expeditious adjudication and determination of constitutional rights claimed by the rival parties under Article 25 and 26 of the Constitution of India pertaining to the body of a religious man having folio wings. Writ petition is maintainable for the following reasons:-

i) The petitioner had approached the Apex Court under Article 32 of the Constitution of India. The said petition was disposed of relegating the petitioner to approach this Court for adjudication of his rights. Evasive approach to take up the adjudication in hand will not be an appropriate act on the part of this Court;

ii) The constitutional rights of the parties under Articles 25 and 26 of the Constitution of India have to be determined as there is precedent of exercising

jurisdiction under Articles 226 and 32 of the Constitution of India on earlier occasions.

27. The question "whether a particular belief or practice is a part of religion" and what constitutes an essential part of religion as per doctrine of that religions, has been adjudicated in a number of cases by Courts.

28. The Court in Commissioner of Police and Others Vs. Acharya Jagadishwarananda Avadhuta and Another, had, in the exercise of powers of writ jurisdiction taken up the controversy whether "Tandav Dance" in public is essential part to Ananda Margi faith. The Court was called upon to adjudicate the scope of protection granted under Articles 25 and 26 of the Constitution. It was held that the said provisions confined to matters of doctrine or belief and also to the acts done in pursuance to religion and contain a guarantee for rituals, observances, ceremonies and modes of worship which are essential and integral part of religion. The Court had exercised its jurisdiction to arrive at a conclusion that Tandava dance in public is not an essential part of Ananda Margi faith. In N. Adithayan Vs. The Travancore Devaswom Board and Others, , it was observed that as to what really constitute an essential part of religion or religious practice has to be decided by the Courts with reference to the doctrine of a particular religion and practice regarding parts of religion. Since the body of a religious personality considered to be a Godman by DJJS has been preserved in refrigeration under the religious belief that Maharaj Ji is in Samadhi and would return to life, it has become important for this Court to determine as to whether said belief constitutes an essential part of religion and whether the said belief or practice is protected under Articles 25 and 26 of the Constitution of India. This Court would be required to adjudicate the said controversy. Writ petition is thus held maintainable.

3. Present Biological status of Ashutosh Maharaj Ji as per the material available on the record:

29. Sh. Ashutosh Maharaj Ji who is the head and founder of DJJS registered as an international social spiritual non-governmental organization under Societies of Registration Act, 1860. It was constituted with a vision for self-awakening to global peace; to usher into a world wherein every individual becomes an embodiment of truth, fraternity and justice through the eternal science of self-realization i.e. Brahm Gyan, uprooting in its wake all social evils and threat. This material has been sought to be brought to the notice of this Court by producing compilation of documents alongwith CM No. 11176 of 2014 highlighting the philosophies and objectives of religious Society DJJS.

30. In brief the objectives which have been mentioned in the documents appended are that Maharaj Ji revealed the eternal science of self-realization "Brahm Gyan to transform the torn and tormented humanity into a peaceful global family by propagating various programmes. For instance

1. Antarkranti - Prisoners Reformation and Rehabilitation Program.

2. Antardrishti - Welfare Program for the Visually and Physically challenged.
3. Santulan - The Gender Equality Program.
4. Both - The Drug Abuse Eradication Program.
5. Manthan - The Holistic Education Program.
6. Sanrakshan - The Nature Conservation Program.
7. Aarogya - The Holistic Health Program
8. Kamdhenu - The Bovine Conservation Program.
9. Samadhan - The Disaster Relief Program.

31. The fundamental tools of self-realization have been mentioned as Divine light, Divine Music, Holy Name and Holy Nectar. A reference has been made to the benefits of Brahm Gyan which have been enumerated as Brain Awakening, Enhancement of Right, Decision Making Power, Increased Productivity, Efficiency and Creativity, claiming that Brahm Gyan is the genesis of transformation. It has been mentioned that Maharaj Ji had undertaken Samadhi for duration ranging from 3, 5, 7 days and he had bestowed his experience of Samadhi (deep meditation) to many of his disciples. It has been claimed by the applicants that Maharaj Ji had told number of his disciples that he would enter in long Samadhi after getting into Brahm Gyan. The belief of the followers of DJJS is that after getting initiated into Brahm Gyan one should sit in meditation and that Maharaj Ji had told his disciples that he will enter into state of Samadhi. Reference has been made to the feelings of a number of followers to the effect that they have seen through their divine vision in dreams that Maharaj Ji has returned from Samadhi. The claim of the said applicants is that there are limitations of medical science as certain yogis have got capabilities of astonishing conscience with their ability to regulate bodily process such as heart beat, blood pressure and body temperature and to return back to life by "yog" in which everything is possible.

32. I have gone through the entire literature put-forth/appended with the petition but do not deem it appropriate to refer to the concept of Samadhi but it is pertinent to mention that earlier Puran Singh, claiming himself to be the Driver of Maharaj Ji had filed a habeas corpus petition bearing CRWP No. 169 of 2014, seeking release of Mahesh Kumar Jha i.e. Ashutosh Maharaj Ji, head of DJJS from illegal and unlawful detention of the members of DJJS, claiming that the detainee had to his credit Rs. 100 crores of cash amount and property worth more than thousand crores of rupees in Dera. In the said petition, notice was issued to Advocate General, Punjab, for February 5, 2014 and a report was sought. A report was prepared on the basis of visit of SHO, Nakodar and Duty Magistrate to the Sansthan on the basis of medical report of three doctors who had attended Maharaj Ji on January 29, 2014. The report revealed the following position on clinical examination by the team of Doctors:-

"All peripheral pulses were absent.

- .Blood pressure was not recordable.
- .No spontaneous respiratory movements.
- .All superficial and deep reflexes were absent.
- .Both pupils fixed and dilated.
- .ECG record showed absence of any electrical activity.

The patient was pronounced clinically dead at 02.15 AM on 29/1/2014 in consultation with all doctors."

33. Narinder Singh, the authorized person on behalf of DJJS, Noormahal had submitted a certificate on the basis of his opinion that Maharaj Ji was in deep Samadhi in Freezer kept in a room. Believing the report of Doctors, this Court had held that Maharaj Ji had not been illegally detained at the time of presentation of the Habeas Corpus petition but he was clinically dead. The habeas corpus petition was dismissed on February 11, 2014, observing that the scope of habeas corpus cannot be extended to issue any directions pertaining to the body which has been declared to be clinically dead.

34. One Gurmail Singh had filed C.W.P. No. 5792 of 2014, (decided on March 26, 2014) in the shape of Public Interest Litigation on the basis of newspaper report desiring to know how Maharaj Ji had gone into Samadhi. He sought a direction that scientific temperament needs to be developed as per the mandate of the Constitution and a high-powered committee should be appointed regarding concept/science/logic/hypocrisy/game plan or any other theory as the case may be pertaining to the Samadhi of Maharaj Ji. The said petition was dismissed with the following orders:-

"The petitioner, stated to be working as a tailor at Ludhiana, has filed the present public interest litigation based on study of newspaper reports as he is desirous of knowing how Shri Ashutosh Maharaj Ji has gone into Samadhi. The petitioner is of the view that scientific temperament needs to be developed as per the mandate of the Constitution and a high-powered committee should be appointed regarding concept/science/logic/hypocrisy/game plan or any other theory as the case may be pertaining to the Samadhi of Shri Ashutosh Maharaj Ji. We find the petition completely devoid of any merit. We are not here to satisfy the quest of knowledge of the petitioner. There is no public interest involved in this matter.

The petitioner is not concerned with Shri Ashutosh Maharaj, as conceded by learned counsel for him.

Dismissed.

Sd/- SANJAY KISHAN KAUL CHIEF JUSTICE

Sd/- (ARUN PALLI), JUDGE"

26.03.2014

35. Puran Singh had also filed CRM M-6808 of 2014 seeking a direction for conducting autopsy which was dismissed as withdrawn on February 24, 2014 with liberty to seek alternative relief. Mohinder Pal Singh had filed a Public Interest Litigation bearing C.W.P. No. 3393 of 2014, praying for issuance a writ in the nature of Mandamus directing the State of Punjab to immediately take over the entire property moveable and immoveable and assets belonging to dera DJJS which was dismissed by Division Bench of this Court with following orders:-

"Learned counsel for the petitioner seeks to withdraw this petition to make a representation to the Government or avail of any civil remedy.

Dismissed as withdrawn.

We make it clear that on this subject matter no Public Interest Litigation would be entertained as no public funds are involved."

36. Puran Singh has filed second petition bearing CRM M-9195 of 2014 for a direction that post mortem should be conducted on the body of Maharaj Ji. Said petition has been ordered to be heard with the present petition and is being disposed of simultaneously.

37. The State has expressed its inability to form any opinion regarding disposal of the body in view of the faith and belief of petitioner claiming himself to be son of Maharaj Ji vis-a-vis lacs of devotees spread all over the world who are of the firm belief and faith that Maharaj Ji is in deep Samadhi. Since the issue before the State is of faith and belief of lacs of devotees, which belief cannot be interfered with as it is the fundamental right of denomination of any sect or religion to have any belief and faith, State has claimed that the faith and belief can neither be interfered by State nor it can be judged through any judicial scrutiny. Uncertainty has been expressed by the State authorities in the light of observations in Shri Krishna Singh Vs. Mathura Ahir and Others, stating that it is a common knowledge that the Sanyasis are not cremated but are buried or their bodies consigned to some river. Various steps have been taken by the State during the pendency of CRM M-9195 of 2014 on the directions of the Court, a detailed inquiry has been conducted regarding the clinical death of Maharaj Ji and probe has been conducted by associating the members of DJJS as well as Puran Singh. The entire report has been appended as annexure R-2. As the detailed enquiry is based on statements of 40/50 people, it will be beneficial to reproduce hereunder for ready reference, the enquiry report, annexure R-2:-

"Police Department District Jalandhar-Rural Subject: Report with regard to the complaints bearing No. 390-Peshi dt. 25.2.2014, 92-B.H. Dated 25.2.2014 and 2/F.M.C. dated 13.03.2014 moved by Puran Singh son of Budh Singh resident of C/175, Ohrian Mohalla Noormehal.

Sir,

It is respectfully submitted that the above mentioned complaints have been moved by complainant Puran Singh son of Budh Singh Rio CI 174, Ohrian

Mohalla, Noormehal under section 154, 174 Cr.P.C. for taking necessary action on the unnatural death of Sh. Mahesh Kumar Jha @ Ashutosh Ji Maharaj, Head of Divya Jyoti Jagriti Sansthan, Noormehal after conducting his post mortem as the State of Punjab in Hon''ble High court of Punjab and Haryana has stated that Sh. Mahesh Kumar Jha @ Ashutosh Ji Maharaj has been declared clinically dead on dated 29.01.2014. Whereas he had died unnatural death in suspicious circumstances. Sh. Mahesh Kumar Jha @ Ashutosh Ji Maharaj was the Chief of Divya Jyoti Jagriti Sansthan, Noormehal and were having 100 Crores of rupees in cash and property more than thousand crore, and due to his unnatural death, his post mortem is very much required to bring out the truth.

For enquiry of the complaint, the complainant Puran Singh above along with proofs and the opposite party of the complaint Sh. Arvinda Nan @ Amarjit Singh son of Mohinder Singh, Mohan Puri son of Rashid, Sh. Sarvanand @ Soni son of Mohni (preacher) Narinder Nand alias Narinder Singh (Non practicing Advocate) and Vishala Nand (preacher) all resident of Dera Divya Jyoti Jagriti Sansthan Noormehal alongwith proofs and witnesses were asked to join the investigation. Both the parties came to join the investigation and both the parties were heard. The complainant Puran Singh above besides his own statement, did not produce any proof or witness whereas the opposite party had submitted other witnesses, proofs and documentary proof etc. along with their own statements, the details of which is as follows:-

1. Detail of statement of witnesses produced by the complainant party

Puran Singh son of Budh Singh resident of CI 175, Orian Mohalla, Noormehal

2. Detail of proof produced by the complainant party (papers and documents)

Nil

3. Detail of statement submitted by the opposite party:

Swami Arvinda Nand Divya Jyoti Jagriti Sansthan, Noormehal

Swami Narindera Nand Divya Jyoti Jagriti Sansthan, Delhi

Swami Sarvanand Soni R/o. Divya Jyoti Jagriti Sansthan, Noormehal

Swami Parmanand Divya Jyoti Jagriti Sansthan, Noormehal

Swami Vishalanand Divya Jyoti Jagriti Sansthan, Noormehal

Swami Mohanpuri Divya Jyoti Jagriti Sansthan, Noormehal

Swami Vishwanand Divya Jyoti Jagriti Sansthan, Noormehal

Swami Rama (Prabhu Ramnanand) Divya Jyoti Jagriti Sansthan, Noormehal

Smt. Kartar Kaur M.B.B.S. Gynecologist Waryatn Singh Hospital Yamuna Nagar, Haryana.

Dr. Ashok M.B.B.S. DOMS Divya Jyoti Jagriti Sansthan, Noormehal

Narinder Singh son of Sohan Singh R/o. Divya Jyoti Jagriti Sansthan, Noormehal

Sh. Lakhvinder Singh Sarpanch R/o. Divya Jyoti Jagriti Sansthan, Noormehal

Gulzar Singh son of Ujagar Singh R/o. Mohalla Chhibian, Noormehal, P.S. Noormehal

Surinder Kumar son of Kundan Lal R/o. Mohalla Chhibian, Noormehal, P.S. Noormehal

Resham Singh son of Ratan Sing R/o. Village Saifabad P.S. Phillaur

Gurdial Singh son of Balkar Singh R/o. House No. 26, Shaheed Bhagat Singh Colony, Moti Nagar, P.S. Moti Nagar, Ludhiana

Swami Aditiya Nand R/o. Divya Jyoti Jagriti Sansthan, Pritampura, New Delhi

Dr. Harpal Singh M.B.B.S. D.A. Anaesthesia Critical Care Specialist Regd. No. PMC 32436 Max Hospital Phase 6 Mohali

S.I. Darshan Lal No. 1034/P.A.P. 27 Battalion Jalandhar

Sh. Om Parkash Kundi S/o. Sh. Ram Saroop Kundi R/o. Mohalla Ohrian Noormehal

Sh. Mast Ram Sharma S/o. Sh. Baru Ram Sharma R/o. Kohlian Mohalla, Noormehal

Sh. Manohar Lal Takiar, Ex-Councilor, Noormehal

Joint statement of Swami Aditiya Nand, Swami Narindera Nand, Swami Parmanand, Swami Vishvanand, Swami Sadanand, Swami Sarvanand, Swami Gurukripa Nand, Swami Giainasha Nand, Sh. Tarsem Singh, Sh. Surinder Kumar, Narinder Singh (Noormehal), Sh. Mast Ram Divya Jyoti Jagriti Sansthan.

4. Details of proof submitted by opposite party (papers or documents)

A. One Photostat copy of affidavit cum apology dtd. 9.5.2000 of Puran Singh son of Budh Singh resident of Mohalla Chhibian, Noormehal attested by Executive Magistrate, Noormehal (which has been produced by Sh. Sarvanand Soni in his statement)

B. Photostat copies of Registration certificate and memorandum (MEMORANDUM OF ASSOCIATION AND RULES AND REGULATIONS OF DIVYA JYOTI JAGRITI SANSTHAN) which has been submitted by Swami Sh. Vishwanand in his statement.

C. Photostat copy of Income Tax return form No. ITR-7 of year 2012-2013 filed on behalf of Divya Jyoti Jagriti Sansthan, Noormehal (which has been submitted by Sh. Raman (Prabhu Ramanand) in his statement.

D. One Photostat copy of affidavit of Puran Singh son of. Budh Singh resident of Mohalla Chhibbian, Noormehal attested by Executive Magistrate, Noormehal (Regarding which the S.H.O. of P.S. Noormehal has obtained the record from Tehsil Complex. Noormehal)

E. Photostat copy Clinically dead certificate of Sh. Ashutosh Ji Maharaj issued by doctors, I.E. Certificate of Apollo Hospital, Ludhiana, Identity certificate issued by Swami Parmanand and Tarsem Singh Criminal Writ No. 169 of 2014 which has been submitted by Sh. H.P.S. Parmar, Ex-D.S.P. in the Hon''ble High court.

During investigation the opposite party Sh. Arvinda Nanda stated that he is dedicated toward Divya Jyoti Jagriti Sansthan, Noormehal since last 22 years and is performing the duties of Spokes Administration. Sh. Ashutosh Maharaj Ji are the executor and establisher of Divya Jyoti Jagriti Sansthan, Noormehal. He had started holistic preaching in the year 1983 and are executing/spreading the holistic and social views in the entire world. Previously also Maharaj Ji used to go in Samadhi. This time, after going in Samadhi of Maharaj Ji, one person namely Puran Singh, who earlier had also involved in anti Sansthan activities, is declaring himself as Driver of Maharaj Ji, which is totally false as no driver was ever appointed by Maharaj Ji in the Sansthan and the Sanyasi persons who are residing in the Ashram are performing the services of driver for Maharaj Ji. Said Puran Singh had moved false complaint in the Hon''ble Punjab and Haryana High court at Chandigarh regarding detention of Maharaj Ji in the Sansthan, on the basis of false hearsay and by misrepresenting the facts, on which the Hon''ble High court intervened into the matter and the complaint filed by Puran Singh was proved to be false. Reason for the same was that Maharaj Ji was in a deep Samadhi and their medical check up was necessary. As per reports of Doctors Sh. Ashutosh Ji Maharaj were declared as clinically dead but the governing body members of Sansthan and million followers are having faith that Maharaj Ji are in deep Samadhi and previously Maharaj Ji also used to go in Samadhi and they had also given indication for the same before going into Samadhi and the followers were asked to fulfill their orders and accordingly they are performing the same and Maharaj Ji will wake up from their Samadhi very soon and will gave their Darshan/meet the Sangat very soon and they all have a great faith in this matter. There is no any second opinion in this as besides this, many Mahapurush/ Maharaj Ji used to go into deep Samadhi/concentration and also wake up like as Shankaracharya, Swami Ram Krishan Param Hans Ji and Sai Baba Ji Shirdi. An affidavit had already been submitted by the Sansthan regarding Samadhi of Maharaj Ji, in the Hon''ble High court of Punjab and Haryana and the question of meeting of Maharaja Ji to the general public after waking up from Samadhi, this is strictly bound by the situation of Samadhi and it is not valid to give permission for the medical check up of their Holy Body so that there no disturbance would arise in the administration. This is the responsibility of Management. Sansthan is being duly cared and looked after by the management with their due services. He had never seen any family member of Maharaj Ji since last 22 years nor Maharaj Ji ever had discussed about the same because as per rules of Sanatan

Dharam, there is no past of any Sanyasi. There is no dispute in existence in the Sansthan presently regarding the property or money. Sansthan is registered under the Society Act and its governing body and general body are looking after the taking care of the Sansthan duly according to Memorandum and Articles of Society and no body is the legal heir of the same. The movable and immovable property is in the name of Divya Jyoti Jagriti Sansthan, Noormehal and not in the name of any person. On 09.03.2014 a Samagam was organized at Sansthan in Noormehal and heavy crowd of followers made their presence in the said Samagam which clearly shows the deep faith of the people.

From the opposite party side Swami Narinderanand above stated that he is purely dedicated towards Divya Jyoti Jagriti Sansthan New Delhi since 1987 and is performing the duties of Secretary of Governing body. Sh. Ashutosh Maharaj Ji are its establisher and executor. Divya Jyoti Jagriti Sansthan is a registered Sansthan Societies Registration Act 1860. It is being run by its Governing body and its main office is in Delhi and branch office is at Noormehal. This Sansthan is a spiritualistic and social Sansthan having its thousands national and international Ashrams. Sh. Ashutosh Maharaj Ji had started spreading his spiritualistic views from one Village Noormehal situated in Punjab State. This Sansthan is continuous working for removal of anti social rituals of society. Under the directions of Sh. Ashutosh Maharaj Ji, in order to prepare great persons in the society, special programs are being run for making Addiction free Society and other complete educational programs. Similarly for awakening of Indian Culture Kaamdheni Gau Sarankshan Programs, Total Health programs are being run. For the development of society special national correction home and rehabilitation homes are being established. Similarly in order to help the national blind section, special programs have been started and agenda against the abortion of girl child has been started and in order to give security to our environment, special programs have been started. In these days one person namely Puran Singh had moved a complaint by declaring himself as driver of Sh. Ashutosh Maharaj Ji, there is no truth in it. The said person has never ever remained as driver in the Sansthan. He always had played fraud in conspiracy with anti Sansthan persons with mala fide intentions and played drama declaring himself as driver of the Sansthan. He is in habit of moving false complaints against the Sansthan. Due to untiring efforts of Sh. Ashutosh Maharaj Ji in the spiritualistic field, well educated persons and high status family's young persons dedicated themselves to the Sansthan and these peoples are serving without any greed of any kind. Sh. Ashutosh Maharaj Ji always is our model and are lightening our paths time to time. Everybody bow himself before such like a great person i.e. Sh. Ashutosh Maharaj Ji. The said person has also made allegations that the Sansthan management have detained Sh. Ashutosh Maharaj Ji. He even does not know that who all are residents of Noormehal, out of them Swami Vishalanand are residing at Delhi Ashram. The name of Narinder Singh Advocate is Swami Narinderanand and he also doesn't know the father's name of servers. From all this, it proves that he never visited the Sansthan and is giving false and

concocted statements. But said Puran Singh by mode of media is continuously criticizing the matter of property of Sh. Ashutosh Maharaj Ji and their estate, which is totally false. There is no dispute of any kind regarding the property of the Sansthan as from the first day, the Sansthan is being run by its governing body. The entire property of the Sansthan is in the name of Divya Jyoti Jagriti Sansthan. The said property is not in the name of Sh. Ashutosh Maharaj Ji nor in the name of its any member. Balance sheet of Sansthan have been prepared annually and continuously auditing is being done. As per rules Income Tax return has been submitted. No property, bank account or assets is in the name of Sh. Ashutosh Maharaj Ji. Then the question of existence of any property or cash dispute does not arise at all. Sh. Ashutosh Maharaj Ji are in trance at present and he already used to in trance previously also. History itself witnessed that there are many great persons like as Guru Shankaracharya Ji, Ram Krishan Param Hans, Swami Paramhans Yoganand Ji, Shirdi wale sai Baba Ji etc., who many time in trance and then awaken. The in trance of a body seems to be a situation like as dead body. Due to non existence of internal powers, the entire biological processes become deactivated. When this situation is tested with science, the result would come zero such as pulse rate, respiration rate E.C.G. etc. On this basis modern science declares the in trance a body to be clinically dead. As such as per version of doctors, however Sh. Ashutosh Maharaj Ji are clinically dead, but their preachers, followers are having strong faith that they are in trance and in such circumstances, it is their duty to look after the holy body of Sh. Ashutosh Maharaj Ji as such the holy body of Sh. Ashutosh Maharaj Ji is being secured by way of Hypothermia and is not against environment. But Puran Singh, by making wrong statements is trying to damage the holiness of Sh. Ashutosh Maharaj Ji. The police administration existing in Sansthan is giving two time report regarding Sh. Ashutosh Maharaj Ji's state and the said building is under CCTV. Many high official of administration had visited place of in trance place of Sh. Ashutosh Maharaj Ji. Puran Singh could not understand the secret of holiness of in Samadhi. Spiritualism is science above of other sciences. This can be understand by only a spiritual master as such said Puran Singh is hurting the feelings of crores preachers and followers and their religious feelings too. He never remained as driver of Sh. Ashutosh Maharaj Ji and by declaring himself as driver of Sh. Ashutosh Maharaj Ji, he is misguiding the peoples and giving false statements under a deep conspiracy and before this said Puran Singh had also submitted his apology in the year 2000 for moving false complaints and the said Puran Singh this time again had filed a false complaint in order to make loss to the holiness body of Sh. Ashutosh Maharaj Ji. Sh. Ashutosh Maharaj Ji is in deep in Samadhi and he is our world. Sh. Ashutosh Maharaj Ji is a spiritual master. Divya Jyoti Sansthan never hides anything. The Sansthan and its followers are having same views regarding in Samadhi of Sh. Ashutosh Maharaj Ji and there is dispute of any kind w.r.t. the property. Being the followers of Sh. Ashutosh Maharaj Ji every person/follower is performing his duty with full dedication. Puran Singh had moved this false complaint in order to get false publicity and with a dishonest to malign the Sansthan. As such the same be ordered to be

cancelled and necessary legal action be taken against him.

From the opposite party side Sh. Sarvanand Soni above stated that he is purely dedicated towards Divya Jyoti Jagriti Sansthan, New Delhi since 1987 and Sh. Ashutosh Maharaj Ji are its establisher and executor. Divya Jyoti Jagriti Sansthan is a registered N.G.O. under Societies Registration Act 1860. Sh. Ashutosh Maharaj Ji had started spreading his spiritualistic views from Village Noormehal. In order to remove of anti social rituals from the society, many workshops have been established. One person namely Puran Singh by falsely declaring himself as driver of Sh. Ashutosh Maharaj Ji from 1988 to 1992, is misguiding the peoples and it is totally false as he is serving in the Sansthan since 1987 continuously and at that time the Sansthan was not having any vehicle so the question of appointment of driver does not arise at all. Nobody has been appointed as a driver in the Sansthan so far. The persons, who dedicated themselves to Sansthan are driving the vehicles of Sh. Ashutosh Maharaj Ji. If he has any proof of driver, he should produce the same. He is playing a drama just to malign the reputation of the Sansthan. He had also submitted a apology letter dt. 19.5.2000 in presence Executive Magistrate, Noormehal that he had moved such false complaint in order to grab money and he also made apology for not doing so in future. But later on he again started his previous acts having greed of money. Puran Singh never remained with Sh. Ashutosh Maharaj Ji and he always states against the Sansthan having conspiracy with the persons who are having enmity with the Sansthan. Some time ago he filed a writ in the high court and stated that Sh. Ashutosh Maharaj Ji are being made prisoner and after verifying the matter, Hon"ble High court had dismissed its petition and made question against his intention that this petition was filed by him just to grab publicity in the media. The movable and immovable property is in the name of Divya Jyoti Jagriti Sansthan and not in the name of any person and from the first day of his admission in Sansthan, the name of Sh. Maharaj Ji is Sh. Ashutosh Maharaj Ji. Besides this he don't know any name. Sh. Ashutosh Maharaj Ji is in deep in Samadhi and earlier also he transmigrated many times but this time it is for a long period and it is our duty to take care their holistic body and all the followers are having same views on this point. There is no dispute of any kind in the Sansthan. But this person, due to his old bad habits, is giving false statements against Sh. Ashutosh Maharaj Ji and the Sansthan and there is a deep conspiracy behind this. The copy of apology of Puran Singh have already been submitted to your goodself. The Photostat copy of this is enclosed as Annexure-A.

From the opposite party side Swami Parmanand above stated that he is purely dedicated towards Divya Jyoti Jagriti Sansthan, Noormehal since 1996 and Sh. Ashutosh Maharaj Ji is its Spiritual Master. There are crores followers of Sh. Ashutosh Maharaj Ji, national and intentional. Sh. Ashutosh Maharaj Ji had given spiritual and social direction to the society due to which may peoples had left their bad customs and are living the life of a good person. The Sansthan has given a big share in each sector of society. He is performing the duties of a coordinator at its branch office at Noormehal. There are thousands of followers of

Sansthan who are performing their duties with full dedication and all are from educated and rich families. Each follower by sparing his feelings, is day night serving in the Sansthan. Sh. Ashutosh Maharaj Ji transmigrated on 29.01.2014 and before this many times they transmigrated but this thing was not declared publicly but this time Puran Singh without any cause or reason and in order to malign the status of Sh. Ashutosh Maharaj Ji. Sansthan is a registered N.G.O. whose entire property is in the name of Divya Jyoti Jagriti Sansthan and nothing is in the name of any person. The allegations leveled by Puran Singh are false and baseless. Sh. Ashutosh Maharaj Ji is in deep in Samadhi and earlier also he transmigrated many times but this time it is for a longer period and it is our duty to take care their holistic body and all the followers are having same views on this point. There is no dispute of their estate or of any kind in the Sansthan. Sh. Ashutosh Maharaj Ji is our world. I had never any of relative of Sh. Ashutosh Maharaj Ji nor heard anything about this. Puran Singh and said alleged family are doing all this under a planned conspiracy in order to harm, post mortem or criminating the holistic body of Sh. Ashutosh Maharaj Ji. We all have one view that Sh. Ashutosh Maharaj Ji will must awaken from their in Samadhi.

From the opposite party side Swami Vishalanand above stated that he is performing the duties of a preacher at Divya Jyoti Jagriti Sansthan Pitampura, New Delhi and the entire property and assets are in its name. No property or money is in the name of Sh. Ashutosh Maharaj Ji. Sh. Ashutosh Maharaj Ji is a spiritual master. Governing body of the Sansthan is running the Sansthan and this Sansthan is an open book, nothing has been concealed. Talking about the huge property or cash of the Sansthan is merely a waste and baseless thing. The preachers of Sansthan are educated persons belongs to reputed families and are serving without desire. The in Samadhi of Spiritual masters is a spiritual subject and time to time Spiritual masters transmigrated and questioning about this is a part of illiteracy of conspiracy. We all have one view that Sh. Ashutosh Maharaj Ji will must awaken from their in Samadhi. Puran Singh never remained as driver of Sh. Ashutosh Maharaj Ji and is trying to harm the holistic body Sh. Ashutosh Maharaj Ji and is falsely stating under a heavy greed and is misguiding the public and is also hurting the feelings of crores followers but history itself witnesses that Swami Ram Kishan Paramhand Ji ECT Shankaracharya Ji, Shirdi wale Sai Baba Ji, Mahatama Budh Ji had transmigrated time to time and later on awaken and their followers had taken due care of their bodies as such it is our duty to look after the body of Sh. Ashutosh Maharaj Ji so that he may easily came back in their body. As such they are taking care of Sh. Ashutosh Maharaj Ji with due regards and with the help of modern techniques.

From the opposite party side Swami Mohanpuri above stated that he is dedicated to Divya Jyoti Jagriti Sansthan since last 22 years. His qualification is M.A. B.Ed. and on 29.1.2014 Sh. Ashutosh Maharaj Ji transmigrated and earlier also Sh. Ashutosh Maharaj Ji transmigrated and it is a peak status of meditation as Swami Ram Kishan Paramhand Ji ECT Shankarchayara Ji, Shirdi wale Sai Baba Ji, Mahatama Budh Ji had transmigrated time to time and later on awaken and their

followers had taken due care of their bodies as such it is our duty to look after the body of Sh. Ashutosh Maharaj Ji so that he may easily come back in their body. Puran Singh never remained driver of Sh. Ashutosh Maharaj Ji and is adopting illegal means in order to harm the body of Sh. Ashutosh Maharaj Ji. All the followers and members of Sansthan are having one view that Sh. Ashutosh Maharaj Ji is transmigrated and there is no dispute of any kind of property in the Sansthan and Puran Singh is moving false complaints in order to harm the body of the Sh. Ashutosh Maharaj Ji which are totally baseless.

From the opposite party side Sh. Swami Vishwanand above stated that he is purely dedicated towards Divya Jyoti Jagriti Sansthan, Noormehal since 1993. Divya Jyoti Jagriti Sansthan is a registered N.G.O. Its head office is situated at Pitampura Delhi and Regional office at Noormehal. Its registered certificate and copies of memorandum are attached herewith. Sh. Ashutosh Maharaj Ji had started its Spiritual preaching in the year 1983 in Punjab and it spread in the sector of social and cultural very fast and due to such like activities of the Sansthan, many people in a huge calculation joined the Sansthan. The preachers of Sansthan are from good families and are educated persons and are serving in the Sansthan without greed of any kind. Puran Singh by moving false complaints is trying to harm the status of Sansthan and he never remained in the Sansthan as he is serving in the Sansthan since 1993 and he never saw him. Sh. Ashutosh Maharaj Ji is in deep in Samadhi since 29.1.2014 and earlier also he transmigrated for 3 days and 20 days. Sh. Ashutosh Maharaj Ji will be definitely awakened from their in Samadhi. So the question of post mortem and crimination of Sh. Ashutosh Maharaj Ji does not arise at all. All the followers and members of Sansthan are having one view that Sh. Ashutosh Maharaj Ji is transmigrated and there is no dispute of any kind of property in the Sansthan and Puran Singh is moving false complaints in order to harm the body of the Sh. Ashutosh Maharaj Ji which are totally baseless. Photostat copy of registration certificate of the Sansthan is enclosed as Annexure B.

From the opposite party side Sh. Swami Raman (Swami Ramna Nand) above stated that he is purely dedicated towards Divya Jyoti Jagriti Sansthan, Noormehal since 2005. Sh. Ashutosh Maharaj Ji are its establisher and organizer. Crores of peoples belong to Sh. Ashutosh Maharaj Ji and its Sansthan. In Divya Jyoti Jagriti Sansthan, respect is given to all religions and its holistic books. He is a bank authorized signatory of Divya Jyoti Jagriti Sansthan and he is serving in its account department. Sh. Ashutosh Maharaj Ji is in deep in Samadhi since 29.1.2014 and earlier also he transmigrated for 3 days and 20 days. Sh. Ashutosh Maharaj Ji will be definitely awakened from their in Samadhi. The holy body of Sh. Ashutosh Maharaj Ji is lying at Noormehal Ashram and peoples are continuously coming for pray and to see them and are following/reading the preaching of Sh. Ashutosh Maharaj Ji and their followers are showing their full faith in Sh. Ashutosh Maharaj Ji. It is our constitutional right that we can respect our religion and no one is allowed to hurt some one's religious feelings. Followers from the different ashrams are coming for hearing preaching and

serving in this ashram. Divya Jyoti Jagriti Sansthan is a registered Sansthan under Societies Registration Act XXI of 1860 and its Income Tax has been filed at Delhi office. Photocopy of the said ITR is enclosed herewith. Form w.r.t. Income Tax return of Divya Jyoti Jagriti Sansthan is attached herewith as Annexure C.

From the opposite party side Sh. Swami Raman (Swami Raman Nand) above stated that he is purely dedicated towards Divya Jyoti Jagriti Sansthan, Noormehal since 2005. Sh. Ashutosh Maharaj Ji are its establisher and organizer. Crores of peoples belong to Sh. Ashutosh Maharaj Ji and its Sansthan. In Divya Jyoti Jagriti Sansthan, respect is given to all religions and its holistic books. He is a bank authorized signatory of Divya Jyoti Jagriti Sansthan and he is serving in its account department. Sh. Ashutosh Maharaj Ji is in deep in Samadhi since 29.1.2014 and earlier also he transmigrated for 3 days and 20 days. Sh. Ashutosh Maharaj Ji will be definitely awakened from their in Samadhi. The holi body of Sh. Ashutosh Maharaj Ji is lying at Noormehal Ashram and peoples are continuously coming for pray and to see them and are following/reading the preaching of Sh. Ashutosh Maharaj Ji and their followers are showing their full faith in Sh. Ashutosh Maharaj Ji. It is our constitutional right that we can respect our religion and no one is allowed to hurt some one's religious feelings. Followers from the different ashrams are coming for hearing preaching and serving in this ashram. Divya Jyoti Jagriti Sansthan is a registered Sansthan under Societies Registration Act XXI of 1860 and its Income Tax has been filed at Delhi office. Photocopy of the said ITR is enclosed herewith. Form w.r.t. Income Tax return of Divya Jyoti Jagriti Sansthan is attached herewith as Annexure C.

From the opposite party side Dr. Smt. Kartar Kaur is a M.B.B.S. Gynecologist Doctor at Waryam Singh Hospital, Yamunanagar, Haryana and She is attached with Divya Jyoti Jagriti Sansthan, Noormehal since last 12 years and she used to visit Divya Jyoti Jagriti Sansthan, Noormehal. on 28.1.2014 she came to see Shri Ashutosh Ji Maharaj at Noormehal and on 29.1.2014 at about 12:15 a.m. the Swami Dr. Ashok M.B.B.S. DOMS called her in his room where she and Dr. Ashok got check up Shri Ashutosh Ji Maharaj and found that Shri Ashutosh Ji Maharaj is in cardiac arrest, as per ACLS PROTOCOL he started C.P.R. and during this at 1:45 a team from Apollo Hospital Ludhiana reached there with Cardiac Ambulance. After that they also continued the C.P.R. and at about 2:00 a.m. Dr. Harpal Singh M.B.B.S. D.A. reached there and C.P.R. was continued till 2:10 a.m. The signs of life were not seen came back and with the consent of Junior Doctors, the entire team of doctors declared Shri Ashutosh Ji Maharaj as clinically dead. From the check up of the body of Shri Ashutosh Ji Maharaj no other reason was found except Cardiac arrest and during the study of medical they studied about the signs of life in a human body.

From the opposite party side Dr. Ashok M.B.B.S. D.O.M.S. Divya Jyoti Jagriti Sansthan, Noormehal stated that he is dedicated to Divya Jyoti Jagriti Sansthan, Noormehal since last 11 years and is performing the duties of a doctor at Shri Ashutosh Ji Maharaj Eye Clinic at Noormehal. On 29.1.2014 on receiving

message from the followers I went to the room of Shri Ashutosh Ji Maharaja and saw him lying unconscious and I immediately call Dr. Smt. Kartar Kaur who is a M.B.B.S. Gynecologist Doctor at Waryam Singh Hospital, Yamunanagar, Haryana and I checked up Shri Ashutosh Ji Maharaj at 2:15 a.m. with Dr. Smt. Kartar Kaur and found that Shri Ashutosh Ji Maharaj is in cardiac arrest. As per ACLS PROTOCOL he started C.P.R. and during this at 1:45 a team from Apollo Hospital Ludhiana reached there with Cardiac Ambulance. After that they also continued the C.P.R. and at about 2:00 a.m. Dr. Harpal Singh M.B.B.S. D.A. reached there and C.P.R. was continued till 2:10 a.m. The signs of life were not seen came back and with the consent of Junior Doctors, the entire team of doctors declared Shri Ashutosh Ji Maharaj as clinically dead. From the check up of the body of Shri Ashutosh Ji Maharaj no other reason was found except Cardiac arrest and during the study of medical they studied about the signs of life in a human body.

From the opposite party side Narinder Singh above stated that he is purely dedicated towards Divya Jyoti Jagriti Sansthan Noormehal and is performing the duties of Authorized Signatory of Governing body. Sh. Ashutosh Maharaj Ji are its establisher and executor. Divya Jyoti Jagriti Sansthan is a registered Sansthan Societies Registration Act 1860. It is being run by its Governing body and its main office is in Delhi and branch office is at Noormehal. This Sansthan is a spiritualistic and social Sansthan having its thousands national and international Ashrams. Sh. Ashutosh Maharaj Ji had started spreading his spiritualistic views from one Village Noormehal situated in Punjab State. This Sansthan is continuous working for removal of anti social rituals of society. Under the directions of Sh. Ashutosh Maharaj Ji, in order to prepare great persons in the society, special programs are being run for making Addiction free Society and other complete educational programs. Similarly for awakening of Indian Culture Kaamdheni Gau Sarankshan Programs, Total Health programs are being run. For the development of society special national correction home and rehabilitation homes are being established. Similarly in order to help the national blind section, special, programs have been started and agenda against the abortion of girl child has been started and in order to give security to our environment, special programs have been started. In these days one person namely Puran Singh had moved a complaint by declaring himself as driver of Sh. Ashutosh Maharaj Ji, there is no truth in it. The said person was never ever remained as driver in the Sansthan. He always had played fraud having conspiracy with anti Sansthan persons with mala fide intentions and played drama declaring himself as driver of the Sansthan. He is in habit of moving false complaints against the Sansthan. Due to tired less efforts of Sh. Ashutosh Maharaj Ji in the spiritualistic field, well educated persons and high status family's young persons dedicated themselves to the Sansthan and these peoples are serving without any greed of any kind. Sh. Ashutosh Maharaj Ji always are our model and are lightening our paths time to time. Everybody bow himself before such like a great person i.e. Sh. Ashutosh Maharaj Ji. This person has also made allegations that the Sansthan management have convict Sh. Ashutosh Maharaj Ji. He even does not know to

whom he had stated as the residents of Noormehal, out of them Swami Vishalanand are residing at Delhi Ashram. The name of Narinder Singh Advocate is Swami Narinderanand and he also doesn't know the father's name of servers. From all this, it proves that he never visited the Sansthan and is giving false and concocted statements. But said Puran Singh by mode of media is continuously criticizing the matter of property of Sh. Ashutosh Maharaj Ji and their estate, which is totally false. There is no dispute of any kind regarding the property of the Sansthan as from the first day, the Sansthan is being run by its governing body. The entire property of the Sansthan is in the name of Divya Jyoti Jagriti Sansthan. The said property is not in the name of Sh. Ashutosh Maharaj Ji nor in the name of its any member. Balance sheet of Sansthan have been prepared annually and continuously auditing is being done. As per rules Income Tax return has been submitted. No property, bank account or assets is in the name of Sh. Ashutosh Maharaj Ji. Then the question of existence of any property or cash does not arise at all. Sh. Ashutosh Maharaj Ji are in trance at present and earlier also used to go in trance. History itself witnessed that there are many great persons like as Guru Shankaracharya Ji, Ram Krishan Param Hans, Swami Paramhans Yoganand Ji, Shirdi wale Sai Baba Ji etc., who many time in trance and then awaken. The in trance of a body seems to be a situation like as dead body. Due to non existence of internal powers, the entire biological processes become deactivated. When this situation is tested with science, the result would come zero such as pulse rate, respiration rate E.C.G. etc. On this basis modern science declare the in trance body to be clinically dead. As such as per version of doctors, however Sh. Ashutosh Maharaj Ji are clinically dead, but their preachers, followers are having strong faith that they are in trance and in such circumstances, it is their duty to look after the holy body of Sh. Ashutosh Maharaj Ji as such the holy body of Sh. Ashutosh Maharaj Ji is securing by ways of High-pothramia which is not against environment. But Puran Singh, by making wrong statements is trying to damage the holiness body of Sh. Ashutosh Maharaj Ji. The police administration existing in Sansthan is giving two time report regarding Sh. Ashutosh Maharaj Ji and the said building is under CCTV. Many high official of administration had visited the in trance place of Sh. Ashutosh Maharaj Ji. Puran Singh could not understand the secret of holiness of in Samadhi. Spiritual is science of that great science. This can be understand by only a spiritual master as such said Puran Singh is hurting the feelings of crores preachers and followers and their religious feelings too. He never remained as driver of Sh. Ashutosh Maharaj Ji and by declaring himself as driver of Sh. Ashutosh Maharaj Ji, he is misguiding the peoples and stating false statement under a deep conspiracy and before this said Puran Singh had also submitted his apology in the year 2000 for moving false complaints and the said Puran Singh this time again had filed a false complaint in order to make loss to the holiness body of Sh. Ashutosh Maharaj Ji. Sh. Ashutosh Maharaj Ji is in deep in Samadhi and he is our world. Sh. Ashutosh Maharaj Ji is a spiritual master. Divya Jyoti Sansthan never hides anything. The Sansthan and its followers are having same views regarding in Samadhi of Sh. Ashutosh Maharaj Ji and there is dispute of

any kind w.r.t. the property. Being the followers of Sh. Ashutosh Maharaj Ji every person/follower is performing his duty with full dedication. Puran Singh had moved this false complaint in order to get false publicity and with a dishonest to malign the Sansthan. As such the same be ordered to be cancelled and necessary legal action be taken against him.

From the opposite party side Sarpanch Lakhwinder Singh stated that he is a Sarpanch of the Village and is Divya Jyoti Jagriti Sansthan, Noormehal comes under the jurisdiction of the village. The chief of Divya Jyoti Jagriti Sansthan, Noormehal, Shri Ashutosh Ji Maharaj is a great person and thousand of followers are with him and all the followers/server/pupils have a great faith in Shri Ashutosh Ji Maharaj and it is a matter of proud that the place of such a great holistic person is in our village. As per our knowledge the property is in the name of Divya Jyoti Jagriti Sansthan, Noormehal. Shri Ashutosh Ji Maharaj is in transmigration and this is a strong faith of the followers which should be given due respect. Puran Singh is a addicted person and he had done all this for the greed of money and he can do anything for the lust of money and this is only a lie against the Sansthan. Puran Singh had no relation with the Sansthan and the Sansthan is being looked after by educated and high status persons. The aim of the Sansthan is to be the society addition free, free medical camp in the Villages, to plant trees for better environment and to help the peoples suffered from nature attacks and we cannot forget their work done by the Sansthan.

From the opposite party side Gulzar Singh son of Ujagar Singh Rio Chhibian Noormehal P.S. Noormehal Stated that he is resident of above mentioned address and in the year 1991 he joined Divya Jyoti Jagriti Sansthan, Noormehal. The aim of Sansthan is to give spiritual education to the different religions and this Sansthan gave respect to all the religions. Divya Jyoti Jagriti Sansthan, Noormehal is a Registered Sansthan and the entire property and money is in the name of Divya Jyoti Jagriti Sansthan, Noormehal. I have never seen Puran Singh in the Sansthan and he is moving false complaints just to malign the reputation of the Sansthan. The peoples who are dedicated towards the Sansthan are Doctors, Advocates, Professors, Engineers and they are working for the Sansthan without desiring any fruit for the same. Each and every thing of the Sansthan is in the name of Divya Jyoti Jagriti Sansthan, Noormehal and I have no doubt about the transmigration of Shri Ashutosh Ji Maharaj as previously also they transmigrated many times. As such if any interference is being done with the holistic body of Shri Ashutosh Ji Maharaj, the same shall be against the feelings of the religious persons as such the complaint moved by Puran Singh is far away from the truth.

From the opposite party side Surinder Kumar son of Kundan Lai R/o. Chhibian Noormehal P.S. Noormehal Stated that he is resident of above mentioned address and in the year 1985 he joined Divya Jyoti Jagriti Sansthan, Noormehal. He also remained as Secretary of the Sansthan and he used to visit the Sansthan regularly for serving the people and one of her daughter is also fully dedicated

towards the Sansthan. No vehicle was present in the year 1991 in the Sansthan and no driver was appointed by the Sansthan. Crores of peoples have come in the service of Shri Ashutosh Ji Maharaj without any greed of any kind. His house is very near to the Ashram of the Shri Ashutosh Ji Maharaj. The aim of Sansthan is to give spiritual education to the different religions and this Sansthan gave respect to all the religions. Divya Jyoti Jagriti Sansthan, Noormehal is a Registered Sansthan and the entire property and money is in the name of Divya Jyoti Jagriti Sansthan, Noormehal. I have never seen Puran Singh in the Sansthan and he is moving false complaints just to malign the reputation of the Sansthan. The peoples who are dedicated towards the Sansthan are Doctors, Advocates, Professors, Engineers and they are working for the Sansthan without desiring any fruit for the same. Each and every thing of the Sansthan is in the name of Divya Jyoti Jagriti Sansthan, Noormehal and I have no doubt about the transmigration of Shri Ashutosh Ji Maharaj as previously also they transmigrated many times. As such if any interference is being done with the holistic body of Shri Ashutosh Ji Maharaj, the same shall be against the feelings of the religious persons as such the complaint moved by Puran Singh is far away from the truth. There is no dispute in the Sansthan regarding property as the entire property is in the name of Divya Jyoti Jagriti Sansthan, Noormehal and not in the name of any person. No relative of Shri Ashutosh Ji Maharaj had ever visited Trust nor Shri Ashutosh Ji Maharaj Ji had ever discussed about the same. Puran Singh is hurting the feelings of religious peoples by moving false complaints.

From the opposite party side Resham Singh son of Ratan Singh Rio Saifabad P.S. Phillaur had stated that he is a resident of above mentioned address and in the year 1990 he had joined is Divya Jyoti Jagriti Sansthan, Noormehal. The chief of Divya Jyoti Jagriti Sansthan, Noormehal, Shri Ashutosh Ji Maharaj is a great person and thousand of followers are with him and all the followers/server/pupils have a great faith in Shri Ashutosh Ji Maharaj. There is no dispute regarding the transmigration of Shri Ashutosh Ji Maharaj and they have full faith in Shri Ashutosh Ji Maharaj. The people who dedicated themselves towards the Sansthan are from high status families and are good educated persons, who by leaving their jobs are working freely without any salary of any kind. The allegation leveled by Puran Singh against the preachers/followers is totally false and frivolous having no truth in it as the work in the entire Sansthan is being done with a peace and I have never seen above Puran Singh in the Sansthan. Regarding the transmigration of a Great Persons, the general human being could not understand it easily as this is far away from the power of understanding of one person and to realize this spiritual power is necessary. Puran Singh, under a deep conspiracy intends to conduct the post mortem of Shri Ashutosh Ji Maharaj whereas he had no concern with the Divya Jyoti Jagriti Sansthan, Noormehal. The investigation is very much essential so that the truth may come out that who is behind this plan. The entire property and money is in the name of Divya Jyoti Jagriti Sansthan, Noormehal. No property of bank account is in the name of Divya Jyoti Jagriti Sansthan, Noormehal and no dispute is in existence in the

Sansthan.

From the opposite party side Gurdial Singh son of Balkar Singh R/o. 26, Shaheed Bhagat Singh Colony, Moti Nagar, Ludhiana stated that he is resident of above mentioned address and in the year 1990 he adjoined Divya Jyoti Jagriti Sansthan, Noormehal. Shri Ashutosh Ji Maharaj is in deep transmigration since 29.1.2014 and previously also he transmigrated and there is no dispute regarding this, there is no dispute of property of any kind regarding the property of the Sansthan. The followers/preachers/pupils of the Sansthan are performing their duties with full dedication and Divya Jyoti Jagriti Sansthan, Noormehal is a registered Sansthan. The entire property is in the name of Divya Jyoti Jagriti Sansthan, Noormehal. Shri Ashutosh Ji Maharaj is in transmigration and this is a strong faith of the followers which should be given due respect. Puran Singh had no relation with the Sansthan and the Sansthan is being looked after by educated and high status persons. The view of followers of Maharaj Ji and Sangat is one and the same and i.e. that one day Shri Ashutosh Ji Maharaj will awaken from the transmigration but the said Puran Singh without any reason is trying to harm the holistic body of Shri Ashutosh Ji Maharaj with mala fide intention and is moving false complaints in order to hurt their religious feelings.

From the opposite party side Swami Aditiya Nand above stated that he is purely dedicated towards Divya Jyoti Jagriti Sansthan New Delhi since 1991 and is performing the duties of President of Governing body. Sh. Ashutosh Maharaj Ji are its establisher and executor. Divya Jyoti Jagriti Sansthan is a registered Sansthan Societies Registration Act 1860. It is being run by its Governing body and its main office is in Delhi and branch office is at Noormehal. This Sansthan is a spiritualistic and social Sansthan having its thousands national and international Ashrams. Sh. Ashutosh Maharaj Ji had started spreading his spiritualistic views from one Village Noormehal situated in Punjab State. This Sansthan is continuous working for removal of anti social rituals of society. Under the directions of Sh. Ashutosh Maharaj Ji, in order to prepare great persons in the society, special programs are being run for making Addiction free Society and other complete educational programs. Similarly for awakening of Indian Culture Kaamdheni Gau Sarankshan Programs, Total Health programs are being run. For the development of society special national correction home and rehabilitation homes are being established. Similarly in order to help the national blind section, special programs have been started and agenda against the abortion of girl child has been started and in order to give security to our environment, special programs have been started. In these days one person namely Puran Singh had moved a complaint by declaring himself as driver of Sh. Ashutosh Maharaj Ji, there is no truth in it. The said person had never ever remained as driver in the Sansthan. He always had played fraud having conspiracy with anti Sansthan persons with mala fide intentions and played drama declaring himself as driver of the Sansthan. He is in habit of moving false complaints against the Sansthan. Due to tired less efforts of Sh. Ashutosh Maharaj Ji in the spiritualistic field, well educated persons and high status family's young persons dedicated themselves

to the Sansthan and these peoples are serving without any greed of any kind. Sh. Ashutosh Maharaj Ji always are our model and are lightening our paths time to time. Everybody bow himself before such like a great person i.e. Sh. Ashutosh Maharaj Ji. This person has also made allegations that the Sansthan management have convict Sh. Ashutosh Maharaj Ji. He even does not know to whom he had stated the residents of Noormehal, out of them Swami Vishalanand are residing at Delhi Ashram. The name of Narinder Singh Advocate is Swami Narinderanand and he also doesn't know the father's name of servers. From all this, it proves that he never visited the Sansthan and is giving false and concocted statements. But said Puran Singh by mode of media is continuously criticizing the matter of property of Sh. Ashutosh Maharaj Ji and their estate, which is totally false. There is no dispute of any kind regarding the property of the Sansthan as from the first day, the Sansthan is being run by its governing body. The entire property of the Sansthan is in the name of Divya Jyoti Jagriti Sansthan. The said property is not in the name of Sh. Ashutosh Maharaj Ji nor in the name of its any member. Balance sheet of Sansthan have been prepared annually and continuously auditing is being done. As per rules Income Tax return has been submitted. No property, bank account or assets is in the name of Sh. Ashutosh Maharaj Ji. Then the question of existence of any property or cash does not arise at all. Sh. Ashutosh Maharaj Ji are in trance at present and he already used to in trance previously also. History itself witnessed that there are many great persons like as Guru Shankaracharya Ji, Ram Krishan Param Hans, Swami Paramhans Yoganand Ji, Shirdi wale Sai Baba Ji etc., who many time in trance and then awaken. The in trance of a body seems to be a situation like as dead body. Due to non-existence of internal powers, the entire biological processes become deactivated. When this situation is tested with science, the result would come zero such as pulse rate, respiration rate etc etc. On this basis modern science declare the in trance body to clinical death. As such as per version of doctors, however Sh. Ashutosh Maharaj Ji are clinically dead, but their preachers, followers are having strong faith that they are in trance and in such circumstances, it is their duty to look after the holy body of Sh. Ashutosh Maharaj Ji as such the holy body of Sh. Ashutosh Maharaj Ji is securing by ways of Highpothramia which is not against environment. But Puran Singh, by making wrong statements is trying to damage the holiness body of Sh. Ashutosh Maharaj Ji. The police administration existing in Sansthan is giving two time report regarding Sh. Ashutosh Maharaj Ji and the said building is under CCTV. Many high official of administration had visited the in trance place of Sh. Ashutosh Maharaj Ji. Puran Singh could not understand the secret of holiness of in Samadhi. Spiritual is science of that great science. This can be understand by only a spiritual master as such said Puran Singh is hurting the feelings of crores preachers and followers and their religious feelings too. He never remained as driver of Sh. Ashutosh Maharaj Ji and by declaring himself as driver of Sh. Ashutosh Maharaj Ji, he is misguiding the peoples and stating false statement under a deep conspiracy and before this said Puran Singh had also submitted his apology in the year 2000 for moving false complaints and the said Puran Singh

this time again had filed a false complaint in order to make loss to the holiness body of Sh. Ashutosh Maharaj Ji. Sh. Ashutosh Maharaj Ji is in deep in Samadhi and he is our world. Sh. Ashutosh Maharaj Ji is a spiritual master. Divya Jyoti Sansthan never hides anything. The Sansthan and its followers are having same views regarding in Samadhi of Sh. Ashutosh Maharaj Ji and there is dispute of any kind w.r.t. the property. Being the followers of Sh. Ashutosh Maharaj Ji every person/follower is performing his duty with full dedication. Puran Singh had moved this false complaint in order to get false publicity and with a dishonest to malign the Sansthan. As such the same be ordered to be cancelled and necessary legal action be taken against him.

As per our knowledge the property is in the name of Divya Jyoti Jagriti Sansthan, Noormehal. Shri Ashutosh Ji Maharaj is in transmigration and this is a strong faith of the followers which should be given due respect. Puran Singh is a addicted person and he had done all this for the greed of money and he can do anything for the lust of money and this is only a lie against the Sansthan. Puran Singh had no relation with the Sansthan and the Sansthan is being looked after by educated and high status persons. The aim of the Sansthan is to be the society addition free, free medical camp in the Villages, to plant trees for better environment and to help the peoples suffered from nature attacks and we cannot forget their work done by the Sansthan.

From the opposite party side Dr. Harpal Singh M.B.B.S. D.A. Anaesthesia Critical Care Special Regd. No. PMC 32436 Max Hospital Mohali stated that he is Anaesthesia Critical Care Special and used to hear preaching at Divya Jyoti Jagriti Sansthan, Noormehal and is having full faith in Shri Ashutosh Ji Maharaj. On 29.1.2014 on receiving message from the followers I went to the room of Shri Ashutosh Ji Maharaja and saw he lying unconscious and I immediately call Dr. Smt. Kartar Kaur and I checked up Shri Ashutosh Ji Maharaj at 2:15 a.m. with Dr. Smt. Kartar Kaur and found that Shri Ashutosh Ji Maharaj is in cardiac arrest. As per ACLS PROTOCOL he started C.P.R. and during this at 1:45 a team from Apollo Hospital Ludhiana reached there with Cardiac Ambulance. After that they also continued the C.P.R. and at about 2:00 a.m. Dr. Harpal Singh M.B.B.S. D.A. reached there and C.P.R. was continued till 2:10 a.m. The signs of life were not seen came back and with the consent of Junior Doctors, the entire team of doctors declared Shri Ashutosh Ji Maharaj as clinically dead. From the check up of the body of Shri Ashutosh Ji Maharaj no other reason was found except Cardiac arrest and during the study of medical they studied about the signs of life in a human body. From the opposite party side S.I. Darshan Lai No. 1034/P.A.P. 27 Battalion Jalandhar stated that as per order of A.D.G.P. Security Punjab Chandigarh, he is deputed as Security Incharge with Shri Ashutosh Ji Maharaj, Divya Jyoti Jagriti Sansthan, Noormehal since last seven years. Along with him two N.G.O. and 10 O.Rs. are performing their duties with full dedication. As per orders of Senior officials, they are doing duty at Main Gate of resident of Shri Ashutosh Ji Maharaj in 24 hours turn by turn. With a view of security of Shri Ashutosh Ji Maharaj every body after checking is allowed to enter in the room of

Shri Ashutosh Ji Maharaj. He every time checked the room of Shri Ashutosh Ji Maharaj. on 29.1.2014 at 12; 15 a.m. his employee called him and he went and saw that in the room of Shri Ashutosh Ji Maharaj Dr. Ashok Ji, Swami Parmanand Ji, and one other person was present and Swami Parmanand told him that Shri Ashutosh Ji Maharaj is in a unconscious condition and in the mean time Smt. Dr. Kartar Kaur, Dr. Parminder Kumar Moudgil from Apollo Hospital Ludhiana reached there at 1:45 and after that at 2:00 a.m. Dr. Harpal Singh M.B.B.S. D.A. reached there and at about 2:15 a.m. the joint team of doctors declared Shri Ashutosh Ji Maharaj as clinically dead. But Swami Parmanand Ji told that it seems Shri Ashutosh Ji Maharaj is in Samadhi as previously also they transmigrated many times and then he informed about this to his senior officials. After that Senior Police Officer, S.D.M. Phillaur, Noormehal reached there. The followers, members of the Sansthan and other server of the Sansthan are having one view that Shri Ashutosh Ji Maharaj is in Samadhi and one day he will awake. On 4.2.2014 Sh. Jasvir Singh, S.D.M. Phillaur, Sh. Harinderpal Singh Parmar, D.S.P. Nakodar and Vijay Kanwarpal Insp/S.H.O. P.S. Noormehal went to the room of Shri Ashutosh Ji Maharaj and then the holistic body of Shri Ashutosh Ji Maharaj was got secured in a Transparent Cool Container and regarding this information was sent to the higher officials. Later on, on 10.2.2014 D.S.P. and S.H.O. and other followers went to see the body of Shri Ashutosh Ji Maharaj. Due to transfer of D.S.P. Nakodar and S.H.O. Noormehal, the newly appointed D.S.P. Sh. Kulwinder Singh along with you went to see the body of Shri Ashutosh Ji Maharaj. There is no disturbance in the Sansthan of any kind and every thing is going on peacefully in the Sansthan. From the opposite party side Sh. Om Parkash Kundi stated that he is a President of P.T.M. Arya College Noormehal and used to visit Divya Jyoti Jagriti Sansthan, Noormehal. Crores of people are with this Sansthan, having full faith in this. This Sansthan is doing the work for human welfare in which medical camp for the nature effected peoples, in the villages, to correct the criminals by making Ashram/correction home in the Jail and to give training to the blind peoples. Shri Ashutosh Ji Maharaj is very popular in the whole world and they worked for addiction free society to the Noormehal. There is no dispute of any kind regarding the property in the Sansthan. The preachers of this Sansthan are very well educated persons came from good families and are working for the Sansthan without desire of any kind of money or salary. Shri Ashutosh Ji Maharaj is in Samadhi since last one and half month and on 9.3.2014 one Samagam was organized in the Sansthan which was attended by million peoples and showed their Trust in the Sansthan. But Puran Singh is wrongly giving statement and he never remained as driver of Shri Ashutosh Ji Maharaj and is misguiding the people and is hurting the feelings of general public.

From the opposite party side Sh. Mast Ram Sharma Stated that he is resident of above mentioned address and in the year 1987 he joined Divya Jyoti Jagriti Sansthan, Noormehal. The aim of Sansthan is to give spiritual education to the different religions and this Sansthan gave respect to all the religions. Divya Jyoti Jagriti Sansthan, Noormehal is a Registered Sansthan and the entire property

and money is in the name of Divya Jyoti Jagriti Sansthan, Noormehal. I have never seen Puran Singh in the Sansthan and he is moving false complaints just to malign the reputation of the Sansthan. The peoples who are dedicated towards the Sansthan are Doctors, Advocates, Professors, Engineers and they are working for the Sansthan without desiring any fruit for the same. Each and every thing of the Sansthan is in the name of Divya Jyoti Jagriti Sansthan, Noormehal and I have no doubt about the transmigration of Shri Ashutosh Ji Maharaj as previously also they transmigrated many times. As such if any interference is being done with the holistic body of Shri Ashutosh Ji Maharaj, the same shall be against the feelings of the religious persons as such the complaint moved by Puran Singh is far away from the truth.

From the opposite party side Manohar Lal Takiar stated that he is resident of above mentioned address and he used to visit Divya Jyoti Jagriti Sansthan, Noormehal. The aim of Sansthan is to give spiritual education to the different religions and this Sansthan gave respect to all the religions. Divya Jyoti Jagriti Sansthan, Noormehal is a Registered Sansthan and the entire property and money is in the name of Divya Jyoti Jagriti Sansthan, Noormehal. I have never seen Puran Singh in the Sansthan and he is moving false complaints just to malign the reputation of the Sansthan. The peoples who are dedicated towards the Sansthan are Doctors, Advocates, Professors, Engineers and they are working for the Sansthan without desiring any fruit for the same. Each and every thing of the Sansthan is in the name of Divya Jyoti Jagriti Sansthan, Noormehal and I have no doubt about the transmigration of Shri Ashutosh Ji Maharaj as previously also they transmigrated many times. As such if any interference is being done with the holistic body of Shri Ashutosh Ji Maharaj, the same shall be against the feelings of the religious persons as such the complaint moved by Puran Singh is far away from the truth.

From the opposite party Swami Aditiya Nand, Swami Narindera Nand, Swami Parmanand, Swami Vishwanand, Swami Sadanand, Swami Gurukripa, Swami Ganesha, Sh. Tarsem Singh, Sh. Surinder Kumar, Narinder Singh, Sh. Masat Ram above had made a joint statement that they all the members of Governing body of Divya Jyoti Jagriti Sansthan, Delhi and its branch office is at Divya Jyoti Jagriti Sansthan, Noormehal. Shri Ashutosh Ji Maharaj is chief of Divya Jyoti Jagriti Sansthan, Noormehal and this is a spiritual social organization which is working in order to remove the bad rituals of the societies and many programs are being run by the Sansthan. The aim of Sansthan is to give spiritual education to the different religions and this Sansthan gave respect to all the religions. Divya Jyoti Jagriti Sansthan, Noormehal is a Registered Sansthan and the entire property and money is in the name of Divya Jyoti Jagriti Sansthan, Noormehal. The entire property of the Sansthan is in the name of Divya Jyoti Jagriti Sansthan, Noormehal and there is no dispute regarding estate or property of the Sansthan. Many people from abroad have also joined Shri Ashutosh Ji Maharaj due to their spiritual views. They have never seen any relative of the Shri Ashutosh Ji Maharaj in the Sansthan ever. Transmigration is a peak state of

Meditation, but history itself witnesses that Swami Ram Kishan Paramhans Ji, ECT Shankarcharya Ji, Shirdi wale Sai Baba Ji, Mahatma Buddha Ji had transmigrated time to time and later on awoken and their followers had taken due care of their bodies as such it is our duty to look after the body of Sh. Ashutosh Maharaj Ji so that he may easily come back in their body. As such they are taking care of Sh. Ashutosh Maharaj Ji with due regards and with the help of modern techniques. But Puran Singh is wrongly giving statement and he never remained as driver of Shri Ashutosh Ji Maharaj and is misguiding the people and is hurting the feelings of general public, necessary legal action should be taken against him.

The complainant Puran Singh son of Boota Singh R/o. House No. C-175, Ohrian Mo-halla, Noormahal P.S. Noormahal Stated that he is resident of above mentioned address and is residing there since year 1988. Previously he was a driver and now he is hawker of Meat and fish at Noormahal. Ashutosh Ji Maharaj @ Sh. Mahesh Kumar Jha r/o. Village Lakhnaur, District Madhubani, Bihar has been declared clinically dead by doctors. Shri Ashutosh Ji Maharaj had been died in a suspicious circumstances as such conduct of post mortem of his body is very much necessary. Divya Jyoti Jagriti Sansthan, Noormahal. In his writ petition bearing No. 169 of 2014 he had mentioned that in the dera of Shri Ashutosh Ji Maharaj, one thousand crore in cash is lying and there is property of one thousand crore. Arvinda Nand Puri, Sarwa Nand, Narindra Nand, Vishala Nand etc. have illegally confined Shri Ashutosh Ji Maharaj in their custody and they can murder Shri Ashutosh Ji Maharaj for their lust of property. The medical report of doctor is also suspicious as there was no heart doctor present at that time and this report have been prepared on 4.2.2014 in which the doctors had mentioned that the medical check up was conducted on 29.1.2014, then why this report was not prepared on that day. A team from Apollo Hospital Ludhiana was also called and before reaching them at Dera, Shri Ashutosh Ji Maharaj was declared clinically dead by the newly appointed team and the team of Apollo Hospital Ludhiana returned back without conducting any check up of Shri Ashutosh Ji Maharaj. He has doubt that the above mentioned persons had illegally confined Shri Ashutosh Ji Maharaj and murdered him and now in order to escape them they are spreading false news that Shri Ashutosh Ji Maharaj is in a deep transmigration. It is prayed that the post-mortem of Shri Ashutosh Ji Maharaj may kindly be conducted to know the reasons of death and action be taken against the accused persons, cross examination

1. When he residing at Dera Divya Jyoti Jagriti Sansthan, Noormahal

Ans. Since 1988 till 1992

2. Which vehicle was driven by him?

Ans. One Fiat Car and Mahindra Jeep but he did not remember numbers of the same.

3. Whether he was having driving license?

Yes

4 Can he produce the same as proof.

No.

5 He had talked about the cash of thousand crore and property of thousand crore, can he produce any written proof of the same?

Ans. No there is no written proof.

6. He had talked about the clash about the property in the Dera can he produce any written proof of the same?

Ans. No there is no written proof.

7. Whether he has any relationship with Shri Ashutosh Ji Maharaj

Ans. No

8. When he had visited dera Shri Ashutosh Ji Maharaj last time?

Ans. After 1992 he never visited.

9. When he was appointed as driver, how much salary was received by him?

Ans. Rs. 700/- per month

10. Whether at the time of giving him salary, his signatures were obtained on a register or not?

Ans. No, they took his signatures only on blank papers.

Enquiry report:-

During enquiry of the complaint, complaint and statements of both parties were recorded and they also submitted documents, it reveals that this complaint has been moved by Puran Singh above mentioned for action section 154, 174 Cr.P.C. based upon suspicion or unnatural death of Sh. Mahesh Kumar Jha @ Sh. Ashutosh Maharaj Ji, Chief Divya Jyoti Sansthan and asked for conducting the post mortem. He states that Sh. Ashutosh Maharaj Ji had died under suspicious circumstances and death is unnatural as Sh. Ashutosh Maharaj Ji being the chief of Divya Jyoti Sansthan and he was having cash amount of Rs. 100 Crores and more than thousand crores of property.

Puran Singh joined the investigation of the above mentioned complaint and his statement was recorded, he stated in his statement that he remained at Dera Divya Jyoti Sansthan, Noormehal from 1988 to 1992 and he was driver of Fiat Car and Mohindera Jeep in the said Dera but he did not remember the vehicle numbers. Regarding his driving license he stated that at that time he was having license but he could not produce the same as proof. He was receiving Rs. 700/- as salary and his signatures were obtained on blank papers and not on any registered or record. He is not having any written proof regarding the property of

Dera, nor he is having any relation with Sh. Ashutosh Maharaj Ji. After 1992, he never visited Dera Divya Jyoti Sansthan Noormehal.

The complainant Puran Singh above had mentioned in the subject of his complaint about the cash amount of 100 crores and property of thousand crore but in his statement he told that the cash amount of 1000 crores and property of thousand crore. Said Puran Singh had not produced any other witness in favour of his above mentioned complaint nor he submit any documentary proof vide which he could prove that he was a driver of Dera Divya Jyoti Sansthan, Noormehal. As a proof, the statement of said Puran Singh complainant is enclosed herewith as Annexure (1).

In the para No. 4 of the complaint of complainant Puran Singh, he had mentioned the name, Swami Sh. Arvinda Nand, Swami Mohan Puri, Swami Sarvanand, Swami Narindera Nand and Swami Vishalanand Rio Divya Jyoti Sansthan, Noormehal joined the investigation and their statements were recorded. Besides this statements of other witnesses namely Swami Parmanand, Swami Vishvanand, Swami Aditya Nand, Swami Rama, Sh. Narinder Singh S/o. Sohan Singh, Sh. Lakhvinder Singh Sarpanch, Gulzar Singh, Surinder Kumar, Resham Singh Retired Inspector, Gurdial Singh Retd. D.S.P., Sh. Om Parkash Kundi, Manohar Lal Takiar Ex-M.C., S.I. Darshan Lal No. 1034127, Smt. Kartar Kaur M.B.B.S. Gynecologist Waryam Singh Hospital, Yamuna Nagar, Haryana, Dr. Ashok M.B.B.S. DOMS Divya Jyoti Sansthan Noormehal, Dr. Harpal Singh M.B.B.S. D.A. Anesthesia Critical Care Specialist Regd. No. PMC 32436, Max Hospital Phase 6 Mohali were recorded. As per entire recorded statements, Sh. Ashutosh Maharaj Ji are establisher and organizer of Divya Jyoti Sansthan Noormehal. He had started spiritual preaching in the year 1983 at Punjab and now are spreading their spiritual and social views in the whole world. Sh. Ashutosh Maharaj Ji previously went into Samadhi on few occasions. This time after the in Samadhi of Sh. Ashutosh Maharaj Ji one person Puran Singh, who had previously also made complaint against Sanstahn and is stating himself as Ex. driver of Sh. Ashutosh Maharaj Ji but he has no proof of that. As Sh. Ashutosh Maharaj Ji never appointed anyone as driver in the Sansthan and the Sanyasi who are residing in Ashram are performing the duties of a driver of Sh. Ashutosh Maharaj Ji. Puran Singh had filed a writ on the basis of false hearsay and by misrepresentation, in the Hon''ble High court of Punjab and Haryana at Chandigarh regarding the detention of Sh. Ashutosh Maharaj Ji in Dera due to which the Hon''ble High court intervened into the matter and said complaint of Puran Singh was found false. The reason was that Sh. Ashutosh Maharaj Ji was in trance and their medical check up was required. As per reports of doctors Sh. Ashutosh Maharaj Ji have been found clinically dead but the Governing body of the Sansthan and faith of followers is that Sh. Ashutosh Maharaj Ji are in trance/samadhi. Before going in trance/samadhi, Sh. Ashutosh Maharaj Ji had given signals/signs to followers for the same and also gave preaching to followers to obey the duties. The followers are continuously performing their duties and Sh. Ashutosh Maharaj Ji will be awakened very soon and meet Sangat very soon as

they have full faith in this. There is no second opinion in it that previously also many Great persons in trance and awaken also such like Shankaracharya, Swami Ram Krishan Paramhans, and Shirdi wale Sai Baba Ji. An affidavit regarding the in trance of Sh. Ashutosh Maharaj Ji have already been submitted in the Hon'ble High court. And where the question of praying by the people before Sh. Ashutosh Maharaj Ji after in trance, it is prohibited under the pupils rules and masters in trance. In view of the security of body of Sh. Ashutosh Maharaj Ji no open permission of any kind can be given or is valid in order to avoid any disturbance in the administration. It is the duty of administrator and they are taking care properly. From the last 22 years, they have never seen any relatives of Sh. Ashutosh Maharaj Ji nor Sh. Ashutosh Maharaj Ji had ever discussed about the same and as per philosophy of Sanatan there is no past of any Sanyasi. No dispute is in existence regarding the property in the Sansthan. Sansthan is registered under Societies Registration act and its governing body and general body is running the Sansthan as per memorandum and articles of Sansthan and nobody is heir to the estate of the Sansthan. The movable and immovable property of the Sansthan is in the name of Divya Jyoti Sansthans Noormahal and not in the name of any person. On 9.3.2014 a monthly samagam was organized in the Sansthan and huge crowd of people have attended this samagam which shows the faith of peoples in the awakening of Sh. Ashutosh Maharaj Ji. No body objected any thing and all have full faith in Sh. Ashutosh Maharaj Ji. Sh. Ashutosh Maharaj Ji is a Spiritual master and their Spiritual views have been reaching in each corner of the world as their preaching is for the welfare of human being.

Besides this Swami Sh. Sarvanand Soni had also made statement and produced one Photostat copy of confession in the shape of affidavit dated 9.5.2000 of Puran Singh S/o. Budh Singh R/o. Mohalla Chhimbian Noormahal attested by Executive Magistrate, Noormahal, according to the said affidavit Puran Singh above had admitted on oath and declaring without any force of any kind that he born in a poor family and his economic condition is not so good, due to his bad company some anti social persons gave him threatening and took his statement against establisher and organizer of Divya Jyoti Sansthan Sh. Ashutosh Maharaj Ji and he also used bad language for them but with a passage of time he realize his guilt and feels that Sh. Ashutosh Maharaj Ji had changed the life of many peoples, many people were drinking liquor and taking addiction but their life had changed and due to this Sansthan. All this changed his mind and he forced to think that what deed is being done by him and it is becoming a part of sins, he could not declare the names of those person, the name of Sansthan, who had instigated him to do so as he is afraid of them. From a long period, he is wrongly stating against Shri Ashutosh Ji Maharaj and he had done all this under the instigation of some peoples for which he is confessing and undertakes not to do so in future. Whatever he has done he had done under the illiteracy and he had no grudge against Shri Ashutosh Ji Maharaj or their followers or servers and he is responsible for any kind of fine put on him by the Sansthan. In future, if any

body wrongly stated anything against Shri Ashutosh Ji Maharaj or their Sansthan, the same shall be false and that would be done to malign and he shall be liable to be prosecuted as per rules of Sansthan, regarding this confession Annexure A, which Swami Sarvanand Soni had submitted in his statement and Annexure D which has been given by S.H.O. P.S. Noormehal are attached herewith.

During investigation Swami Vishwanand Ji had stated in his statement that he is dedicated towards Divya Jyoti Jagriti Sansthan, Noormehal and its head office is situated at Pritampura Delhi and regional office is at Noormehal. The registration certificate and Photostat copies of memorandum are attached herewith this report, Annexure B is enclosed with this report AND Swami Rama (Prabhu Ramanand) had also submitted Income Tax return receipt for the year 2012.-201, which is enclosed with this report as Annexure C.

Keeping in view the seriousness of the complaint, on 12.3.2014 I Insp. S.H.O. P.S. Noormehal along with S. Kulwinder Singh Bisla, D.S.P. Sub-Division Nakodar had visited the room of Shri Ashutosh Ji Maharaj where we saw that the body of Shri Ashutosh Ji Maharaj is lying in a Transparent Freezer Container. There is a continuance prayer in the room and about 3-4 Swamis are sitting there in Meditation position and the atmosphere of the room was very calm.

Before this, Vijay Kanwar Pal Inspector, Ex-S.H.O. P.S. Noormehal, Shri Harinderpal Singh Parmar, P.P.S. Ex-D.S.P. Sub-Division Nakodar and Sh. Jasvir Singh Sub-Divisional Magistrate, Sub-Division Phillaur had also visited this room and submitted their status report in reply to the writ petition No. CRWP No. 169 of 2014 to Hon''ble High Court of Punjab and Haryana at Chandigarh in which Shri Ashutosh Ji Maharaj was declared as clinically dead. Please refer Annexure E in this regard.

During the enquiry Puran Singh had mentioned his doubt about the death of Shri Ashutosh Ji Maharaj and it is clear here that Shri Ashutosh Ji Maharaj is clinically dead but no facts has come out w.r.t. the unnatural death, which require post mortem. During enquiry from both the side, statements of Smt. Kartar Kaur M.B.B.S. Gynecologist Waryam Singh Hospital Yamuna Nagar Haryana, Dr. Ashok M.B.B.S. DOMS Divya Jyoti Jagriti Sansthan, Noormehal, Dr. Harpal Singh M.B.B.S. D.A. Anaesthesia Critical care specialist Regd. No. PMC 32436 Max Hospital Phase 6, Mohali has mentioned that on 29.1.2014 at 12:15 Shri Ashutosh Ji Maharaj were in unconscious condition and went into cardiac arrest and CPR was conducted upon him. CPR was continued till 2:10 a.m. Team of Doctors of Apollo Hospital Ludhiana was also present there. In this regard certificate was issued which is annexed as Annexure E. Above mentioned three doctors have stated that during medical study, they studied about the signs of life in a humand body and without returning back these signs in a humand body, the said humand body declared as dead. Due to non returning of signs of life in the body of Shri Ashutosh Ji Maharaj, he has been clinically declared as dead.

CONCLUSIONS

From my open and discreet enquiry and investigation, it reveals that the complainant had mentioned in his complaint that he was driver of Shri Ashutosh Ji Maharaj, but during investigation he could not produce any proof of the same. Further he discussed about the dispute of property in Sansthan, but he could not produce any proof, written or witness in this regard. However Puran Singh had mentioned in his complaint about the 100 Crore cash and property of thousand crore, but while giving his statement he told that there is 1000 crore in cash and property of thousand crore, which are both contrary to each other. Besides this, from the documentary proofs, statements of different persons submitted by opposite party, it reveals that there is no dispute of any kind regarding money or property in the Sansthan. As Divya Jyoti Jagriti Sansthan, Noormehal is a registered Sansthan, runs under its rules, having a governing body. The property or cash of the Sansthan is not in the name of any person and same could not be utilized by a person for his personal use. There is a regular account of the Sansthan maintained under rules and annual income tax return of the Sansthan has been regularly filed. Photostat copy of receipt of Income Tax return for the year 2012-2013 is attached herewith.

On 9.3.2014, a monthly Satsang and Bhandara was organized by Divya Jyoti Jagriti Sansthan, Noormehal, at that time I Insp. S.H.O. P.S. Noormehal along with force and officers was present on duty where the followers of Shri Ashutosh Ji Maharaj had put their attendance, there was no criticism of any kind, no opposition of any kind and no complaint of any kind was observed in the peoples gathered there. This was like a general Satsang and Bhandara. The persons gathered there did not show any doubt w.r.t. the Samadhi of Shri Ashutosh Ji Maharaj.

During investigation, it reveals that Puran Singh had earlier also moved a complaint in the year 2007 which was proved false. Beside this in year 2000 he also apologized from sansthan and submitted his written affidavit, which was obtained from the records of Sub Tehsil Noormehal registered at serial No. 149 dt. 9.5.2000. The copy of report of Thesildar regarding registration of this affidavit is attached herewith as Annexure D. According to the report of Doctors, Shri Ashutosh Ji Maharaj has been clinically declared dead due to cardiac arrest and no unnatural reasons has been found. No application has been moved by the followers, Sangat or any member of Sansthan before the police that Shri Ashutosh Ji Maharaj has died in suspicious circumstances. As per statements of witnesses, Shri Ashutosh Ji Maharaj treated the members of Sansthan as his family. Besides this, no biological family member of Shri Ashutosh Ji Maharaj ever visited Divya Jyoti Jagriti Sansthan, Noormehal nor Shri Ashutosh Ji Maharaj had ever talked about his family or past with his followers of members of Sansthan. The complainant through this complaint intends to get the post mortem of Shri Ashutosh Ji Maharaj under section 174 Cr.P.C., there is no merit in this as Shri Ashutosh Ji Maharaj were duly examined by the doctors who had

declared him clinically dead due to Cardiac arrest. After that the then S.H.O. P.S. Noormehal, Inspector Vijay Kanwarpaul, D.S.P. Nakodar Sh. Harinderpal Singh Parmar and Sub-Divisional Magistrate Sh. Jasvir Singh had also visited the room of Shri Ashutosh Ji Maharaj, but no unnatural facts came out and now on 12.3.2014 along with D.S.P. Nakodar Sh. Kulwinder Singh again visited the room of Shri Ashutosh Ji Maharaj, but now again no unnatural reason came out, which requires action under section 174 Cr.P.C.

As such in view of above mentioned circumstances, the rights of preachers of Sansthan, Sangat and Sewadars (Right to faith and right to religion) does not deserve to be harmed based upon the false and frivolous complaint moved by Puran Singh. There is faith in the state of Samadhi. If post mortem is conducted on the body of Shri Ashutosh Ji Maharaj, the religious feelings of followers/members of Sansthan. If the averments of Puran Singh are believed it would hurt the feelings of followers and there is every apprehension of causing disturbance among the followers and peace may get shattered.

From the above mentioned facts, statements of different witnesses and from the open and discreet enquiry it reveals that nothing has come to notice which indicates that death of Shri Ashutosh Ji Maharaj is unnatural, therefore there is no requirement of action under section 174 Cr.P.C. and post mortem is not required. Besides this, there is no dispute of any kind which can indicate that any member of Sansthan can have intention to kill Shri Ashutosh Ji Maharaj. Any post mortem will lead to a situation where the faith of followers that Sh. Ashutosh Maharaj Ji will awaken from Samadhi will be shattered. As such from the above mentioned facts, the application moved by Puran Singh is proved to be false and baseless which does not require any action is recommended to be filed.

Report for necessary order is submitted please.

Sd/- SHO P.S. Noormehal."

38. The above said inquiry report was approved by SSP (Rural), Jalandhar, as well as by Deputy Commissioner, Jalandhar. It is also not out of place to mention that the complaint of Puran Singh that Maharaj Ji had died an unnatural death was also inquired into by DSP Sub-Division, Nakodar observing that the death of Maharaj Ji is not unnatural and there is no requirement of any action under Section 174 Cr.P.C. and that the post mortem is not required. The said report approved by SSP, Jalandhar (Rural) has been appended with the written statement, the same reads as follows:-

"Police Department District Jalandhar Rural Subject: Report with regard to the complaints bearing No. 390-Peshi dt. 25.2.2014, 92-B.H. Dated 25.2.2014 and 2/F.M.C. dated 13.03.2014 moved by Puran Singh son of Budh Singh resident of C/175, Ohrian Mohalla, Noormehal.

It is respectfully submitted that the above mentioned complaints have been moved by complainant Puran Singh son of Budh Singh Rio C1174, Ohrian

Mohalla, Noormehal for taking necessary action under section 154, 174 Cr.P.C. on the unnatural death of Sh. Mahesh Kumar Jha @ Ashutosh Ji Maharaj, Head of Divya Jyoti Jagriti Sansthan, Noormehal after conducting his post mortem as the State of Punjab in Hon'ble High court of Punjab and Haryana has stated that Sh. Mahesh Kumar Jha @ Ashutosh Ji Maharaj has been declared clinically dead on dated 29.01.2014. Whereas he had died unnatural death in suspicious circumstances. Sh. Mahesh Kumar Jha @ Ashutosh Ji Maharaj was the Chief of Divya Jyoti Jagriti Sansthan, Noormehal and were having 100 Crores of rupees in cash and property more than thousand crore, and due to his unnatural death, his post mortem is very much required to bring out the truth. Puran Singh joined the investigation of the above mentioned complaint and his statement was recorded, he stated in his statement that he remained at Dera Divya Jyoti Sansthan, Noormehal from 1988 to 1992 and he was driver of Fiat Car and Mohindera Jeep in the said Dera but he did not remember the vehicle numbers. Regarding his driving license he stated that at that time he was having license but he could not produce the same as proof. He was receiving Rs. 700/- as salary and his signatures were obtained on blank papers and not on any registered or record. He is not having any written proof regarding the property of Dera, nor he is having any relation with Sh. Ashutosh Maharaj Ji. After 1992, he never visited Dera Divya Jyoti Sansthan Noormehal.

The investigation of these complaint have been made by me through S.H.O. P.S. Noormehal but during investigation he could not produce any proof of the same. Further he discussed about the dispute of property in Sansthan, but he could not produce any proof, written or witness in this regard. However Puran Singh had mentioned in his complaint about the 100 Crore cash and property of thousand crore, but while giving his statement he told that there is 1000 crore in cash and property of thousand crore, which are both contrary to each other. Besides this, from the documentary proofs, statements of different persons submitted by opposite party, it reveals that there is no dispute of any kind regarding money or property in the Sansthan. As Divya Jyoti Jagriti Sansthan, Noormehal is a registered Sansthan, runs under its rules, having a governing body. The property or cash of the Sansthan is not in the name of any person and same could not be utilized by a person for his personal use. There is a regular account of the Sansthan maintained under rules and annual income tax return of the Sansthan has been regularly filed.

On 9.3.2014, a monthly Satsang and Bhandara was organized by Divya Jyoti Jagriti Sansthan, Noormehal, at that time I Insp. S.H.O. P.S. Noormehal along with force and officers was present on duty where the followers of Shri Ashutosh Ji Maharaj had put their attendance, there was no criticism of any kind, no opposition of any kind and no complaint of any kind was observed in the peoples gathered there. This was like a general Satsang and Bhandara. The persons gathered there did not show any doubt w.r.t. the Samadhi of Shri Ashutosh Ji Maharaj.

During investigation, it reveals that Puran Singh had earlier also moved a complaint in the year 2007 which was proved false and he also made confession about the same and submitted his written affidavit, record of which was obtained from the records of Sub Tehsil Noormehal by the S.H.O. Noormehal.

The complainant through this complaint intends to get the post mortem of Shri Ashutosh Ji Maharaj under section 174 Cr.P.C., there is no merit in this as Shri Ashutosh Ji Maharaj were duly examined by the doctors who had declared him clinically dead due to Cardiac arrest. After that the then S.H.O. P.S. Noormehal Inspector Vijay Kanwarpal, D.S.P. Nakodar Sh. Harinderpal Singh Parmar and Sub-Divisional Magistrate Sh. Jasvir Singh had also visited the room of Shri Ashutosh Ji Maharaj, but no unnatural facts came out and now on 12.3.2014 along with D.S.P. Nakodar Sh. Kulwinder Singh again visited the room of Shri Ashutosh Ji Maharaj, but now again no unnatural reason came out, which requires action under section 174 Cr.P.C.

From the above mentioned facts, statements of different witnesses and from the open and discreet enquiry it reveals that nothing has come to notice which indicates that death of Shri Ashutosh Ji Maharaj is unnatural, therefore there is no requirement of action under section 174 Cr.P.C. and post mortem is not required. Besides this, there is no dispute of any kind which can indicate that any member of Sansthan can have intention to kill Shri Ashutosh Ji Maharaj. Any post mortem will lead to a situation where the faith of followers that Sh. Ashutosh Maharaj Ji will awaken from Samadhi will be shattered. As such from the above mentioned facts, the application moved by Puran Singh is proved to be false and baseless which does not require any action is recommended to be filed.

Report for necessary order is submitted please.

Sd/- Kulwinder Singh Beesla,

DSP, Sub-Division, Nakodar.

I have gone through the report of D.S.P. Nakodar and S.H.O. Noormehal, The matter is already in the knowledge of undersigned. Before also S.D.M., D.S.P. and S.H.O. had visited the place where Ashutosh Maharaj is said to be in Smadhi. They have put up detailed report with facts and documents. I am also of the opinion that from the circumstances and detailed report, there is no requirement of proceedings U/s. 174 Cr.P.C. and the complaint is hereby filed.

Sd/- SSP Jalandhar Rural."

39. A perusal of the above said report indicates that the Administrative Authorities have collected medical and scientific evidence as well as recorded the statements of the followers seeking preservation of body of the sect of Maharaj Ji holding a belief that Maharaj Ji is in deep Samadhi and would wake up from Samadhi and that the body should be protected as the followers have got constitutional right of belief as per their religion and no one should be allowed to hurt the religious feelings of the followers of Maharaj Ji. The enquiry report

points towards the clinical death of Maharaj Ji; absence of any suspicion of unnatural death; and belief of followers that body is in Samadhi.

40. In view of the above circumstances, this Court is required to also consider the medico legal aspect regarding state of body of Maharaj Ji. As per Black Laws Dictionary, death is defined as cessation of life; ceasing to exist. According to physicians' definition, it is a total stoppage of circulation of the blood and consequence thereupon, a cessation of the animal and vital functions. Thanatology is the study of death and dying and the psychological mechanisms of dealing with them. Said science is concerned with the notion of death as popularly perceived and especially with the reactions of the dying, from whom it is felt much can be learned about dealing with death's approach. The said thanatology (from Greek thanatos, "death") gained momentum as professional discipline following the publication of several subject-related books including *The Meaning of Death* (1959), edited by Herman Feifel, and *The Psychology of Death* (1972) by Robert Kastenbaum and Ruth Aisenberg. Death is an irreversible cessation of life and is classified as somatic and molecular. A "deceased person" means a person in whom permanent disappearance of all the evidence of life occurs. Somatic or systemic death is that state of the body that shows complete loss of sensibility and the ability to move and there is complete cessation of the functions of the brain, the heart and the lungs, the so-called "tripod of life" which maintain life and health. Molecular or cellular death means the death of the tissues and the cells individually, which takes place in about three to four hours after the stoppage of the vital functions. This is accompanied by the cooling of the body, the temperature of which is reduced to an equilibrium with the external world, and the changes in the eye, skin, blood and muscles and complete stoppage of the anaerobic enzymatic processes.

41. So far as the statutory definition of death is concerned, the Transplantation of Organs Act, 1994 in Section 2(e) defines, a deceased person as, "a person in whom permanent disappearance of all evidence of life occurs, by reason of brain-death or in a cardio-pulmonary sense, at any time after live birth has taken place and defines under Section 2(d) brainstem death as the "stage at which all functions of the brain-stem have permanently and irreversibly ceased and is so certified (under the provisions of the Act). In the Registration of Births and Deaths Act, 1969, Section 2(b) defines death as "permanent disappearance of all evidence of life at any time after live birth has taken place.

42. I do not deem it necessary to touch the concept of "brain death" in medical science but from biological point of view, it would not be out of place to refer to Gordon's classification of Death in British Medical Journal, 9 September 1944, 337. "Medico legal death" can be explained as the cessation of the vital functions. It depends upon tissue anoxia on different types which are produced by circulatory failure which leads to death. So far as temporary state resembling death with cessation of respiration is concerned, it is termed as "suspended animation" which is considered as temporary state of a body resembling death

with cessation of respiration. This happens in hibernating animals. Persons are known to have been resuscitated to life after having remained for sometime, in a condition of suspended animation, in which the vital functions of the body are at such a low pitch that they cannot be determined by ordinary methods of clinical examination. This state of suspended animation lasting from a few second to half-an-hour or more may be found in cases of trance, yoga, catalepsy, hysteria, as well as in cholera, typhoid state, sunstroke, conclusion, drowning, hanging, frozen coma, electrocution, tetanus, convulsions, poisoning by narcotics, surgical shock and anesthesia and the so-called stillborn infants. Cardiac massage or electric stimulator accompanied with artificial respiration can revive this state. It is also well known phenomenon that with recent advances in medicine, during transplantation of heart, it is possible to stop the heart and respiration hypothermia and to restart it after an hour or more. A Textbook of Medical Jurisprudence and Toxicology 24th Edition published by Lexis Nexis page 199 referring to the methods of determination of death explains that death is determined by the entire and permanent cessation of circulation and respiration. Ordinarily, these signs are considered sufficient to determine that death has actually taken place, but these alone should not be relied on, as absolute signs to avoid premature burial or cremation. Somatic death really means that stage when the respiration and circulation have stopped and cannot be restarted, even the failure of ECG and EEG to show any evidence of electrical energy by themselves are not enough. Ordinarily, life is not compatible if the heart has ceased functioning for more than three to five minutes. A reference has been made to few cases reported in Indian Medical Gazette (ING) where cases of resuscitation after cessation of the vital functions for over 15 minutes, and even after 40 minutes of cardie arrest by cardie massage and artificial respiration coupled with administration of injection of procaine hydrochloride and oxygen epinephrine in the left ventricular cavity.

43. The said text book also refers to the case of one Ramdasi Maharaj who went in Samadhi in an air tight sub terranean concrete cubicle on the Marine Lines ground with narrow opening which was subsequently sealed but for 62 hours. Thereafter Swami was lifted in an unconscious condition by few volunteers and on examination he was found to be in State of Samadhi. The papillary reflexes were present but sluggish with regular pulse at low volume with blood pressure 112/87 mm Hg and the respiration were only 8-10 per minute and regular. After a few whiffs of smelling salts, Swami Ramdasji opened his eyes. It has been mentioned that when there are doubts, ECG monitoring will be helpful. If there is no electrical activity for five minutes, then death can be assumed. Few other tests which are rarely of any practical help to determine the stoppage of circulation have been referred to by Dr. Modi which are (a) Magnus's test, (b) Diaphanous Test, (c) Icard's test, (d) Application and withdrawal of Pressure Test, (e) Application of heat test; (f) cutting a small Artery test; and (g) ECG tracing test.

44. Test of "holding a mirror" in front of open mouth and nostrils becomes dim,

and "whether a feather" in draught air have also been referred to as few of the tests to determine the stoppage of respiration. Certification of death is considered to be essential for the cause of death and identity of the deceased before lawful disposal of the dead body or by burial or by other lawful means.

45. It is obligatory for a medical practitioner who last attended to the deceased person, to issue a death certificate and it is considered his responsibility to forward it to the registering authority.

46. In the present case, it is an admitted fact that on clinical examination of Maharaj Ji on January 29, 2014, all peripheral pulses were absent; Blood pressure was not recordable, no spontaneous respiratory movements, all superficial and deep reflexes were absent, both pupils fixed and dilated; ECG record showed absence of any electrical activity. The patient was pronounced clinically dead at 02.15 AM on 29/1/2014 in consultation with all the doctors attending him. The said report has not been denied by the respondents. The concept of death is recognized by all the religions. The terms "time and death" used in Bhagavad Gita are known to the world over

"I am Time, the destroyer of all;

I have come to consume the world."

47. The truth of death has been recognized in Upanishads. Prana is considered to be the energy of life. The field offerees is considered as packet of primal energy called "Prana" in Sanskrit. According to Upanishads, the oldest mystical document in any religion, all the forces of the phenomenal world all forms of prana made the gravitation, electromagnetism or sunshine. When the heart beats, when neurons fire, when food is digested and remade into the constituents of our bodies, all this is prana which is energy of life. This energy is considered under religion not merely physical but when we think, feel, desire, will or over, we draw on prana - the same prana that empowers the physiological processes that make for health or illness and when prana leaves, the body dies. The body, is only a carton, prana is it contents. When prana goes out, the mind and the senses cease to operate. Without prana, the brain and the sense organs may be physiologically intact, but they cannot function.

48. No precedent could be referred by the counsel for the respondents where the body having been declared clinically dead by doctors for a period of 10 months, was considered to be in Samadhi.

49. Taking into consideration the medico legal aspects and the certification of the doctors, who had examined the body of Maharaj Ji on January 29, 2014, this Court has got no option except to give a finding as per facts and circumstances of this case and issue a declaration that the body of Maharaj Ji has no life and deserves to be declared dead w.e.f. January 29, 2014.

4. Mode of disposal of the body of Maharaj Ji in case he is medico legally declared to be clinically dead or under suspended animation i.e. in "Samadhi":

50. After having considered the status of the body of Maharaj Ji as "dead" on the basis of medical report and other circumstances, the next point required to be determined is the mode of dealing with the body in context to Article 21 of the Constitution of India. Article 21 of the Constitution of India guarantying protection of life and personal liberty has been extended to include right to travel abroad; right to privacy; right against solitary confinement; right to legal aid; right to speedy trial; right against handcuffing; right against delaying execution; right against custodial violence; right against public hanging; right to health; right for doctor's assistance; right to shelter; right to development; right of shelter; right to healthy environment; right to live with human dignity apart from other rights as fundamental right. Right to dignity and fair treatment under Article 21 of the Constitution of India is not only available to a living man but also to his body after death. The Allahabad High Court in *Ramji Singh @ Mujeeb Bhai v. State of U.P. and others*, decided on March 27, 2009 held as follows:-

"We thus find that the word and expression "person" in Art. 21, would include a dead person in a limited sense and that his rights to his life which includes his right to live with human dignity, to have an extended meaning to treat his dead body with respect, which he would have deserved, had he been alive subject to his tradition, culture and the religion, which he professed. The State must respect a dead person by allowing the body of person to be treated with dignity and unless it is required for the purposes of establishing a crime to ascertain the cause of death and be subjected to postmortem or for any scientific investigation, medical education or to save the life of another person in accordance with law, the preservation of the dead body and its disposal in accordance with human dignity.

We are pained to take judicial notice of the fact that in some cases the bodies of the victims of the crimes and of those who are killed in action, or in accidents are paraded in open by their kith or kin, or those, who have its temporary possession, in retaliation or in protest to the nature of the incident in which he died. Many a times recently, it is reported and had actually happened in Allahabad High Court when the dead body of Late Shri Srikant Awasthi, an Advocate was used by a section of the members of the Bar Association including its leaders, for ransom, for the demand made by them for compensation and rehabilitation of his family and more for their own selfish interest was brought from the mortuary to be kept in the portico of the Bar Association in the building of the Allahabad High Court, with threats of carrying it through the corridors of the Court, demanding action against the jailer in whose custody the person was entrusted in a contempt case and for extracting political mileage. Every day newspapers are covered with the reports of group of persons illegally confining the dead bodies on the road, or in front of the police stations holding up traffic for hours, making demands of compensation or for better road safety, the society should not permit such disgrace to the dead body. The State, which allows the possession of the dead body to be taken by a person or group of persons for such purposes, fails in its duty to preserve and to dispose of the dead body with

dignity. The State through its agencies must take immediate possession of such dead bodies used for illegal means, for its decent and dignified cremation or burial in accordance with the religion or sect the person may have professed.

We are firmly of the view and direct that in all such cases, where dead body of a person is used for purposes other than a decent cremation/burial, by the relatives and friends or where the dead body is unclaimed, the State Government is obliged in law to provide necessary facilities for its preservation and disposal in accordance with dignity and respect which the person deserves, and except in a case of establishment of crime to which person may have been subjected or to ascertain the cause of death by scientific investigation, medical studies, or to save the life of another living person, the dead body shall not be allowed used for any other purposes. If Courts are required to fulfill the desires of the dead person by execution of his will, the same Courts are also obliged for giving appropriate directions for the preservation and disposal of the dead bodies and for that purpose, to give an extended meaning of the expression, "person" in Art. 21 to include dead bodies of the persons, who were human beings, in a restricted sense."

51. A Bench of Madras High Court in *S. Sethu Raja v. The Chief Secretary, Government of Tamil Nadu and others*, decided on August 28, 2007, held that right of human dignity is not restricted to human being but was available after death. The relevant portion of the judgment reads as follows:-

"18. The fundamental right to life and personal liberty guaranteed under Article 21 of the Constitution has been given an expanded meaning by Judicial pronouncements. The right to life has been held to include the right to live with human dignity. By our tradition and culture, the same human dignity (if not more), with which a living human being is expected to be treated, should also be extended to a person who is dead. The right to accord a decent burial or cremation to the dead body of a person, should be taken to be part of the right to such human dignity. As a matter of fact, the Supreme Court held in *Ramsharan Autyanuprasi and another Vs. Union of India and others*, that the right to life enshrined in Article 21 of the Constitution would include all that gives meaning to a mans life namely, his tradition, culture, heritage and protection of that heritage in its full measure. The relevant portion of the judgment of the Supreme Court in para 13 of the said judgment reads as follows:

"13.It is true that life in its expanded horizons today includes all that give meaning to a man's life including his tradition, culture and heritage and protection of that heritage in its full measure would certainly come within the encompass of an expanded concept of Art. 21 of the Constitution."

19. That the right to human dignity is not restricted to a living human being but available even after death, appears to have been recognised by the Apex Court, first in a public interest litigation filed by an Advocate in 1995. An Advocate by name Pandit Parmanand Katara filed a writ petition under Article 32 of the

Constitution in public interest challenging the method of execution of death sentence by hanging under the Punjab Jail Manual as inhuman and violative of Article 21 of the Constitution. He also assailed para 873 of the Jail Manual which required the body of a condemned convict to remain suspended for a period of half an hour, (after hanging) as offending the right to dignity. Though the Supreme Court rejected the challenge to the method of execution of death sentence by hanging, the contention of the petitioner in the said case regarding para 873 of the Jail Manual was upheld. While doing so, the Supreme Court held in the said case namely, *PL Parmanand Katara v. Union of India*, (1995 (3) SCC 248), as follows:

"We agree with the petitioner that right to dignity and fair treatment under Article 21 of the Constitution of India is not only available to a living man but also to his body after his death."

52. In view of the above said observations in the above said judgments it is held that the body of Maharaj Ji deserves to be treated with dignity and respect and dealt with decency not only by members of his family and his followers but by the State recognizing his contribution to the Society.

53. The next question which arises as to the mode of disposal of the body, it is pertinent to mention here that though one thing is certain in life time that eventually we all must die but this inevitable aspect of human incident has become a taboo in the world to such an extent that even no legislation has been made by Centre or State for disposal of the dead bodies and for determining the disputes regarding disposal of the dead bodies. This ambiguity does not exist only in India but is a point of controversy in other parts of the world. In this context, reference can be made to an information paper, W.P. No. 58 published by Queensland Law Reform Commission, June 2004 under title "A review of the Law in relation to the Final Disposal of a Dead Body". Though certain laws like The Cremations Act, 2003, The Coroners Act, 2003 (Qld), The Cemeteries and Crematoria Act, 2003, Births, Deaths and Marriages Registration Act, 1998 (WA), Burial and Cremation Act, 2002, Burial Assistance Act, 1965 (Qld) and Criminal Code Section 236 (providing punishment for impropriety and indecency to human body or human remains) are the statutes operating in Australia dealing with deads but in view of consistent disputes having arisen regarding the legal rights and duty of personal representatives of a deceased, family friend, wishes and instructions left by the deceased regarding disposal of his body, in context to the beliefs, customs and practices which may be important to the family or friend of deceased, depending upon the religious, spiritual beliefs or values, a reference has been made by Attorney General to Queensland Law Reforms Commission, to review the law in relation to the final disposal of the dead bodies. A detailed paper has been produced by the said Law Reform Commission to consider the following aspects:-

1. Are disputes about the disposal of dead bodies common in Queensland?

2. How are disputes about the disposal of dead bodies resolved in Queensland?
3. What significance should be given to cultural and spiritual beliefs, practices and values when there is a dispute in relation to the disposal of a dead body?
4. When a deceased person is an Aboriginal or a Torres Strait Islander person, what significance should be given to cultural and spiritual beliefs, practices and values when there is a dispute in relation to the disposal of the deceased's body?
5. What significance should be given to completing cultural and spiritual beliefs, practices and values when there is a dispute in relation to the disposal of a dead body?
6. Should there be a statutory duty imposed upon the person with the right to dispose of a dead body to consult with other stakeholder?
7. If a statutory duty is imposed upon the person with the right to dispose of a dead body to consult with other stakeholders, what are the obligations inherent in the duty and how should this duty be enforced?
8. Should there be a statutory hierarchy which overrides the common law in relation to the disposal of a dead body, and which places a statutory duty upon certain persons to dispose of a dead body?
9. Should a person be able to make directions to dispose of his or her body which are legally binding on persons other than his or her personal representative?
10. What persons should be bound by the directions of the deceased in relation to the disposal of his or her body?
11. If directions by the deceased should be binding in limited case, what are those limited cases in which the directions should be legally binding?
12. Is there a need to develop and implement a dispute resolution mechanism for disputes about the disposal of dead bodies in Queensland, in addition to the right to bring an action in the Supreme Court of Queensland?
13. If so, what type of dispute resolution mechanism would be appropriate?"

53A. Although disputes over dead bodies arise in India and its States but on account of absence of any legislation laying down any guiding principle causes inconvenience to the Courts and general public and relations of dead persons. Controversy of disposal of the body of Maharaj Ji, in view of rival claims raised by the petitioner and the followers of DJJS has also arisen in this case. It appears to be a debatable issue as to who has got a preferential right to dispose of the body; what would be the mode of disposal of the body? In the absence of any executor having been deputed with right to possess the body for final disposal, the rival religious beliefs of the body and the dispute regarding the status of the body in view of the beliefs and values of the parties, the parties have approached this Court for adjudication of their rights. No law could be referred to by both the parties regarding imposition of a statutory hierarchy as to who would be

authorized decision maker with right to control the disposition of the remains of Maharaj Ji.

54. In *Buchanan v. Milton*, (1999) 2 FLR 844, the deceased, an aboriginal man, had been removed from his birth parents and adopted by an English Family. The deceased was raised in England and considered himself to be English. He died without leaving a will. He had a young daughter. Upon his death, the adoptive family and the mother of the deceased's daughter planned to cremate the deceased's body and bury his ashes next to those of his adoptive father.

55. A dispute arose regarding disposal of the body of the deceased. The Court acknowledged the deeply held cultural beliefs of the deceased's birth family but considered that it was inappropriate to base the decision of the Court on the cultural or spiritual beliefs of the parties, observing as follows:-

"The law cannot establish hierarchy in which one sort of feeling is accorded more respect than other equally deep and sincere feelings. Nor is the (birth mother's) point of view the only one which is deserving of respect. There are others whose views are at least equally deserving and who feel quite differently."

56. A similar dispute arose in a case in *Sh. Madhu Vijayan and Another Vs. Sh. S.G. Ravishankar*, where a dispute arose between plaintiff and defendant regarding the possession of the ashes of the deceased which were with defendant. Dispute arose between plaintiff and defendant as to who has right over the ashes and in what manner the ashes need to be disposed of. The observations were made as follows:-

"When human beings die, their bodies start to decompose. For this reason, they have to be disposed of after death. Animals don't make a fuss of this fact; they go off and die. Humans, believing they are better than animals, invent religions. They have their beliefs. They have their philosophies. Disposal of human corpses and treatment of mortal remains are aspects of human life that reach from the depths of individual psychology through the necessities of law and community life into the explanatory realms of philosophy and religion.....

27. The undisputed facts are that Vijayan was born a Hindu. May be he was an eclectic spiritualist as claimed by the plaintiffs. The case set up by the plaintiffs in the plaint itself is that it was Vijayan's desire that he should be cremated and cremation should be a simple affair. He was ultimately cremated. It is also accepted by the plaintiffs that though the plaintiff No. 1 is the son of Vijayan and was present when Vijayan breathed his last, he did not accompany the plaintiff No. 2 and the mortal remains of deceased Mr. Vijayan to Kerala. Even if he is not a believer in a particular faith he knew fully well that Vijayan was going to be cremated according to Hindu rites and he had consented for the same. He knew that as per the Hindu tradition, pyre is lit by the son, and the eldest son if they are more than one. He still chose not to do so and allowed these honors to be bagged by the defendant. While performing these rites, all the rituals which are performed when the body of a Hindu is cremated, were followed.

28. Different religions and cultures have various funeral rites that accompany the disposal of the body. One author has remarked that funeral customs are not tributes to the dead but to the living. But perhaps it is not quite so indefensible to pay tributes to the living. Further, it is difficult to say whether religion has complicated human customs or simplified them. Be as it may, Hindu ceremonies are closely tied to a belief in reincarnation. Thus, an elaborate set of rituals is conducted, mostly by relatives, to ensure a proper rebirth. Such rites may serve to mark the passage of a person from life into death, to secure the welfare of the dead, to comfort the living, and to protect the living from the dead. Since the dead body of Vijayan was cremated as per Hindu rites, it ought to follow that the remaining last rites also be performed in accordance with Hindu rites alone."

57. The Delhi High Court had found an equitable solution of the problem and directed plaintiffs and defendants that the plaintiffs would be allowed to perform the ceremonies with the ashes by taking it to some auditorium hall and after the said ceremony, ashes would be taken by defendant for immersion in the river ganga. Plaintiff was held entitled to accompany the defendant. It was observed that it would be an ideal situation if all the three would go together to the Haridwar with joint custody of ashes. Another direction was given that while performing the last rituals that the assistance of the pandas, ceremony will be performed by the plaintiff and defendant have right of participation.

58. A similar controversy came up for consideration before a French Administrative Court in a famous case of Remy Mortinat (Reference Legifrance.gouv.fr of Council of State No. 260307), peculiar facts of which are that the deceased Raymond Mortinat had preserved the body of his wife who died in 1984, inside a freezer with the hope that with scientific advancements, she could be resuscitated and brought back to life in the future. The body remained in the freezer for about 18 years when in 2002 Raymond Mortinat himself expired. As per his last wishes, his son, the executor placed his body in the freezer too along with the body of the wife as followers of the belief of "Cryonica". The local police took suo motto cognizance and prayed before the Local Administrative Court to give a direction of burial with a plea that keeping of a dead body in the freezer amounts to violation of a person's right to burial and is against the public policy, public morality and public health. The local Court was of the opinion that even if the last wishes of the deceased were taken into consideration, no person can be allowed to disrespect a dead body by keeping it in a freezer under a belief which was not supported by logic or science.

59. On Appeal, the Appellate Court went through the provisions of Article 8 and 9, European Convention for the protection of Human Rights and Fundamental Freedoms which seeks to protect both religion and beliefs of a person. The Court also went through local French laws which prohibit any kind of disrespect to a dead body. The Court was of a similar opinion that in a democratic society, limitations have to be placed in interest of rights and freedoms of others, public safety, protection of health and morals. Even though the last wish of the

deceased was a manifestation of his belief and are generally honored after death, but same cannot triumph over the provisions of law.

60. No dispute has been raised regarding the religion of the deceased. It is apparent that he was a Hindu and governed by the values and indulged in various reformatory and rehabilitation programs. As held hereinabove that as per the medical report Maharaj Ji though a Godman of DJJS has like any other living person has ceased to be alive and has been declared dead. Exhibition of his body in transparent refrigerator appears to be not in consonance with any tradition or ritual of Hindu religion. Exhibition of a dead man for any purpose except for "last darshna" would be an insult to the dignity of the dead person.

61. Counsel for the respondents have not been able to show any such custom or tradition to keep the body for an uncertain period and using the same for public display like that of Russian Leader Viadimir Lenin which was embalmed after his death in 1924 and placed on public display. A media report in BBC news on Friday 7 June 2002, described the body of Lenin as needing constant attention to keep it in good condition. His face and hands would be soaked twice a week with a special solution. And once a year, the mausoleum would be closed and his whole body immersed in the solution. His body remains on display in Moscow. His body is cooled to 16 degree Celsius with the humidity maintained between 80 to 90%. Reference can be made to news.bbc.co.uk/1/hi/world/monitoring/media_reports/2029944.stm at 8 June 2004.

62. It is high time that the legislature should take up the exercise of framing legislation pertaining to the disposal of bodies and constitution of an appropriate forum to determine the disputes regarding disposal arising between his family members and well wishers taking into consideration the values and beliefs and religion of the deceased. I refrain from formulating any guidelines on the issue lest it should be considered a step to usurp the field of legislation. Article 51A(h) of the Constitution of India casts a duty on every citizen of India to develop scientific temper, humanism and the spirit of inquiry and reform.

63. The interest of justice demand that the body of Maharaj Ji should be disposed of by cremation or burial with respect, decency, dignity and following all the rituals within 15 days after the receipt of the judgment by a Committee consisting of District Magistrate, Jalandhar in whose jurisdiction the body has been kept, Commissioner of Municipal Corporation, Jalandhar, SDM of the area and SSP, Jalandhar, in such a manner that at the time of final disposal of the body, there is no breach of peace and situation of law and order is not violated. The said Committee will be supervised by the Chief Secretary, Principal Secretary Home, Secretary Health, Secretary Local Bodies and DGP for the State of Punjab. The petitioner, the followers of DJJS and any member of general public should not be prohibited to participate in the last rites. It is directed that in principle, the body deserves to be finally disposed of by a decent cremation with dignity by following all the rituals by deputing a religious priest. The mode of disposal of mortal remains by burial or immersion after disposal of the body to be

determined by the Committee within a period of 15 days. During the interregnum period, the body will not be displayed and will be kept with decency and respect. Any person claiming to be relation, friend or follower would be permitted to participate in last rites subject to public order, morality and law and order.

5. Legal analysis of the claim of the parties, preservation of the body in context to the constitutional right under Articles 25 and 26 of the Constitution of India:

64. After having arrived a conclusion on the basis of analysis of situation in present case, it has been declared that Maharaj Ji has left for heavenly abode after he was declared clinically dead by medical men. The plea of respondent No. 3 and the State authorities that the religious belief of the followers of Maharaj Ji and DJJS to keep the body under refrigeration for an uncertain period with a sanguine hope that Maharaj Ji would awake from "Samadhi" has to be construed to be a religious right. It is also required to be adjudicated upon whether such practice could be given the protection of religion under the right of freedom to manage the religious affairs. Above said belief and practice should be regarded as essential and integral part of the religion for constitutional protection is the legal question required to be sorted out.

65. As discussed hereinabove, there is no property vested in a dead body as no rights vest in a deceased person except a right of decent disposal of the body by cremation, burial or immersion. The dispute over the body of deceased between different interested parties has come up before different Courts of the World. The general law which has evolved is that human body after death is not a property but can be treated as property in law for limited purpose of burial and safeguard of the right of the executor to stop the body from being disrespected or disintegrated. In Indian Legal System, there is no statute or law which even remotely answer in positive and states the rights of body. It seems that only right the deceased have is to remain silent. Articles 25 and 26 of the Constitution of India which provides freedom to entertain any religious belief and practice and propagate any religion, read as follows:-

"25. Freedom of conscience and free profession, practice and propagation of religion: (1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.

(2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law

(a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;

(b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

Explanation I. - The wearing and carrying of kirpans shall be deemed to be included in the profession of the Sikh religion.

Explanation II - In sub-clause (b) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly.

26. Freedom to manage religious affairs:

Subject to public order, morality and health, every religious denomination or any section thereof shall have the right

- (a) to establish and maintain institutions for religious and charitable purposes;
- (b) to manage its own affairs in matters of religion;
- (c) to own and acquire movable and immovable property; and
- (d) to administer such property in accordance with law."

66. The Indian society has nurtured different cultures from times immemorial and has been home to majority of the world religions and having such a historical lineage, the freedom of religion here holds great importance. Though important, it is not an absolute right and is subject to various restrictions. The restrictions are public order, morality or health, other provisions of Part III of the Constitution, Regulation of non-religious activity associated with religious practice, social welfare, social reform etc. Any activity, usage or custom which contravenes the above restrictions is not considered a purely religious activity. In such circumstances, legislations for regulating it will be permissible. What constitutes a purely religious activity, has been subject matter of number of cases which cropped up for decision before different Courts.

67. In Commissioner of Police and others v. Acharya Jagadishwaranand Avadhuta and another, the question came up before the Apex Court whether it was the religious right of Anand Margis faith to perform Tandava dance in public carrying trishul and skull in a procession by them could be said to be an essential and integral part of religious rights of Anand Margi faith. As per the majority decision of the Apex Court, it was held setting aside the findings of Calcutta High Court that taking out tandava dance in public was not essential to Anand Margi faith as such regulation curtailing the right of the participation of a procession to carry knives, trident or skulls was not violative of Articles 25 and 26 of the Constitution of India.

68. Referring to the definition of religion, it has been observed in the said judgment that

"Religion is certainly a matter of faith with individuals or communities and it is not necessarily theistic. There are well known religions in India like Buddhism and Jainism which do not believe in God or in any Intelligent First Cause. A religion undoubtedly has its basis in a system of beliefs or doctrines which are regarded by those who profess that religion as conducive to their spiritual well being, but it would not be correct to say that religion is nothing else, but a

doctrine or belief. A religion may not only lay down a code of ethical rules for its followers to accept, it might prescribe rituals and observances, ceremonies and modes of worship which are regarded as integral parts of religion, and these forms and observances might extend even to matters of food and dress."

The guarantee under our Constitution not only protects the freedom of religious opinion but it protects also acts done in pursuance of a religion and this is made clear by the use of the expression "practice of religion" in Article 25."

69. It was held in the above said judgment that what constitutes an essential part of the religion is primarily to be ascertained with reference to the doctrines of that religion itself.

70. In *Ratilal Panachand Gandhi Vs. The State of Bombay and Others*, , it was held as follows:-

"Every person has a fundamental right under our Constitution not merely to entertain such religions belief as may be approved by his judgment or conscience but to exhibit his belief and ideas in such overt acts as are enjoined or sanctioned by his religion and further to propagate his religious view for the edification of others".

It as also pointed out that Religious practices or performances of acts in pursuance of religious belief are as such a part of religion as faith or belief in particular doctrines."

71. In *The Durgah Committee, Ajmer and Another Vs. Syed Hussain Ali and Others*, , the Supreme Court pointed out that:

"In order that the practices in question should be treated as a part of religion they must be regarded by the said religion as its essential and integral part; otherwise even purely secular practices which are not an essential or an integral part of religion are apt to be clothed with a religious form and may make a claim for being treated as religious practices within the meaning of Art. 26. Similarly, even practices though religious may have sprung from merely superstitious beliefs and may in that sense be extraneous and unessential accretions to religion itself. Unless such practices are found to constitute an essential and integral part of a religion their claim for the protection under Art. 26 may have to be carefully scrutinised; in other words, the protection must be confined to such religious practices as are an essential and an integral part of it and no other."

72. In *Suraj Mai Singhvi v. State of Rajasthan*, 1966 RLW 566, the provisions of law which had the effect of taking away the management from the hands of denomination and foist it in the hand of committee who were not well-versed in Jain scriptures was held violative of Articles 25 and 26 of the Constitution of India. The provisions of Rajasthan Public Trust Act, 1959 which did not provide safeguards for leaving the administration of the property of Jain Mandir in the hands of a denomination was held to be bad.

73. The scope of Articles 25 and 26 of the Constitution of India came up for consideration before the Apex Court in Mahant Sri Jagannath Ramanuj Das and Another Vs. The State of Orissa and Another, (2) Sri Venkataramana Devaru and Others Vs. The State of Mysore and Others, (3) The Durgah Committee, Ajmer and Another Vs. Syed Hussain Ali and Others, , and several other cases. The main principles underlying the Articles 25 and 26 of the Constitution of India have by these decision been placed beyond controversy. The following principles have been laid down

- i) The protection of these articles is not limited to matters of doctrine or belief; they extend also to acts done in pursuance of religion and therefore, contain a guarantee for rituals and observances, ceremonies and modes of worship which are integral parts of religion.
- ii) What constitutes an essential part of a religious or religious practice has to be decided by the courts with reference to the doctrine of a particular religion and include practices which are regarded by the community as a part of its religion.

74. Similar is the ratio of judgment in N. Adithayan Vs. The Travancore Devaswom Board and Others, in which appointment of a person who was non-malyala Brahmin as Poojari of a temple was challenged as violative of constitutional right. It was held as follows:-

"28. The religious freedom guaranteed by Articles 25 and 26, therefore, is intended to be a guide to a community life and ordain every religion to act according to its cultural and social demands to establish an egalitarian social order. Articles 25 and 26, therefore, strike a balance between the rigidity of right to religious belief and faith and their intrinsic restrictions in matters of religion, religious beliefs and religious practices and guaranteed freedom of conscience to commune with his Cosmos/Creator and realize his spiritual self. Sometimes, practices religious or secular are inextricably mixed up. This is more particularly so in regard to Hindu religion because under the provisions of the ancient Smriti, human actions from birth to death and most of the individual actions from day-to-day are regarded as religious in character in one facet or the other. They sometimes claim the religious system or sanctuary and seek the cloak of constitutional protection guaranteed by Articles 25 and 26. One hinges upon constitutional religious model and another diametrically more on traditional point of view. The legitimacy of the true categories is required to be adjudged strictly within the parameters of the right of the individual and the legitimacy of the State for social progress, well-being and reforms, social intensification and national unity. Law is a tool of social engineering and an instrument of social change evolved by a gradual and continuous process. As Benjamin Cardozo has put it in his Judicial Process, life is not logic but experience. History and customs, utility and the accepted standards of right conduct are the forms which singly or in combination all be the progress of law. Which of these forces shall dominate in any case depends largely upon the comparative importance or value of the social interest that will be, thereby, impaired. There shall be symmetrical development

with history or custom when history or custom has been the motive force or the chief one in giving shape to the existing rules and with logic or philosophy when the motive power has been theirs. One must get the knowledge just as the legislature gets it from experience and study and reflection in proof from life itself. All secular activities which may be associated with religion but which do not relate or constitute an essential part of it may be amenable to State regulations but what constitutes the essential part of religion may be ascertained primarily from the doctrines of that religion itself according to its tenets, historical background and change in evolved process etc. The concept of essentiality is not itself a determinative factor. It is one of the circumstances to be considered in adjudging whether the particular matters of religion or religious practices or belief are an integral part of the religion. It must be decided whether the practices or matters are considered integral by the community itself. Though not conclusive, this is also one of the facets to be noticed. The practice in question is religious in character and whether it could be regarded as an integral and essential part of the religion and if the court finds upon evidence adduced before it that it is an integral or essential part of the religion, Article 25 accords protection to it. Though the performance of certain duties is part of religion and the person performing the duties is also part of the religion or religious faith or matters of religion, it is required to be carefully examined and considered to decide whether it is a matter of religion or a secular management by the State. Whether the traditional practices are matters of religion or integral and essential part of the religion and religious practice protected by Articles 25 and 26 is the question. And whether hereditary archaka is an essential and integral part of the Hindu religion is the crucial question.

29. Justice B.K. Mukherjee in his Tagore Law Lectures on Hindu Law of Religious and Charitable Trust at p. 1 observed:

"The popular Hindu religion of modern times is not the same as the religion of the Vedas though the latter are still held to be the ultimate source and authority of all that is held sacred by the Hindus. In course of its development the Hindu religion did undergo several changes, which reacted on the social system and introduced corresponding changes in the social and religious institution. But whatever changes were brought about by time and it cannot be disputed that they were sometimes of a revolutionary character the fundamental moral and religious ideas of the Hindus which lie at the root of their religious and charitable institutions remained substantially the same; and the system that we see around us can be said to be an evolutionary product of the spirit and genius of the people passing through different phases of their cultural development."

15. As observed by this Court in *Kailash Sonkar Vs. Smt. Maya Devi*, , in view of the categorical revelations made in Gita and the dream of the Father of the Nation Mahatma Gandhi that all distinctions based on castes and creed must be abolished and man must be known and recognized by his actions, irrespective of the caste to which he may on account of his birth belong, a positive step has

been taken to achieve this in the Constitution and, in our view, the message conveyed thereby got engrafted in the form of Articles 14 to 17 and 21 of the Constitution of India, and paved way for the enactment of the Protection of Civil Rights Act, 1955.

16. It is now well settled that Article 25 secures to every person, subject of course to public order, health and morality and other provisions of Part-III, including Article 17 freedom to entertain and exhibit by outward acts as well as propagate and disseminate such religious belief according to his judgment and conscience for the edification of others. The right of the State to impose such restrictions as are desired or found necessary on grounds of public order, health and morality is inbuilt in Articles 25 and 26 itself. Article 25(2)(b) ensures the right of the State to make a law providing for social welfare and reform besides throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus and any such rights of the State or of the communities or classes of society were also considered to need due regulation in the process of harmonizing the various rights. The vision of the founding fathers of Constitution to liberate the society from blind and ritualistic adherence to mere traditional superstitious beliefs sans reason or rational basis has found expression in the form of Article 17. The legal position that the protection under Articles 25 and 26 extend a guarantee for rituals and observances, ceremonies and modes of worship which are integral parts of religion and as to what really constitutes an essential part of religion or religious practice has to be decided by the Courts with reference to the doctrine of a particular religion or practices regarded as parts of religion, came to be equally firmly laid down."

75. Bearing above said principles in mind, this Court has approached the controversy in the present case to find out whether stand of the State and respondent No. 3 that the practice of deferring the disposal of body of Maharaj Ji for indefinite period under the belief that he was in Samadhi and retention of the same in glass refrigerator is protected under Articles 25 and 26 of the Constitution of India. No doubt, it is the fundamental right of any citizen to have freedom of conscious and practice and propagation of the religion, subject to public order, morality and health. As per Article 26 of the Constitution of India, every religions denomination or any section thereof shall have a right to manage its own affairs in the matter of religion but before a citizen or group of persons are guaranteed observance of some rituals ceremonies and mode of worship, it has to be established that the rituals and ceremonies are integral part of the religion. This Court is called upon to determine whether the above said practice constitutes an essential part of the religion or religious practice. Learned counsel for the respondents have not been able to substantiate by any established religious practice of the followers of DJJS that retention of body despite the same having been declared clinically dead for indefinite period would be part of their religion and that such practice is regarded by the community as part of their religion.

76. Mr. Chetan Mittal, learned counsel for the respondents has referred to the following judgments:-

i) *Pogakula Laxmireddy and others Vs. The Principal Secretary to Govt. of Andhra Pradesh, Revenue Department Secretariat, Hyderabad and others*, : In the said case, a dispute arose regarding the belief that there is a sacred book preserved under the tamarind tree. People considered the said tree as sacred and performed daily puja. It was held that State was precluded from issuing any order which directly or impliedly offend the religious sentiments or freedom of conscience.

ii) *Shriomani Gurudwara Prabandhak Committee, Amritsar Vs. Shri Som Nath Dass and Others*, , wherein there was a dispute regarding ownership of a Gurudwara between SGPC who has declared the same to be Sikh Gurudwara within the meaning of SGPC Act, 1925. It was claimed by the other side to be dharamshala and dera of udasian. It was observed that installation and adoration of an idol or any image by a Hindu denoting any god is merely a mode through which his faith and belief is satisfied. The Court held that it is a religious faith that leads to the installation of idol in temple and such faith and belief cannot be judged through judicial scrutiny.

iii) *Ratilal Panachand Gandhi Vs. The State of Bombay and Others*, , wherein in context to the constitutional validity of Bombay Public Trust to regulate the administration of public and religious trust as application to the temples, maths etc. it was held that religious practices and performance of acts, in pursuance of religious belief are as much a part of religion or faith or belief in particular doctrines. If certain rites and ceremonies are to be performed at certain times in a particular manner by tenets of Jain or Parsi religion, no outside authority has any right to say that these are not essential part or religion or it is not open to the secular authority of the State to restrict or prohibit them, in any manner, they like under the guise of administering the trust estate."

77. I have considered the contentions of learned counsel for the respondents. It will be relevant to point out that in *Miss Fathema Hussain Sayed, a minor through her father Vs. Bharat Education Society and Others*, , *Remya Raju and Others Vs. Govt. of Kerala and Others*, , *N. Adithayan v. Travancore Devaswom Board*, (2002) 7 Supreme 242, *Committee of Management, Arya Nagar Inter College, Arya Nagar, Kanpur, through its Manager and another Vs. Sree Kumar Tiwary and another*, , *Commissioner of Police and Others Vs. Acharya Jagadishwarananda Avadhuta and Another*, , the Courts have examined the essential ingredients of various religion and analyzed the various religious practices to adjudicate whether the particular case violated Articles 25 and 26 of the Constitution of India.

78. A perusal of the above said judgments indicate that requiring Muslim girls by college Management not to wear head covering during school hours is not interference in religious rights of a Muslim student as this is not essence of

Muslim religion or Islam (Fathema Hussain Sayed's case supra).

79. The custom of Purdah in Muslims is requirement under Muslim religion. This right is subject to public order, morality or health as such objection of publication of photograph of photographs of Muslim woman in the electoral roll was dismissed. (M. Ajmal Khan's case supra).

80. In N. Adithyan's case (supra), appointment of non-malayala Brahmin as Pujari in a Shiva Temple in Kerala was held to be not violative of constitutional right.

81. In Sri Adi Visheshwara of Kashi Vishwanath Temple's case (supra), appointment of Pujari for the performance of worship was held to be not an ultra vires under Articles 25 and 26 of the Constitution of India.

82. A perusal of the judgments mentioned hereinabove, indicate that it is not beyond the ambit of the jurisdiction of a Court to find out whether a particular religious faith of people is to be protected under the guise of religion.

83. In view of above discussion, it is held that faith and belief of the devotees and followers of DJJS that Maharaj Ji is in deep mediation cannot be interfered being right of religion, is not tenable as the said belief cannot be regarded as integral part of the religion. The said belief cannot be protected under the right of freedom of religion and would not fall under the expression "practice of religion" under Articles 25 and 26 of the Constitution of India. The belief is contrary to the fundamental duty under Article 51A(h) of the Constitution of India requiring us to have scientific temper and humanism. As held hereinabove, the body of Maharaj Ji deserves to be disposed of by following the rituals in accordance with the customs.

6. Locus standi and right of Puran Singh in CRM M-9195 of 2014 seeking post mortem on the body of Maharaj Ji and investigation:

84. In CRM M-9195 o/2014-Puran Singh v. State of Punjab, the petitioner has sought a direction to the respondent State to get the post mortem conducted upon the body of Mahesh Jha @ Ashutosh Ji Maharaj, head of DJJS, Noormahal, District Jalandhar, who has been stated to be clinically dead on January 29, 2014 by the State of Punjab.

85. In the status report filed in an earlier habeas corpus petition filed by him, it is claimed by Puran Singh that the deceased was died in suspicious circumstances and unnatural death. As DJJS has got Rs. 100 crores of cash amount and property worth more than Rupees thousand crores, it is necessary to get the post mortem conducted.

86. State has filed a detailed reply alleging that petitioner had earlier filed CRWP No. 169 of 2014 seeking a direction for a writ of habeas corpus alleging that Maharaj Ji had been kept in illegal detention. Said petition was dismissed on the basis of report of SDM, Philluar, DSP, Nakodar and SHO Nurmahal. The SSP,

Jalandhar and SHO Police Station Nurmahal had received a representation from the petitioner that conducting an inquiry into the unnatural death of Mahesh Kumar Jha @ Ashutosh Ji Maharaj and sought post mortem of his body. The SHO, Noormahal conducted a thorough and impartial inquiry into the allegations. During inquiry, statement of petitioner was recorded. During inquiry, it transpired that petitioner had levelled vague and baseless allegations that Maharaj Ji had died under suspicious circumstances. In view of the report of SHO, which was approved by SSP has been appended as annexure R-4. On visiting the room of Maharaj Ji at sansthan, nothing suspicious or unnatural had been found indicating that Maharaj Ji had died an unnatural death under suspicious circumstance as such there was no occasion for proceeding under Section 174 Cr.P.C.

87. During inquiry, the SHO found that petitioner was in the habit of giving false complaints against DJJS. He had earlier also submitted an affidavit dated May 9, 2000 stating that he apologized for wrong complaints submitted by him levelling false and baseless allegations. Copy of the said affidavit has been placed on record as annexure R-6. During inquiry, it was found that earlier in the year 2007, the petitioner had submitted different complaints alleging that boys and girls residing in DJJS were being harassed and maltreated and that the matter should be inquired into by CBI. Said complaints were inquired and were found to be false. Inquiry report dated February 19, 2008 approved by DSP and SSP has been relied upon as annexure R-7. It has been mentioned in the reply that during inquiry proceedings, statements of various followers of DJJS were recorded but nothing was stated by anyone that Maharaj Ji as died under suspicious circumstances and that it was an unnatural death.

88. Vide report dated March 24, 2014 the representation submitted by the petitioner were found to be false and no material was found during inquiry that death of Maharaj Ji who was clinically dead was unnatural.

89. I have considered the claim of Puran Singh that he is Driver having locus standi to seek autopsy on the allegation that Maharaj Ji died an unnatural death. The petitioner had earlier filed a habeas corpus petition bearing CRWP No. 169 of 2014 alleging that Mahesh Kumar Jha @ Ashutosh Ji Maharaj, Head of Divya Jyoti Jagriti Sansthan, Nurmahal, Teshil Phillaur District Jalandhar had been illegally detained on the false pretext that he had gone in Samadhi on January 29, 2014.

90. When notice was issued in the earlier petition, the status report was submitted to the effect that the above said person was clinically dead at 2.15 a.m. on January 29, 2014. The above said report was prepared under the supervision of Duty Magistrate, SHO, Police Station, Nurmahal and DSP, Nakodar. The writ petition was disposed of as not maintainable for release of a non-living body by this Court.

91. He preferred second petition invoking the inherent jurisdiction of this Court

for directing the State authorities to get the post mortem conducted upon the body of the above said person who was reported to be clinically dead on January 29, 2014. The petitioner claims that he had submitted an application annexure P-4 to SHO, Police Station Nurmahal District Jalandhar, invoking that it was a case of unnatural death under suspicious circumstances and was required to be inquired into. He had also made a request for conducting of postmortem examination. Through instant petition, he now seeks a direction that the matter should be investigated.

92. I have gone through the information supplied by the petitioner to the police vide annexure P-4 which was apparently received in the Police Station vide No. 92-DHR dated February 25, 2014. A perusal of the said representation does not indicate that the information furnished vide annexure P-4 is relating to commission of any cognizable offence warranting any action for registration of an F.I.R. under Section 154 Cr.P.C. requiring investigation as per Chapter XII of the Cr.P.C. The requirement of preparation of inquest report is contained in Section 174 Cr.P.C. which reads as follows:-

Section 174 : Police to inquire and report on suicide, etc. - (1) When the officer in charge of a police station or some other police officer specially empowered by the State Government in that behalf receives information that a person has committed suicide, or has been killed by another or by an animal or by machinery or by an accident, or has died under circumstances raising a reasonable suspicion that some other person has committed an offence, he shall immediately give intimation thereof to the nearest Executive Magistrate empowered to hold inquests, and, unless otherwise directed by any rule prescribed by the State Government, or by any general or special order of the District or Sub-divisional Magistrate, shall proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighborhood shall make an investigation, and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises, and other marks of injury as may be found on the body, and stating in what manner, or by what, weapon or instrument (if any), such marks appear to have been inflicted.

(2) The report shall be signed by such police officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to the District Magistrate or the Sub-divisional Magistrate.

(3) [When

(i) The case involves suicide by a woman within seven years of her marriage: or

(ii) The case relates to the death of a woman within seven years of her marriage in any circumstances raising a reasonable suspicion that some other person committed an offence in relation to such woman; or

(iii) The case relates to the death of a woman within seven years of her marriage

and any relative of the woman has made a request in this behalf, or

(iv) There is any doubt regarding the cause of death; or

(v) The police officer for any other reason considers it expedient so to do,

he shall, subject to such rules as the State Government may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other qualified medical man appointed in this behalf by the State Government, if the state of the weather and the distance admit of its being so forwarded without risk of such putrefaction on the road as would render such examination useless.

(4) The following Magistrates are empowered to hold inquests, namely, any District Magistrate or Sub-divisional Magistrate and any other Executive Magistrate specially empowered in this behalf by the State Government or the District Magistrate."

As per Section 174 Cr.P.C., a police officer proceeding under Section 174 Cr.P.C. may summon two or more persons for the purpose of investigation regarding cause of death. The provisions of investigation and preparation of inquest report are contained in Chapter XXV of the Punjab Police Rules, 1924. Rule 25.31 deals with inquests which reads as follows:-

"Rule 25.31. Inquests. - (1) An officer in charge of a police station shall, upon receipt of information of the sudden or unnatural death of any person, when the body of such person is within the local jurisdiction of his police station, immediately send information to the nearest magistrate authorized to hold inquests and shall proceed to the place where the body is and hold an investigation in the manner prescribed by Section 174, Code of Criminal Procedure. When the Sub-Inspector in charge of the Police Station through illness or absence from the station house, is himself unable to carry out the investigation, he shall at the first convenient opportunity proceed to the place where the body of the deceased person was found, and shall personally verify the results of the investigation.

(2) In cases where the body is not found, or has been buried, there can be no investigation under Section 174, Code of Criminal Procedure

In such cases, if there are reasonable grounds for suspicion that a cognizable offence has been committed, that police shall register a case and commence investigation:

Provided that the following cases shall be exceptions to this rule:-

(a) When the death of any person is caused by injuries unlawfully inflicted by soldier or camp follower, or occurs within the limits of a military cantonment, the inquest shall be conducted by the Cantonment Magistrate, under Section 176, Code of Criminal Procedure or by the nearest competent Magistrate if the post of Cantonment Magistrate is held by an officer not specially empowered to hold

inquests or if the scene of death is outside cantonment limits.

If the magistrate invited to hold the inquest fails to do so, the superintendent or other gazetted officer shall make an investigation under the combined provisions of Section 174 and 551, Code of Criminal Procedure, and if no gazetted officer is available such investigation shall be made by the officer in charge of the police station concerned.

Such inquest or investigation under the Code of Criminal Procedure shall be held in addition to any military court of inquest which may be held.

(b) In the case of the sudden or unnatural death of a European soldier, non-commissioned officer, or officer the inquest shall be held under Section 176, Code of Criminal Procedure, by the nearest magistrate duly authorized to hold inquests.

(c) In the case of a death by violence occurring within the walls of a military prison or civil jail the police shall not make an investigation into the cause of death when an inquest has been held by a competent magistrate.

(d) Upon receipt of information of a sudden or unnatural death within the walls of a prison the officer in-charge of the police station concerned shall send immediate intimation to the senior magistrate present at headquarters and shall proceed to the prison and place a guard over the body and shall allow neither the body nor anything which may have caused the death of the deceased to be moved until the arrival of a magistrate."

93. Para 25.35 of Punjab Police Rules requires an investigating officer to draw up a report in form 25.35(1) where the deceased appear to have died from unnatural causes, violence or by poisoning. A form under Rule 25.31 of Police Rules is required to be prepared and sent to the Medical Officer.

94. A perusal of the above said legal provisions indicates that as per Rule 25.31, on receipt of information of sudden or unnatural death of any person when the body of such person is within the local jurisdiction of his police station, the officer incharge requires to send information immediately to the nearest Magistrate authorized to hold inquests and proceed to hold an investigation. The above said Rule prescribes certain exceptions in which without registration of a case or commencement of investigation the inquest report is required to be prepared.

95. In the present case, there is neither an information under Section 154 Cr.P.C. regarding commission of any cognizable offence nor the investigation has commenced under Chapter XII of Cr.P.C. It is also not a case which falls within the exceptions of the Rule of inquest under Rules 25.31.

96. In view of the above circumstances, petition for a direction to the Incharge of the Police Station, Nurmahal, District Jalandhar to get the post-mortem conducted is not maintainable. The powers under Section 482 Cr.P.C. or Article 227 of the Constitution of India can be exercised to prevent the abuse of the process of any Court or otherwise to secure the ends of justice or to give effect

to any order under law or for enforcement of legally enforceable right. The circumstances of the present case do not require an inquiry by the Magistrate as per the procedure of law as the detailed enquiry as mentioned hereinabove has already been conducted.

97. Learned counsel for the petitioner has made an attempt to convince the Court that the death of Maharaj Ji is an unnatural death for greed of his property but the allegations of the petitioner have already been inquired into fairly. The matter has been objectively inquired into and petitioner has, in view of his previous conduct has not been able to satisfy that the Maharaj Ji had died an unnatural death or it was a case of homicide requiring the investigation. As it is not a case of unnatural death, no ground is made out for directing to conduct the post-mortem on the body of Maharaj Ji.

Petition bearing CRM M-9195 of 2014 is thus dismissed.

98. In view of above circumstances, Civil Writ Petition No. 7345 of 2014 is disposed of with a declaration that Maharaj Ji was declared clinically dead on January 29, 2014, the claim of the respondents i.e. followers of DJJS that they have got a religious right to retain the body of Maharaj Ji for uncertain period, he being in Samadhi, expected to return back, is rejected, as not protected under Articles 25 and 26 of the Constitution of India.

99. The Civil Writ Petition No. 7345 of 2014 filed by Dalip Kumar Jha and the CRM M-9195 of 2014 filed by Puran Singh, on the basis of above said discussion, are hereby disposed of with following observations/directions:-

i) A declaration is issued that Ashutosh Maharaj Ji has died a natural death w.e.f. January 29, 2014 when he was declared clinically dead;

ii) In the peculiar circumstances of this case, the present civil writ petition is maintainable;

iii) The petitioners Dalip Kumar Jha and Puran Singh do not have any locus standi on the basis of the material produced by them before this Court to claim right for possession of the property in the body which deserves to be disposed of by cremation, in accordance with the religious rights without prejudice to the rights of the petitioners, devotees and followers of Ashutosh Maharaj Ji and DJJS to participate in the last rites subject to public order, morality and health;

iv) The body of Maharaj Ji will be cremated by a Committee consisting of District Magistrate, Jalandhar, SDM of the Area concerned, SSP, Jalandhar, Commissioner, Municipal Corporation, Jalandhar, Chief Medical Officer, Jalandhar. The above said Committee is directed to make necessary arrangements for disposal of the body of Maharaj Ji within a period of 15 days by getting the services of any religious person. The said Committee will implement the order of this Court under the close and strict supervision of Chief Secretary; Principal Secretary, Home; Secretary Health; Secretary Local Bodies and DGP for the State of Punjab. The Committee will report the compliance of the order.

v) It is declared that belief of the followers of Maharaj Ji and DJJS that they have got a right to retain the body of Maharaj Ji under refrigeration for an uncertain period being in "Samadhi" is held to be not a practice protected by their religion being not essential and integral part of their religion under Articles 25 and 26 of the Constitution of India. It is their fundamental duty under Article 51(A)h of the Constitution to develop scientific temper, humanism and the spirit of inquiry and reform;

vi) Members of the Committee and the above said supervisory authorities will ensure that there is no breach of peace and violation of law and order without curtailing the right of the followers, alleged relations and members of public to participate in the last rites of Ashutosh Maharaj Ji;

vii) The mode of disposal of the mortal remains after cremation by burial or immersion would be determined by the Committee;

viii) The petition bearing CRM M-9195 of 2014 for a direction to conduct autopsy on the body of Maharaj Ji is dismissed.

100. It is further directed that during the interregnum period, the body of Maharaj Ji will be kept with respect, dignity and decency and will not be displayed for any other purpose except for the "last darshan" of persons claiming to be his relations, friends or followers subject to public order and morality. It is further observed and expected that it is high time that the legislature in its wisdom should rise to the occasion to take up the matter for formulating statute laying down guidelines for disposal of the bodies after declaration of "death", taking into consideration the various aspects of the religious rites, rituals, customs besides constituting a forum for adjudication of such disputes.