

Temple as Legal Body

Aesthetics and the Legislation of Antiquity

Legal texts reveal the philosophical underpinnings of temple administration. How do we define a temple as living or dead? Contemporary use at Jagat and Eklingji changes the materiality of the sites themselves. Is authentic history limited to a history that includes change—the object agent as an organic form? Or do we privilege heritage as the only way to preserve history through a selective process to curate the present at ancient monuments? In India the religious and legal status of deities raises the question of how to endow a god. And, as one can imagine in a setting where the life and death of monuments and the estate of a deity are in question, India becomes a place where the speech of architectural preservation models moves beyond the outdated simplistic rhetorical fantasies of iconoclasm to include the deaths of people, or “humanoclasm,” and, I would argue, humanity at large, rather than deities and their monuments alone.

I coin the term “humanoclasm” here to describe acts of political murder as a result of art historical dispute. In South Asia, two of the most recent and famous examples of humanoclasm have been sparked by the archaeological sites of Ayodhyā in India and the Bamiyan Buddhas in Afghanistan. When the Bamiyan Buddhas fell to the Taliban in 2001, many in the art history department at the University of California, Berkeley, asked me what I thought of the Taliban’s destruction of these precious, ancient, enormous examples of Buddhist art. Like many, I could not unhinge these statues from the deaths of people for the same reasons. The Taliban action spoke loudly and revealed an outcry over objects in the wake of relative silence over the plight of real people. The advent of humanoclasm at the turn of the twenty-first century suggests the stakes for temple administration are very high. For this reason, I have included as evidence large portions

of legal mandates and rather substantial quotations in my analysis of an administrative dialectic between a temple fighting for the right to be defined as private and a temple laying the foundation to become public.

Different forms of violence—ranging from communal strife to the theft and kidnapping of a deity—ensue from the stone agency of temples. Unlike modern artworks, the two ancient Indian temples at Jagat and Ekliṅgī were not conceived as “artworks.” These buildings are ideological and material commodities. Arjun Appadurai proposes that “the commodity situation in the social life of any ‘thing’ be defined as the situation in which its exchangeability (past, present, or future) for some other thing is its socially relevant feature.”¹ Some may object since an archaeological compound is fixed in situ and, hence, cannot be exchanged. But few would disagree that monuments change hands. Each group of people who use a site owns it in their own way. The past of the two temples in question displays different modes of ownership, only some of which were privileged enough to be included in the historical record. The present of the two temples reveals tensions among various groups who seek to define the temples by claiming them through praxis.

LEGISLATING EKLIṅGĪ

At Ekliṅgī we find a temple still in the court—claimed as private by the mahārāṇā of Mewār and as public by both the Archaeological Survey of India (ASI) and the Devasthan Department in Rājāsthān. Recent evidence of postcolonial royal claims to the family temple and the numinous ruler of Mewār comes from the published materials of multiple charitable trusts, whereas court records of legal battles with the state remain inaccessible to the public because they are ongoing. Concerned by the fate of the king’s role as dutiful guardian in 1970, Mahārāṇā Bhagwat Singhji wrote to Indira Gandhi: “The Institution of Mahārāṇā has a history of fourteen centuries behind it. . . . I am merely its trustee and servant. . . . It is not my private possession. It belongs to the people. . . . If traditions . . . are not preserved, what will there be left to inspire the nation?”²

The issue of how tradition is preserved within the context of nationhood defines much of the modern debate about how and by whom temple sites are to be administered. Most temples fall into religious trusts, which are either public and tax exempt or private and taxable. A third type of trust, the charitable trust, is always public and always tax exempt. At Ekliṅgī a private religious trust and public charitable trust coexist.

At Jagat, in contrast, no official trust existed as of 2002; however, installation ceremonies held for a new icon may pave the way for the future formation of a public religious trust. Local people—whether male or female; old or young; Rājput, Bhil, or Meena—all seek to control their own patrimony while the state seeks to preserve sites as historical monuments. Either the ASI or the Rājāsthān

State Archaeological Survey officially administers sites such as Unwās, Īswāl, and Jagat, whereas local communities claim the sites as their own. These groups paint the temples, renovate them with marble, install new icons when old sculptures are stolen, practice folk forms of religion such as divination, use the temples for seasonal festivals, and ensure basic daily *pūjā* (worship) at the shrines. Locals, the state, and private trusts all steal these sites from each other by limiting and awarding access to various groups of people.

Since India's independence in 1947, those who inherited the cultural title of mahārāṇā have sought to maintain control of the Ekliṅgī temple complex via Indian national law. They also make claims to the site based on their family histories. The current mahārāṇā, Śrii Arvind Singh Mewār, considers his control of the site to be his *dharma* (duty). By turning the administration of the Ekliṅgī temple complex over to the state, he would be the first of many generations to renounce the role of *dīwān* (regent) of Śri Ekliṅgī, the divine ruler of Mewār. Also with independence came the end of feudalism and colonialism, as well as the birth of democracy and the nation. Mewāris were no longer subjects but voters. But national law has not entirely replaced tradition in southern Rājāsthān—far from it. And while the title of mahārāṇā is no longer a political office per se, it is still taken quite seriously. The naming of Śri Arvind Singh, the younger brother, as the trust administrator is still seen by many as an illegitimate attempt to name the second-born heir to the throne. This debate has sparked many legal battles, with most records not available to the public.

The deity Śri Ekliṅgī has been and will always be the king of Mewār. So the question turns to who his *dīwān* should be and, more important, how the legal status of nationhood sits on the shoulders of a god. What is the status of a divine ruler after independence? The current mahārāṇā of Mewār administers several trusts and a multimillion-dollar corporation of heritage hotels. He styles himself mahārāṇā/CEO. As for Śri Ekliṅgī, his *dīwān* is working hard to define a role for him after the abolition of the monarchy in India. In his will Śri Arvind Singhji's father ensured that the Śri Ekliṅgī temple would continue to be administered as part of a trust after his demise, which took place on November 3, 1984. The mission of the Śri Ekliṅgī Trust is "for the preservation and perpetuation of *pūjā* (worship) to the Ruler of Mewār, Paramēśvara Maharaj Śri Ekliṅgī, in the traditional form of worship, Paddhatis."³

The commodification of monuments in the postcolonial era results from this shift from royal to national and state patronage and from the pressures of a global economy. Under colonial law the government holds permission to commodify an object with the exception of "any image or symbol used for the purpose of any religious observance" or "anything which the owner desires to retain on any reasonable ground personal to himself or to any of his ancestors or to any member of his family."⁴ Herein lies the difference with theft, which involves the commodification of a religious symbol. Strapped with the burden of development and the care of a population more than one billion strong, the government of India does not

have the resources needed to fully look after the vast wealth of historical monuments under its auspices. As the result of this strain, private organizations, either corporate or village collectives, step in to ensure renovation, pūjā, and protection according to their own varied values.

Like ancient inscriptions, the mission statements of the trust served mahārāṇās as records of their acts for posterity. The goals of the private Śrī Ekliṅgī Religious Trust are to handle “the upkeep and expenses of religious establishments and the encouragement of spiritual practice in practical terms” and to support “the restoration and conservation of temples and religious sites, the preservation and perpetuation of customary and traditional religious ceremonies.”⁵ This sounds similar to the goals set out by the *Cintra Praśāsti* inscription in the thirteenth century for ritual and maintenance of religious sites.

On the one hand, the priorities of state organizations seem to be just the opposite: maintenance first and ritual second. On the other hand, the Jaipur Ancient Monuments Act of 1941 states that “compulsory purchase” is illegal in the case of a monument that “is used for religious observances.”⁶ The government was allowed to contract with the owner for preservation. Article 10, section 1 of the same act states, “A place of worship or a shrine maintained by the Government under this Act shall not be used for any purpose inconsistent with its character.” Section 2 adds, “When a protected monument of which the Government has taken charge is used for religious worship or observance by any community, the Nazim shall make due provision for the protection of such monument or such part thereof from pollution or desecration.”⁷

The mahārāṇās maintain that the Ekliṅgī temple complex is the home of the ruler of Mewār. Henri Stern has argued that the Ekliṅgī temple serves to reify the mahārāṇās’ power in three ways: to reinforce the Bhil alliance, to legitimize the right to rule in the Brahman upbringing of Bappa Rāwal, and to emphasize Bappa Rāwal’s unique role as the exclusive guardian of the liṅgaṃ as earned by the *tapas* (aesthetic trials) of forest dwelling.⁸ The challenge to this view lies in Mewār’s rule by the state of Rājāsthān and the government of India. Under this rubric, according to the Preservation Act of 1941, the ASI should administer the site. Photographs of the Śrī Ekliṅgī temple complex and the deity himself in the ASI archives in New Delhi suggest the ASI held control in the 1950s. The Devasthan Department of the government of Rājāsthān also claims title to the Ekliṅgī temple complex, but none of the current court records are available to the public.

The Devasthan Department administers many living sites such as the Jagannātha temple in the heart of Udaipur. These buildings serve religious and tourist functions simultaneously. Despite being a department in the Rājāsthān government, the Devasthan Department’s mission is quite different from the general goals of the Rājāsthān Archaeological Department. The Rājāsthān Archaeological Department is responsible for the protection of ancient monuments with respect for those in worship, whereas the Devasthan institute administers the finances of

worship.⁹ According to departmental documents, Devasthan has three relationships to the sites it administers: ownership, partnership, and contract with a trust that administers it. The mahārāṇā claims that the Ekliṅgī temple is a family temple in a private trust. According to his *Declaration about Trusts*, “His late Highness Mahārāṇā Śrī Bhupal Singji Bahadur by virtue of the constitution granted by him as Sovereign to the then people of Mewār on the 23rd day of May, 1947, had also given a formal shape of a Trust to such properties, and since that date the various properties were separated from the Devasthan Department and were since then held as a separate Trust for the maintenance and upkeep of various religious institutions.”¹⁰

Although the current mahārāṇā's father explicitly stated on the eve of Indian independence that the Śrī Ekliṅgī temple was not part of the Devasthan Department, the director of Devasthan sees it differently. Poonam Sagar, the Devasthan Department director in the Udaipur office, sees the Ekliṅgī temple complex as the public property of the state, contracted to a trust for administration.

Bhupal Singh argues in the *Declaration about Trusts* that the Śrī Ekliṅgī temple has always been a family temple and not a public temple. A photo of the main icon from 1950 shows Śrī Ekliṅgī, the ruler of Mewār, in the form of a black, four-faced stone liṅgaṃ, under worship in the main shrine (see fig. 0.3). Why would the ASI, a national governmental organization, have taken pictures of the god of the inner sanctum of a family temple in 1950 if it was already deemed not to be public patrimony in the late 1940s? Family temples are not public. According to the Bombay Trusts Act (1950):

It is not unusual for rich families to install their deities in the temple for the worship of the family members. Such temples are located within the premises of the bungalow or residential quarters. It is settled law that such family deities may be endowed with property without any question of a public trust or such rich families may make a sort of permanent provision for the *Pūjā*, *Archan*, etc., and for the upkeep of the temple. Family deity may even be a permanently installed idol. Merely because the members of the public are allowed to visit the temple freely, that does not go to show that they visited the temple *as of right*. Our High Court as well as Privy Council held that Hindu sentiment does not permit anybody to prevent the devotees from visiting the private temple. Such temples are called *Ghar Derasars* and are not public trusts as defined under the Act.¹¹

On the one hand, the Ekliṅgī temple fits many of these criteria with one paramount exception: the temple does not exist within the family residence. On the other hand, the Bombay Trusts Act explicitly states that mere visiting of the temple on the part of the public does not constitute a public temple.

Palace archival records from the late nineteenth century list expenses for the upkeep of the Śrī Ekliṅgī temple along with a monastery and resident clergy. Local folklore locates the Samadhi spot of the last resident monk within an upturned cupola architectural element on-site (fig. 7.1). Here in this elegant ceiling, fallen and



FIGURE 7.1. Samadhi Spot of the last nonhouseholding monk of Ekliṅgī. © Deborah Stein.

upturned toward the heavens, the last monk is said to have meditated to his death within the upper area of the Śrī Ekliṅgī temple complex, behind the tenth-century temple built to honor the Pāśupata-Śaiva saint Lakuliśa. In a direct axial relationship to the monastic monument where a 971 inscription records the Pāśupata victory over local Buddhists and Jains in a debate sponsored by the Guhila dynasty, the last resident monk attained moksha.

The administration of the monastery (*maṭha*) during the second half of the twentieth century suggests interesting parallels between ritual practice and the navigation of the law. The palace still holds several priests on the payroll, but today they are householders who live nearby with their own families. They no longer live celibate monastic lives in a religious community residence. The monastery lies within the complex, but according to the law, the building no longer seems to qualify as a monastery at all. The Bombay Public Trusts Act (1950) [section 2(9), 3] states, “Position of Independent Maṭha:—Where in a Maṭha, no religious instructions are imparted, no spiritual service is rendered to any body of disciples and no member of the public is allowed to enter the place of worship without permission although worship is carried out by the Pūjāris according to Vedic usage, the Maṭha cannot be held to be a real Maṭha or temple within the definition of the Act.”¹²

The maṭha at Ekliṅgī, according to this law, does not qualify as a real maṭha. This distinction is important since, if it did qualify as a real maṭha, there would be a renunciant spiritual head who could potentially pose a legal challenge to the mahārāṇa as Ekliṅgī’s main trustee. “The Mahant has large powers of disposal over the surplus income of a maṭha of which he is the *maṭhadhipati* and the only restriction is that he cannot spend anything out of it for his personal use, unconnected with the dignity of his office.”¹³ Clearly, these powers could infringe



FIGURE 7.2. Maṭha (Pāsupata monastery), painting of Puja at the Śrī Ekliṅgī temple, c. eighteenth century, Ekliṅgī. © Deborah Stein.

on the mahārāṇā's right to decide the religious and aesthetic fate of the Ekliṅgī temple complex.

A fading mural (fig. 7.2), barely discernible within the maṭha today, seems to date to approximately 1750–1920, a date range that could be narrowed through close comparison of the rectangular red-painted panel at the bottom, which is very similar to the red panels of the same shape and style found at the Ambā Mātā temple in Udaipur. In the maṭha mural we see a different history of the Śrī Ekliṅgī temple and its maṭha—a story not of Brahmin celibate priests or mahārāṇās worshipping icons but rather of the row of shrines that lead into the temple and the Mali caste of gardeners who sell garlands to the pilgrims coming to the temple, just as they still do every Monday evening on the most special day of worship. Here we find a visual record of both a non-elite caste and the full range of devotees who stopped to buy a garland for the ruler of Mewār from the mid-eighteenth century to the early twentieth—a colonial period, a time just after the most famous histories of Mewār were being written by Nainsi and Śyāmaladās.

As of 2009, although the *pūjāris* still used the maṭha at Ekliṅgī to prepare for pūjā, it is no longer a residence with a celibate lineage of disciples, and no one

sleeps there. The timing of this transition from a live-in maṭha with a celibate guru to a place that householder pūjārī use to prepare for pūjā suggests an interesting legal change. According to the Bombay Public Trusts Act [section 2(13), 29], concerning inheritance by lineage or by blood, “the fact that the succeeding Mahant was always celibate does not lead to a presumption that the property was dedicated for religious uses. The Bombay High Court in the case of Amardas V. Harmanbhai [found] that ‘a Sanyasi’s heir is always his *chela*’ [disciple]. This protects lineage heirs from biological heirs. The aforementioned property is not considered part of the public trust.”¹⁴

The position of residential head guru at the maṭha at Ekliṅgī was dismantled after the last guru died in the 1960s or 1970s. This corresponds roughly to the period between 1955, when the Deed of Trust was made, and 1973, when temple assets were recorded. By 1984, when Arvind Singh was made heir following his father’s demise, there could be no sanyasi contenders for Śrī Ekliṅgī property since the last sanyasi leader of the maṭha had no *chela*.

The problem of biological versus teacher/disciple lineage would only arise if the temple were considered a public trust. The *Declaration about Trusts* from the House of Mewār suggests the temple complex had always been a private temple maintained by the family. Article 9 declares: “THAT the properties belonging to Śrī Pameshwarji Maharaj, the deity of the Śrī Ekliṅgī temple, are entirely and exclusively from the various accumulations and accretions made from time to time by contributions made by the Rulers of Mewār and the members of their Family. No Bhets from the public are accepted in the Temple.”¹⁵

The trust declaration insists that “provision for other visitors is made by providing a separate box (‘Golak’) with an inscription specifically mentioning that the Bhets are only for charitable purposes, placed outside the main temple but within the temple premises, in which the outside ‘Darshanarthis’ place their offerings.” These charitable donations fund the Śrī Shiv Shakti Peeth Trust Fund. The location of the box outside the main temple further distinguishes between the private religious trust and the public charitable trust, which is tax exempt. The Religious Trust Declaration relies on generous contribution by the family only to ensure a private trust.

According to the Bombay Public Trusts Act (1950) [section 2(10)], “A person who has made large donations for the maintenance of the temple has clearly a substantial interest.”¹⁶ Proof of a family’s “substantial interest” may come from inscriptions. Written records engraved into the temple at Ekliṅgī suggest that the temple historically was privately owned, even though it may have been publicly used. A closer analysis of all inscriptions, including unpublished *sūtradhāra* inscriptions, may shed more light on this issue. An elephant drawing still visible on the wall to the side of the entrance to the Lakulīśa temple, for example, is part of a cluster of mason’s marks, including some that link the temple to the Sompurā guild, via the famous architect Mandana, and other marks that tell interesting

political guild histories researched in the field with local lineage keepers and published by Tryna Lyons.¹⁷ Even though we have mason's marks that leave traces of artistic agency, it seems safe to argue that the most substantial financial donations were royally funded.

Does the 971 CE inscription linking Guhila dynastic patronage of the Pāśupata cult at the Lakuliśa temple and the underground maṭha on the hill adjacent to the site suggest that the temple was a private trust owned by the diwāns of the ruler of Mewār? Or does it suggest that the temple existed in some ways as an arm of the fledgling state reveling in newfound hegemony? In contrast, a site like Jagat has no reference to royalty until three centuries after it was erected. Does this lacuna in turn suggest a public as opposed to a private temple in the tenth century? It is unlikely that this distinction even existed in the early medieval period, so when, in our late capitalist moment, we gaze back according to the law in India as an independent state, which moment do we choose to diachronically define the legal mandates of temple aesthetics for the present and future?

The Lakuliśa inscription at Ekliṅgī links the Guhila dynasty with the Pāśupata ascetics in residence as early as 971 and probably earlier. Extensive repairs were recorded by a series of Mewāri mahārāṇās, the most famous of which is Mahārāṇā Raimal's inscription of 1545, which records the construction of the Śrī Ekliṅgī temple and implies the dedication of a new icon. The Bombay Trusts Act [section 2(13), 19] sets forth the

distinction between public and private trust:—Recently the Supreme Court held that the origin of the temple, the manner in which its affairs are managed, the nature and extent of the gifts received by it, rights exercised by devotees in regard to worship therein, the consciousness of the manager and the consciousness of the devotees themselves as to the public character of a temple are the factors that go to establish whether the temple is public or private.¹⁸

The history of extensive donations on the part of the royal family of Mewār together with the legends of Harit Rashi and Bappa Rāwal are used to suggest that Ekliṅgī was a private family temple for hundreds of years. The tenth-century Lakuliśa inscription links the Guhila dynasty with the Pāśupata ascetics but does not clearly illuminate the nature of their tenth-century power dynamics.

The question of Ekliṅgī's historical status as a private or public temple does not hinge on inscriptions alone. The Bombay Trusts Act clarifies that

there are many private temples which are places of public religious worship in the sense that the members of the public are allowed to visit these temples. On that account they do not become public trust. Recently the Supreme Court held that—Feeding of *sādhus* and giving hospitality to wayfarers, celebration of festivals, public freely admitted for *darśan*, installation of an idol permanently on a pedestal, a temple constructed on separate ground from residential quarter . . . etc., are not conclusive proof or dedication to the public.¹⁹

Even the temple's location outside the palace residence or the celebration of festivals, such as the Tailor's Mela or Mahāśivrātri by the Mewāri public, do not seem to menace Ekliṅgī's status as a private family temple. If we return to section 2(13), 19, of the same act, however, we find that gifts are not the only determining factor in whether the temple is considered private or public. The trust manager and the devotees are set on a par with each other, each providing an important factor in the establishment of a temple as a public or private trust.

Religious trusts can be either private or public, but charitable trusts can only be public. Since only a public trust is tax exempt, the mahārāṇā has separated his charitable activities from the Śrī Ekliṅgī Religious Trust.²⁰ Section 118 of the Indian Succession Act gives illustrations of bequests for religious or charitable uses:

—for the relief of poor people; for maintenance of sick soldiers; for the erection or support of a hospital; for the education and preferment of orphans; for the support of scholars; for the erection or support of a school; for the building repairs of a bridge; for the making of roads; for the erection or support of a church; for the repairs of a church; for the benefit of religion; for the formation or support of a public garden.²¹

Whereas the Maharana Mewār Charitable Foundation runs schools, takes care of orphans and widows, sponsors research, and makes donations for medical care, the Śrī Ekliṅgī Religious Trust is responsible for renovation. Renovation is considered both charitable and religious under the law.²²

To establish the Śrī Ekliṅgī Religious Trust as a private trust is to ensure aesthetic freedom for the mahārāṇā's family without intervention from the state. This aesthetic freedom writes the history of Mewār as visual choices are permanently inscribed into the archaeological site. The national ASI, the Rājāsthān state Devasthan Department, and the Śrī Ekliṅgī Religious Trust, with the mahārāṇā/CEO as chairman, all vie to preserve this historical religious site as they see fit. Each organization profits from its aesthetic decisions in the form of legitimization and revenue from religious donations and tourism. Intended for the public, a portion of the revenue usually reaches the people in one way or another. Radical renovation is encouraged in Indian law:

The stupendous activity in the direction of repair, expansion and renovation work connected with these temples, some of which are of great architectural beauty, undertaken in an organized manner by organizations like [the] Anandji Kalyanji Trust, Ahmedābād, and other smaller trusts is such that it is worthy of healthy emulation by Hindu temples and organizations. In particular, we would very strongly recommend that Hindu temples may with advantage pool their resources and undertake the work of repair and renovation on the lines on which this work is being done by the Jain Community.²³

The Bombay Trusts Act encourages all repair, expansion, and renovation. The Jain communities upheld as the model have generally tended toward renovation closer to archaeological aesthetic choices; however, even Jain improvements can

be quite extreme, as I observed in the renovation work under way at Ghānerāo in 2002. The aesthetics of renovation with the archaeological departments lean toward the preservation of historical ruin, whereas the Devasthan Department leans toward active use of historical sites or, with private religious trusts, toward modern improvements to befit a deity's home.

The Śrī Ekliṅgī Religious Trust and the Devasthan Department both seek to preserve the monuments as history, to protect the site from theft, and to market heritage in the form of material and ideological property. Both organizations seek to protect people from being exploited as cultural property to enhance the value of a site (via food, dance, handicraft, etc.) for tourism purposes. Much of the literature on heritage and cultural tourism devotes itself to marketing sites responsibly by controlling and limiting access and by ensuring that conservation goes hand in hand with preservation. When "living communities" are involved, site managers are encouraged to limit access to avoid "deformation of traditional behavior, crafts and culture" and to buffer the substantial economic differences between locals and tourists.²⁴

What, then, if the activities of the local population at the site are not "traditional" but modern? And what if modernity is not based on technology or the West but rather on folk culture or the reconstruction of identity in new political and economic circumstances? These distinctions may explain why many ancient sites such as Jagat, Īswāl, and Unwās fall under the auspices of the archaeological department and not the Devasthan Department: the temples are in use, not "still" in use. Local populations at the end of the twentieth century have put these temples back into use without setting up trusts that have to be registered with the Devasthan Department.

According to Melanie Smith,

there has been some concern that the protection of heritage has somehow been responsible for the destruction of the present. [John] Urry . . . states that:

The protection of the past conceals the destruction of the present. There is an absolute distinction between authentic history (continuing and therefore dangerous) and heritage (past, dead and safe). The latter, in short, conceals social and spatial inequalities, masks a shallow commercialism and consumerism, and may in part at least destroy elements of the building or artifacts supposedly being consumed.²⁵

Whereas the Devasthan Department concerns itself with regulating the administration of temple sites in the present, the Śrī Ekliṅgī Trust engages in a more complex negotiation of history and the present. Śrī Arvind Singh Mewār sums up this awkward dance between the past and the present with regard to his own identity: "I'm proud to be a citizen of India, but in our constitutional democracy it is not easy for me to evaluate, quantify or explain to others the magnitude of my inheritance. . . . I am confident that with the blessings of Śrī Ekliṅgī and the trust reposed in me by my father, I will be able to continue to serve Manav Dharma befittingly as the present custodian of the House of Mewār."²⁶

If Śriji Arvind Singh Mewār, his father, and his descendants strive to define an identity for the office of mahārāṇā after the abolition of monarchy, then the ruler of Mewār, Śri Ekliṅgī, has a much more difficult task since the legal code of the Indian nation makes provisions for humans, not for deities. The modern dīwān is a trustee who uses the legal system to control access to the site in order to define the deity's identity as the ruler of Mewār. The *dharma* of the dīwān is to ensure that *darśan*, or the exchange of gaze that characterizes mutual definition and recognition between Śri Ekliṅgī and Mewār, continues to transpire. The fusion of future and past by an organization such as the Śri Ekliṅgī Religious Trust confuses the categories of "authentic history" and "heritage," so what keeps the temple alive is in some ways its own death. Continuity keeps architecture alive, but the temple breaks with a past, self-consciously orchestrated in the shadow of the nation-state.

The state of Rājāsthān distinguishes between the past and the present by creating the Archaeological Department and the Devasthan Department—one based on state production of history and the other based on state regulation of religious sites. The natural interface of history and ritual at many ancient temple sites in Rājāsthān makes this form of administration somewhat difficult since both types of temple site seem to fall into the category of "authentic history (continuing and therefore dangerous)."²⁷ The Archaeological Department is responsible for heritage: for buildings, not for people. The question then arises: for whom are the buildings preserved—for foreign tourists in space or for local tourists in time?

The ASI project at the end of the nineteenth century was "to dig and discover, to classify, to reproduce and describe, to copy and decipher and to cherish and conserve."²⁸ These goals fit Peter Larkham's definition of preservation: "the retention, in largely unchanged form, of sites and objects of major cultural significance."²⁹ Larkham contrasts preservation with conservation, where sites are restored for modern use—in other words, turned into heritage.³⁰ After Sir William Jones founded the Asiatic Society in 1784, the beginnings of the ASI were under way. The Asiatic Society's research was being published in a journal by 1788, and a museum was established in Bengal in 1814 to house archaeological objects.³¹ These early British efforts created historical dates for Indian history by deciphering Gupta and Kuṭila scripts, translating the reign dates of Indian rulers into dates on the Christian calendar, and correlating dates with Greek history. Only in the latter half of the nineteenth century did Alexander Cunningham follow the paths of Chinese pilgrims such as Faxian and Xuanzang to complete the first ASI in November of 1861. The survey was abruptly abolished for four years only to be revived in 1870, when Cunningham was made director general for a central office responsible for the entire country.

The definition of "heritage" is more complex than the tourism model suggests.³² Most would agree that turning an old maharaja's train into a "Palace on Wheels" is a form of heritage used for marketing Rājāsthāni kingship to middle-class foreign tourists.³³ It is difficult to define as "heritage" Bhil and Meena practices of



FIGURE 7.3. Jantar Mantar, sixteenth century, Jaipur. © Deborah Stein.

divination and other forms of folk religion at sites such as Jagat and Unwās, however, because to do so would in many ways objectify people engaged in their normal religious practice.³⁴ In large part, the difference is commercial. According to Larkham's definition, these sites do qualify as conservation: they are restored and given a modern use. This conservation remains in keeping with the ancient inscriptional definitions of restoration, which involved major renovation and rebuilding. The temples are given a quintessentially modern use since they showed no signs of use or folk religion as of the 1950s. However, the folk religion practiced at these temples is probably as old as the buildings themselves, even though the rites were most likely practiced in parallel with temple ritual rather than within the temple compound. The return of folk religion to the Ambikā temple of Jagat suggests an ironic circle by which indigenous forms of goddess worship were canonized in the eighth through tenth centuries, and some classical stone temples were made folk at the end of the twentieth century.

Sir John Marshall, the head of the Archaeological Survey at the beginning of the twentieth century, was against hypothetical restorations. According to him, "restoration of carved stone, carved wood or plaster-moulding should be undertaken only if artisans were able to attain the excellence of the old; and in no case should mythological or other scenes be re-carved."³⁵ In contrast to the Eklingji temple complex, this type of restoration ensures that the past and present are erased by perfectly matching the old so the new is indistinguishable. This process not only eliminates the present from a site; it also jeopardizes the past by making restoration difficult to distinguish from original architecture. The current renovations



FIGURE 7.4. Stepwell, c. ninth century, Ābhānerī. © Deborah Stein.

unfolding at temples in southern Rājāsthān hardly have “attaining the excellence of old” as their goal. Locals want to make the site their own, to steal the buildings from history, and to animate them in the present. In many ways, as we learn from an ever-increasing volume of postcolonial scholarship, to steal the buildings from history seems like a valiant act against an outdated colonial mode of viewing.³⁶ The question then becomes one of stewardship: is it a theft of patrimony from the public by the private sector, or is it the theft of history from institutions inherited from the colonial state, or is it both?

Unlike the Devasthan Department, the Rājāsthān State Archaeological Department’s goals are to protect and finance conservation of archaeological sites. These sites vary from vernacular architecture, such as the observatory Jantar Mantar in Jaipur (fig. 7.3), to religious sites in terrible disrepair and ruin with clusters of loose exquisite sculpture such as Ābhānerī, northwest of Jaipur, to magnificent tanks such as the huge stepwell preserved under lock and key (fig. 7.4).³⁷ Many of these sites have fallen completely out of use and have become historical locations, tourist destinations, and the pleasant backdrop for family picnics by Indian nationals. But far from the state capital, southern Rājāsthān’s archaeological remains do not see quite the traffic that sites on the triangular Jaipur-Agra-Delhi route see. The state seeks to promote some sites, such as the ancient Paramāra dynasty stronghold of Arthuna in the Dūṅgarpur region (fig. 7.5). This large cluster of impressive buildings is too spread out to be made into a neat park, and it receives far too few visitors to merit the expense. Iconography and architecture at Arthuna reflect trends seen across a large region in the ninth to eleventh centuries. Lakuliśa, Nateśa, and Cāmuṇḍā are paired iconographically in a Śaiva-Śakti tantric



FIGURE 7.5. Paramāra temples, c. tenth century, Arthuna.
© Deborah Stein.

program akin to sculptural pairings found at the newly discovered Nateśa temple in Hita (figs. 7.6 and 7.7). Architectural style parallels this Nateśa temple as well as other *śekhārī* temples in Uparamāla at Bijoliā, Bāḍoli, and Menāl (fig. 7.8). Other important sites for Dūṅgarpur's dynastic and religious history go unvisited at all by foreign tourists and have been painted and put into modern worship by villagers, or they remain largely ignored.

To some extent, thieves must gauge the value of archaeological sites by the interest of tourists since the sculpture often is destined for foreigners or wealthy individuals in New Delhi or Mumbai. Neither marketed nor too remote and yet off the beaten track, the Mēdapāṭa cohort is a focus of ritual practice and the manufacture of identity for rural people in southern Rājāsthān. Most temples in southern Rājāsthān have a gatekeeper, usually a local person from the village, who lives on-site and is given a small salary. But many locations do not even have a guard. Some sites are so remote that even locals living within ten kilometers or closer do not know they exist. These remote temples lie in largely tribal tracts of land. They are either left alone or whitewashed and used for worship. These sites are often less susceptible to theft than temples that are out of the way but known to tourists and in active use by locals.

An unfortunate continuity between the history of these archaeological sites and their present status as monuments is that people have been and are still willing to kill for the ideals the monuments are seen to embody.³⁸ Administration affects the visual future of a temple site. One scholar kindly suggested that temple administration might not be the most fascinating subject for the nonspecialist, but when we see the consequences of administration on site function in the present and for the future, the technical and legal aspects of trusts become interesting from



FIGURE 7.6. Lakuliṣa, c. tenth century, Arthuna. © Deborah Stein.



FIGURE 7.7. Cāmuṇḍā, c. tenth century, Arthuna. © Deborah Stein.



FIGURE 7.8. A śekhārī-style temple, Arthuna. © Deborah Stein.

anthropological and political perspectives. Something as seemingly insignificant as a temple trust could be a life-and-death issue, both in India and globally.

Court rulings on how to preserve, conserve, and exploit temples have led to thousands of deaths at the end of the twentieth century and the beginning of the twenty-first owing to communal rioting that ensued. Since the most famous case of the Babri Masjid at Ayodhyā remains far from settled, the court records are not available to the public. In lieu of court documents, the Hindu right simply substitutes an architectural plan for the temple that it wishes to build. In fact, the very same Sompurā masons responsible for Guhila signature style also give their lineage to modern Ayodhyā. These architects claim to be the same architectural guild that produced Mandana, who may have built the Śrī Ekliṅgī temple (see fig. 0.2), the Samiddhēśvara temple (see fig. 3.17), and the Kīrtistambha tower (see fig. 3.6) at Chittorgarh in the sixteenth century. Mandana's seventeenth-century Sompurā descendants left their traces at Jagat, whereas twenty-first-century Sompurās believe the Ambikā temple (see fig. 0.9) to be the shrine of their *kūldevī* (family deity). Many capitalize on ancient archaeology to legitimize political purposes.

The right-wing nationalist political parties are a case in point. A description of a modern poster suggests that the rhetorical value of architecture is not limited to the premodern period:

The most familiar iconic rendering of the Ayodhyā temple on a poster is one where the warrior Ram is displayed on the left corner at the top. The center is filled with a pseudo-photographic depiction of the non-existent temple, designed by a descendant of the architect who had rebuilt the Somnath temple on North Indian *nagari* [architectural model characterized by a spire called a *śikhara*] rather than on South Indian architectural lines (we were told this by the VHP [Vishwa Hindu Parishad] sanyasi Giriraj Kishore). The future construction is projected as an already realized, existing present, typifying once again the basic VHP strategy of effacing the distance between aspiration and fulfillment. On the right-hand corner at the bottom, the present tense is embodied in the shape of a blue Maruti car, which substitutes for human devotees. The spectacle is indeed worthy of the Hindutva of twenty-first century consumerism—a living expression of the fetishization and commodification of human devotion.³⁹

The commodification of temples, in fact, predates twenty-first-century consumerism. The colonial period was a time of commodification owing to the imposition of the British legal system and the colonial goal of collecting revenue. While I disagree with Gyanendra Pandey's claim that revenue collection and British census data for this purpose created communal strife where there was none before, he is certainly correct when he asserts that the British played the major role in fanning the flames of communal conflict far beyond anything seen before.⁴⁰ Some of this may have come from a gravely "protestant" view of a "catholic" form of practice in the dominant visuality of colonial India's ruling elite.⁴¹

The British interest in fiscal matters over religious observance is evident in James Tod's anecdote of March 1818, when he avoided entry into the temple to pay homage to the "quadriform divinity" by claiming he could not remove his boots.⁴² In his account of the "Temple of Ekliṅga," Tod moves from a discussion of the wealth of "mercantile Gosains" to "the privileges of the Jains."⁴³ Despite the colonial interest in revenue, the expenses and administration seem to have been left largely under the control of the mahārāṇās of Mewār until the time of independence. Records of temple administration remain on the palace grounds in Udaipur. These records of payment to *gosvāmis* (priests) were recorded in the mahārāṇā's archives, as is evident in a letter from Mahārāṇā Bheem Singh (1778–1828 CE) detailing the *sindūr* (vermilion powder), saffron, and flags allotted for worship.⁴⁴ Records of temple maintenance date to the reign of Mahārāṇā Swarupsinghji (1842–61 CE), who held four *tutadans* (weighing-scale ceremonies), during which he was weighed against gold. The *gosvāmis* of temples at Ekliṅgī and Chittorgarh were allotted funds to cover expenses such as 180 rupees for flowers, 42 rupees for opium, and 669 rupees for construction.⁴⁵ Mewār's princes may have retained considerable control over temple administration during the colonial era. However, with independence, and later with the death of Mahārāṇā Bhagwat Singhji in 1984, the right to control temple administration has been subject to fierce debate and legal contention.

EVIDENCE OF A PUBLIC TRUST AT JAGAT

Held in May of 2002, Jagat's *pratiṣṭhā*, or deity installation ceremony, could also be used as legal evidence for the endowment of a public trust (fig. 7.9).⁴⁶ A *pratiṣṭhā* is not necessary to establish a public trust, but it can be used as evidence toward that goal. In the village of Jagat, the nonchalant disregard for the Rājasthan Archaeological Department, together with the casual complacency of the Udaipur Archaeological Museum officers, gave rise to painting the tenth-century sanctum metallic gold. Evidence of the installation of "a certain idol in a temple . . . establishes that the dedication was to the public."⁴⁷ For old temples without a deed of dedication, a history of public use is required to claim current public use. To this end, "proof of long use by the public without interference would be the cogent and convincing evidence to establish that the temple was dedicated to the public."⁴⁸ But this reuse of the Ambikā temple hardly dates further back than the early 1990s.

For a religious trust to be considered public, there must be no "original grants in the name of the head of the institution" and "evidence that the Hindu public went to the temple for worship as a matter of right."⁴⁹ *Sūtradhāra* inscriptions on the temple in Jagat attest to a widely varied public audience, whereas regal inscriptions on the temple are limited to Sāmanta Singh's thirteenth-century claim to power in the disputed territories of Chhapa. No sect specifically left an inscription on the temple, as seen with the Pāśupatas at the Lakuliśa temple at Ekliṅgī. In



FIGURE 7.9. New Ambā Mātā sculpture and Śitalā Mātā sculpture, blindfolded, before their eye-opening ceremonies. © Deborah Stein.

fact, the earliest inscription at Jagat refers to the donation of a layperson with no dynastic or sectarian references.

The *pratiṣṭhā* ceremonies that took place in May of 2002 in Jagat may well have been a first step in the creation of a public temple trust. At that time no one claimed there was a public trust, nor did anyone publicly lead a legal campaign for the foundation of a trust. The presence of local politicians and the home minister of Rājāsthān at the ceremony suggest that a public trust may well have been in the making. If Jagat became a public religious trust, the authority of the Rājāsthān State Archaeological Survey would be reduced via this newly living monument. In that case the renovation of the temple would fall to the trustees of the public trust.

Legally, the renovation of a temple in a public religious trust requires no permission of the charity commissioner. According to the Bombay Trusts Act [section 2(17), 20], “the essence of the building is its structural coherence and the building must be said to have attained the condition of ‘*jīrṇa*’ when time has seriously impaired such coherence and consistency. Where it is found that a temple is in a state of disrepair and decrepitude in many respects, it is a fit one for complete renovation.”⁵⁰

The complete renovation required by *jīrṇa* conflicts with the preservation of historical evidence required by an archaeological model. The law permits the replacement of an old temple with a new one if the old one is ruined and the site becomes unsuitable for worship. But although the law mentions the removal of

a temple and its image for the continuation of worship after a state of *jīrṇa* has occurred, no provision is made for deity installation into an old temple after the theft of a sculptural icon.⁵¹ The painting of ancient sculpture metallic gold as a part of the *pratiṣṭhā* falls outside the realm of civil law (see fig. 0.11). The law seems to espouse a religious view of renovation, which privileges new consecration over preservation of old, damaged elements. Damage in this sense refers not just to physical aesthetic damage but also to damage such as that incurred by the affront to a deity's honor during theft.

Legal language and temple trusts characterize current temple discourse. In many ways trust acts continue where inscriptions left off. The creation of records for perpetuity has given way to the legal right to construct history for present and future generations. The Hindu Religious Endowments Commission Report (1960–62) defines temples as “occult laboratories.”⁵² This legal definition of the temple appropriates scientific discourse to legitimize the metaphysical aspects of religious buildings in the eyes of the state. Administrators and practitioners at the Śrī Ekliṅgī temple and the Ambikā temple navigate the lives and deaths of monuments, of deities, and of identities as the government, population, demographics, and economy change at an incredible pace.

The residual material of past or present ritual becomes a commodity for praxis. Ritual is stolen from the gods by the camera lens, from the state by the application of vermilion (figs. 7.10 and 2.3), from villagers by bribes and heavy machinery, from the nation by nostalgia for pre-independence India, from archaeological context by the museum, and from history by the present. The past becomes an object of exchange. Private trusts, past royalty, past ruling village clans, tribal shamans, low-caste beneficiaries of post-independence state meritocracies, and thieves all fight to harness the power of these archaeological sites. They market ancient buildings and their gods to devotees, to tourists, and to the international art market. At Ekliṅgī, proximity to Udaipur makes the mediation among foreign tourists, pilgrims (local tourists), villagers, and a mahārāṇā/CEO a delicate balance of dead history, living history, and the present. At Jagat, violence loomed as a possibility to the point of necessitating a shutdown of all commercial activities when the icon was stolen on March 8, 2000.

When thieves managed to steal the Ambā Mātā icon from the sanctum of the Ambikā temple in Jagat (see fig. 2.3), the ensuing rage in the community led to a *bandh* (general strike), in which all businesses were shut down to preempt any violence.⁵³ Pūjā and prayers were performed for the missing icon. Narendra Singh Cāuhān (the local Bharatiya Janata Party president), Gajendra Singh (of the Congress Party), Mahendra Singh Sakhtawat (of the Śīvasenā Party), and village council leader Mana Ram Meena collectively called for the *bandh*.⁵⁴ The theft of the religious icon immediately took on a political dimension. The installation of the new icon in May of 2002 stood out as an inherently political act, with the home minister of Rājāsthān among the list of speakers at the event.



FIGURE 7.10. Painted fragments from the Mallar Mātā shrine. © Deborah Stein.



FIGURE 7.11. Worship of Absence, 2000–2002, Ambikā temple, Jagat.
© Deborah Stein.

During the two years when the Ambikā temple's sanctum was filled with an empty niche, villagers diligently worshipped absence.⁵⁵ The tenth-century arch of sculpture and double-lion podium was draped in cloth (fig. 7.11). The icon was not an ancient sculpture of the goddess: the icon was located in the sacred stone that housed the goddess. A smaller tenth-century sculpture that had been propped up under the lattice window to the left of the sanctum and worshipped as the smallpox goddess, Śitalā Mātā, had also been stolen. The remaining tenth-century

frame remained a focus of worship in place of the missing icons. The goddess continued to reside in the empty niche and then resided in the new icon. She never left the site with the ancient sculpture. The icons, in fact, were shells in which the goddesses resided, but they were never the actual goddesses.

What happened when the statues were stolen raises a theological issue. As soon as the physical object was no longer in situ, did it die as an object of veneration, or did the goddess continue to reside in the sculpture and in situ simultaneously? Whereas ancient texts such as the *Somaśambhupaddhati* and the *Īśānaśivagurudevapaddhati* required the disposal of damaged icons, in practice objects often remained in worship.⁵⁶ These texts considered a tainted icon as a potential site for demons to reside. When mistreated, the god becomes an object again, according to Catherine Cémentin-Ojha.⁵⁷ The statue must be reconsecrated, reanimated according to a special ritual, and replaced when broken. Although damaged images should be replaced, often they are repaired, since they are considered alive. Cémentin-Ojha gives the example of the human incarnation of the divine named Anandamayī Ma, speaking in 1947 of an incident twenty years before. Kālī's hand was cut by some thieves who were stealing her bracelets. The living saint Anandamayī explained: "on a pris un peu de sang ici et on l'a mélangé a la terre glaise pour refaire une main a Kālī" [We took some blood from here, and we mixed it with clay to restore Kālī's hand].⁵⁸

The missing figures did not impede the devotion of the women who worshipped at the temple. They may have been enraged when the sculptures were stolen, but the absence of the sculptures neither changed the women's practice nor reduced the power of the site. In spite of this, many of the powerful men and village leaders began to collect money to replace the icons of Ambikā in the form of Durgā-Mahiṣāsuramardīnī and the smallpox goddess, Śītalā Mātā. Rather than wondering where the sculpture had gone, they decided the best solution was to replace the ancient sculptures with modern ones. Many of these men may have even known the fate of the two stolen icons, electing to install the new ones to placate the local population and to reify their own power.

The only answer to theft is to make keeping the image in situ more financially viable to the local individuals than selling it on the international art market. Since the average buying power in Jagat is approximately one-tenth the buying power in Europe or the United States, it is difficult to imagine how to create "sustainable archaeology" that produces enough income in situ to ensure its own safety. Two years later, rumors circulated. According to various informants, the statue was in a warehouse, Interpol had it, and a jewelry storeowner in Udaipur running an art trafficking ring was responsible. Some said everyone knows who is responsible, but no one would reveal names to a foreigner for fear of reprisals, and a foreigner would have been in great danger had she found out. Even then, circles of corruption were much more powerful than police authorities, so nothing could have been done, even if the culprit were known and was reported to the police.