

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I A. NO. ___ OF 2020

IN

W.P. (C) No.571 OF 2020

IN THE MATTER OF:

ODISHA VIKASH PARISHAD PETITIONER

VERSUS

UNION OF INDIA& ORS. RESPONDENTS

AND IN THE MATTER OF:

JANARDHAN PATTAJOSHIMOHAPATRA,

CHHATISA NIJOG NAYAK

S/O RAMAKRUSHNA PATTAJOSHI,

R/O MANIKARNIKA SAHI,

PURI DISTRICT, ODISHA- 752001 APPLICANT/

IMPLEADER AS PARTY RESPONDENT

WITH

I.A.No. of 2020

AN APPLICATION FOR IMPLEADMENT AS PARTY RESONDENT

[FOR INDEX PLEASE SEE INSIDE]

ADVOCATE FOR THE APPLICANT: **SUVIDUTT M.S.**
FILED ON: **19.06.2020**

INDEX

S.NO	PARTICULARS	PAGES
1.	Application for Impleadment as Party Respondent with Affidavit	1 – 13
2.	ANNEXURE - A True copy of the minutes of the meeting held by the committee regarding arrangements necessary for the conduct of the Rath Yatra in compliance with Covid-19 guidelines 04.05.2020	14 - 20
3.	ANNEXURE - B True copy of the letter sent by the Home Ministry to the State Government of Odisha dated 07.05.2020	21 - 22
4.	ANNEXURE - C True copy of the Order of this Hon'ble Court in W.P. (C) No.571/ 2020 dated 18.06.2020	23 - 25

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A. No. OF 2020

IN

WRIT PETITION (CIVIL) No. 571 OF 2020**IN THE MATTER OF:**

ODISHA VIKAS PARISHAD PETITIONER

VERSUS

UNION OF INDIA& ORS. RESPONDENTS

AND IN THE MATTER OF:

JANARDHAN PATAJOSHI

MOHAPATRA,

CHHATISA NIJOG NAYAK,

S/O RAMAKRUSHNA PATAJOSHI,

R/O MANIKARNIKA SAHI,

PURI DISTRICT,

ODISHA- 752001 APPLICANT

AN APPLICATION FOR IMPLEADMENT AS PARTY**RESPONDENT**

TO

THE HON'BLE CHIEF JUSTICE OF INDIA

AND HIS COMPANION JUSTICES OF THE

SUPREME COURT OF INDIA

THE HUMBLE APPLICATION OF
THE APPLICANT ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. The instant Application is being preferred by the Applicant herein who is the Pattajoshi Mohapatra, the Hereditary Chief Servitor of Lord Shri Jagannatha of the Jagannatha Temple, Puri. The Applicant is the head of the Nijoga, the association of Sevaks/Sevayats recognized by the Shri Jagannath Temple Managing Committee under Section 4(1)(a-1) of the Shri Jagannath Temple Act, 1955 ("the Act"). Further, the Applicant's position is also recognized by the Record of Rights as defined in Section 4(1)(d) of the said Act and his position in the Temple is next only to the Raja of Puri ("the Gajapati") as defined in Section 4(1)(c) of the Act. Given that the Applicant has the necessary *locus* to be heard in the above-mentioned matter, the instant Application has been humbly moved seeking impleadment of the Applicant.
2. In the above-mentioned matter, this Hon'ble Court, *vide* its order dated 18.06.2020 ("the Order"), has prohibited the conduct of the traditional Shri Jagannath Rath Yatra scheduled for June 23, 2020. It appears that the said Order has been ostensibly passed in view of the Covid-19 pandemic. However, it is humbly submitted that the complete set of relevant facts with respect to the conduct of the Rath Yatra for this year was not placed before this Hon'ble Court either by the Petitioner or the State Government which

would have demonstrated that all the necessary precautions and preparations for the conduct of the Rath Yatra, without violating the Covid Guidelines, have already been put in place with the knowledge and consent of the State Government.

3. Unlike the RathYātrās of other Deities of other Temples elsewhere where only the UtsavaMurtīs are taken out of the Temple, in the case of the Shri Jagannātha Mandir the main Deities i.e., Jagannatha, Balabhadra& Subhadra themselves move out of the Mandir and therefore this RathYātrā is unique and has an unbroken tradition. It is humbly reiterated that this ritual is not a mere celebratory festivity for public consumption, but is a mandatory and essential part of the Temple's religious practice, which the Temple or its administrators are religiously mandated to observe and perform under any and all circumstances. The said practice has been recorded in the Skanda Purana and the NiladriMahodaya, which attest to the validity and significance of the Rath Yatra. In fact, it is treated a form of annual consecration according to the traditions of the Temple. Any interruption in the observance of this mandatory religious practice affects the very sanctity of the Temple and all its future rituals, as well as the faith of millions of devotees across the world who understand and revere the significance of the Rath Yatra. The RathYātrā has been conducted under all circumstances since time immemorial (including during the Spanish Flu pandemic in 1918). The Rath Yatra is an essential, mandatory,

integral and indispensable religious practice which has scriptural sanction and is protected by Articles 25, 26 and 29 of the Constitution.

4. It is humbly reiterated that it is the faith and belief of the Applicant and devotees of the Temple that the non-conduct of the Rath Yatra has consequences not only for the sanctity of the Temple but also for the society in general. While these are beyond the purview of secular considerations, they hold water and very real apprehensions in the context of religious practices for devout. The Applicant, as the Guardian of the Presiding Deities of the Temple, is religiously and legally mandated to perform his duties to the Dharma of the Temple without any break in its observance. The Temple and its practices have survived the worst of iconoclastic invasions. It would indeed be unfortunate if its practices are broken in modern independent India which Constitutionally recognizes and guarantees freedom of religion, which includes the freedom to observe and practice religion as mandated by religion.

5. Following are the relevant facts which demonstrate the preparedness of the Temple Administrators for the conduct of the Rath Yatra which obviate the need for a blanket injunction as directed in the Order dated June 18, 2020:

- i. Under Section 5 of the Act, the Shri Jagannath Temple Managing Committee is constituted by the State Government

and the composition of the Committee is spelt out in Section 6 of the Act. Therefore, it has to be presumed that the State Government was completely in the know of the preparation of this year's Rath Yatra. In fact, the Committee held a meeting on May 4, 2020 and discussed threadbare all the arrangements necessary for the conduct of the Rath Yatra in compliance with Covid-19 guidelines. The said Minutes is annexed herewith as **ANNEXURE A**. It was based on the said guidelines that the Committee made a request to the State Government to permit the conduct of the Rath Yatra this year. Subsequently, it was the State Government which gave the go-ahead for the construction of the Rathas after receiving approval from the Union Home Ministry on May 7, 2020. The said Letter is annexed herewith as **ANNEXURE B**. The Minutes of the Temple Committee clearly reflect that it was decided in consultation with the Applicant and the Sevayats to conduct of a scaled down version of the annual Rath Yatra under a controlled environment;

- ii. As part of the said scaled-down and controlled preparations, the entire construction activity of the Rathas took place in a protected environment and after subjecting the 372 carpenters and other artisans to COVID-19 tests, which established that they were Covid-negative. The Temple Administration has been working tirelessly to ensure that all

rituals are conducted in complete full compliance with the health-norms issued by the authorities. Steps have been taken to ensure that there is no gathering at the time of the Rath Yatra. No outside devotee has been allowed to enter Jagannath Temple from the beginning of lockdown till date. As of now, all four sides of Jagannath Mandir stand sealed and the entire town of Puri is proposed to be put on complete curfew until completion of the Rath Yatra with full cooperation from people of Puri.

- iii. That the traditional DebaSnana Purnima ritual was performed on June 5, 2020 with the help of 800 servitors only after all of them were proactively tested for Covid 19 and they were found Covid-negative. In fact, the said servitors had quarantined themselves proactively for a period of a month in order to prepare the ritual and for the Rath Yatra. The Temple police personnel, numbering 132, too were in isolation for over a month.
- iv. All forms of transactions and activities of the Temple are being carried out in an extremely limited manner, which spirit applies equally to the conduct of the Rath Yatra, which obviates the need for a blanket order prohibiting its conduct in entirety. Throughout this entire process, at no point did any Temple administrator or officials of the State object to

the conduct of the Rath Yatra this year in its scaled down version. This is attributable to the meticulous preparation undertaken by all the stakeholders for over two months to ensure that the Rath Yatra, which is an indispensable, essential and integral part and practice of the Shri Jagannath Dharma is conducted without endangering public health.

6. Further, in addition to the above measures, following are the additional measures which can be taken to ensure that the Rath Yatra is conducted without any threat to public health–
 - a. Imposition of a total curfew in the entire city of Puri for two days in before the Rath Yatra and sealing of its borders to prevent outsiders from entering the City. Additional support from the CRPF can be taken for effective implementation of the curfew/lockdown.
 - b. All the hotels, guest houses, Mutts and other places offering boarding and lodging services in and around Puri may be instructed to not take any bookings and to not host any person, pilgrim or visitors during the entire period of RathYātrā. The prohibition may as well be imposed immediately, to prevent any attempt at settling down in the town in advance.
 - c. The State Government may make an announcement to the effect that the RathYātrā will be conducted with absolutely nil-

participation from the public and strict penal consequences will follow any attempts at entering Puri during the RathYātrā.

- d. All the inward and outward movements from Puri may be banned two days in advance before the Rath Yatra i.e., from Sunday 21/06/2020 onwards.
 - e. Arrangements for live-broadcasting of the RathYātrā may be allowed like every year to enable the crores of devotees across the world, including the residents of Puri to have Darshan of the three Deities.
 - f. If a curfew is imposed on the day of Rath Yatra and the Rathas are pulled with the help of earth movers, the entire journey of Lord Jagannatha from the Shri Jagannath Temple to Gundicha mandir of around 2.8 kms can be completed in less than one hour. Therefore, an absolute bar on the performance of such an essential ritual is not necessary to protect public health.
7. Despite the complete cooperation of the Temple administration with the State Government for the preparation of the Rath Yatra for months now, no point in time prior to the hearing of June 18, 2020 did the State Government express any impediment or inability for the conduct of the Rath Yatra this year despite permitting the conduct of the Rath Yatra and being in the know of all the arrangements made for the same. This is precisely why the

submission made on behalf of the State Government before this Hon'ble Court on June 18, 2020 with respect to the conduct of this year's Rath Yatra has taken the Applicant, the Servitor community, the Temple administrators and the devotees completely by surprise since no apprehensions were expressed by anyone on behalf of the State Government until such date. In fact, the State Government could not have made any submission without consulting the primary stakeholders, namely the Applicant, the Servitors and the Temple Administrators. The State Government cannot unilaterally take a position with respect to the religious practices of the Temple without consulting the Committee, the Applicant and the Nijoga.

8. In view of the fact that no apprehensions were expressed by the State Government until June 18th i.e. barely five days before the scheduled date of the Yatra, the submissions made on its behalf on June 18, 2020 effectively lead to the conclusion that the State Government has taken a summary and shockingly abrupt position without notice to the primary stakeholders on a matter of an essential religious practice, which has proven fatal to the fundamental rights of the Applicant, Servitors, Temple Administrators and millions of devotees under Articles 25(1), 26 and 29 of the Constitution. There has been no attempt by the State Government whatsoever to assess and offer to this Hon'ble Court a fair and reasonable balance which may be struck between the rights of the Applicant and the devotees of Lord Shri Jagannatha and the

public health considerations during the pandemic. In fact, the very *bona fides* of the Petitioner in the Writ Petition must be examined in view of the fact that the said Petition was moved barely 5 days before the Rath Yatra despite the date of the Yatra having been in public domain for months.

9. What is indeed surprising is that in the instant case, with respect to an essential, mandatory and unbroken religious tradition which has informed the very identity of the Shri Jagannatha Temple, the State Government did not even deem it fit to question or challenge the *locus, bonafides* and the timing of the Writ Petition of the Petitioner, thereby demonstrating that the State Government has abandoned its duty to safeguard the rights of traditions of persons who fall within its territorial jurisdiction. Consequently, the Applicant herein has been constrained to approach this Hon'ble Court seeking recall of its Order dated June 18, 2020 by placing before this Hon'ble Court all the necessary facts which demonstrate the adequacy of the preparations taken, which would in turn obviate the need for a complete injunction on this year's Rath Yatra.

PRAYER

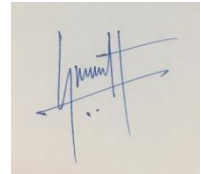
10. It is, therefore, most respectfully prayed that this Hon'ble Court be pleased to:
- i. Implead the Applicant as a Party Respondent in the above-mentioned Writ Petition;

- ii. Pass any other order/orders as may be deemed fit in the facts and circumstances of this case.

AND YOUR APPLICANT, AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN BY:

FILED BY:



J. SAI DEEPAK

ADVOCATE

SETTLED BY:

P.S.NARASIMHA

SENIOR ADVOCATE

Drawn on: 18.06.2020

Filed on: 19.06.2020

New Delhi

SUVIDUTT M.S.

ADVOCATE FOR APPLICANT

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I A. NO. ___ OF 2020

IN

W.P. (C) No.571 OF 2020**IN THE MATTER OF:**

ODISHA VIKAS PARISHAD PETITIONERS

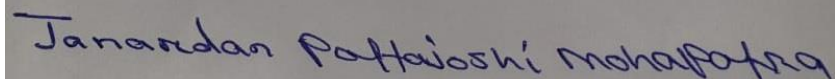
VERSUS

UNION OF INDIA& ORS. RESPONDENTS

AFFIDAVIT

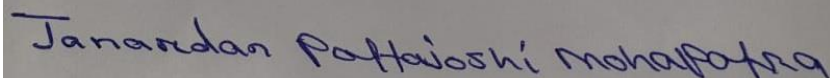
I, JanardanaPattajoshi Mohapatra, S/O RamakrushnaPattajoshi, aged 49 years, resident of ManikarnikaSahi, Puri District of Odisha State — 752001, presently at Puri, do hereby solemnly affirm and declare as under:-

1. That I am the Applicant in the present Application and being well conversant with the facts and circumstances of the present case am competent to swear this affidavit on behalf of the Trust.
2. That I have read over the accompanying Application from Paras 1 to 10 (pages 1 to 11), and I have understood the contents therein which are true to my knowledge.

**DEPONENT**

VERIFICATION

Verified this on this 19th day of June, 2020, at New Delhi that the contents of the above Affidavit from para 1 to 2 are true and correct to the best of my knowledge, no part of it is false and nothing material has been concealed there from.

A rectangular box containing a handwritten signature in blue ink. The signature reads "Janardan Patawoshi Mohapatra".**DEPONENT**



SHREE JAGANNATH TEMPLE OFFICE, PURI

No. 3265

Date. 04.05.2020

To

The Principal Secretary to Government
Law Department.

Sub: Permission of Government for start of construction of "Ratha" within National Lockdown Guidelines.

Sir,

With reference to the subject cited above I am to bring to your kind notice that today a special meeting of Managing Committee was held at 4.30 PM under the Chairmanship of Gajapati Maharaja Shri Dibyasingha Deb. The meeting was held through video conferencing facilities of OSWAN. Minutes of the meeting of Managing Committee are enclosed as **Annexure-1**.


2. In the meeting, it was discussed that State Government will be moved to give permission for start of construction of Ratha within the National lockdown guidelines with all such precautions and measures as are required for containment of spread of Corona virus disease. In view of the above, I request for:

- (a) Permission for start of construction of Ratha at "Ratha Khala" which will not involve conduct of any ritual or religious function.
- (b) To allow such construction throughout the day.

This for your kind information and urgent necessary action.

Thanking you,

Yours Faithfully,


 Chief Administrator, SJTA 4/5/2020

**Proceedings of the Extraordinary Meeting of Shree Jagannatha Temple Managing
Committee held on 04.05.2020 at 4:30 PM through video conference
on OSWAN platform in Bhubaneswar and Puri**

An extraordinary meeting of the Managing Committee of Shree Jagannatha Temple was convened today at 4:30 PM for discussion on matters related to the impact of Central and State Government Guidelines for containment of COVID-19 on the conduct of Shree Jagannatha Temple's rituals and festivals. This meeting was held through video conferencing on OSWAN platform. Arrangements to attend the meeting were made in OSWAN Conference Hall at OCAC Office, Bhubaneswar and in OSWAN Conference Hall at Collectorate, Puri. The list of Members who attended this meeting is given in Annexure 1 & 2. The meeting was chaired by Gajapati Maharaja Shree Dibyasingha Deb. The meeting commenced with prayers to Lord Jagannatha.

In this meeting, the Members at the outset noted that Ministry of Home Affairs, Government of India vide Order no. 40-3/2020-DM-I (A) dated 1st May 2020 has extended National Lockdown period by two weeks, that is, from 4th May 2020 to 17th May 2020; and have stipulated guidelines to be implemented during the said period throughout the country. Pursuant to the said Order of the Government of India, the Government of Odisha through the Office of Special Relief Commissioner has issued Order no. 2444/R&DM(DM) dated 03-05-2020, laying down certain stipulations/guidelines to be implemented during this extended lockdown period throughout the State of Odisha. As per these Guidelines, districts have been designated as Green (Low Risk), Orange (Medium Risk) and Red (High Risk) Zones; and Puri has been identified as Green Zone. Copies of the above Orders containing the said Guidelines were circulated to all the Members at the meeting.

The decisions taken at the last meeting of the Managing Committee held on 24-04-2020 were confirmed as per the minutes of that meeting, which was circulated amongst all the Members. The Chief Administrator mentioned that as per the decision of Managing Committee on 24th April, Members of the Managing Committee under the leadership of



the Chairman, Gajapati Maharaja Shree Dibyasingha Deb along with some other prominent Sevaks of the Temple called on Param Pujiyapad Jagadguru Shankaracharya Shreemad Swami Nischalananda Saraswati Maharaj in Shree Goverdhan Peeth on 24th evening for seeking his advice regarding performance of the Lord's functions and festivals, especially on Akshaya Tritiya day, without in any way violating the National Lockdown Guidelines. As per the learned advice of Param Pujiyapad Shankaracharya, it was decided to conduct 21 days Chandana-jatra festival as well as Ratha-anukula inside Shree Jagannatha Temple premises and to not hold any religious function outside the Temple premises till 3rd May 2020. It was further decided that Collector, Puri, will hold a meeting with Sevaks of all concerned Nijogas and officials to finalize implementation of the aforesaid decisions. Accordingly, the Collector held a meeting on 25th April at the Collectorate and finalized the details of the rituals and festivals to be performed within the precincts of the Temple. On the basis of the above, religious rituals related to Akshaya Tritiya, including Chandana-jatra and Ratha-anukula, were conducted inside the Temple premises. Members of Managing Committee expressed their appreciation for the conduct of the important Akshaya Tritiya rituals under the changed circumstances and thanked all Sevaks, officials and staff concerned.

Thereafter, a discussion was held with respect to the impact of new Lockdown Guidelines on construction of the Rathas and other ensuing important festivals including Snana-jatra and Ratha-jatra. In this regard, after detailed discussions, the following decisions were unanimously taken:

1. The Managing Committee resolved that the aforesaid Orders and Guidelines issued by the Central and State Governments will be fully implemented by Shree Jagannatha Temple Administration. In view of the said Orders and Guidelines, it was decided to have no religious function or religious congregation outside Shree Jagannatha Temple and to keep the Temple closed for the general public till 17th May, 2020.

2. The Members observed that, according to the learned advise of Param Pujyapad Jagadguru Shankaracharya Shreemad Swami Nischalananda Saraswati Maharaj, Ratha-anukula rituals have been performed on auspicious Akshaya Tritiya day (26th April) within the Temple premises instead of at the usual place, namely, Ratha-khala abutting the Grand Road. The Members further observed that Ratha construction is not possible unless the Government immediately permits Ratha construction activity in the Ratha-khala which is situated on both sides of the Grand Road in front of the Temple Office and Sri Nahar (Palace). They expressed their concern that already eight days of Ratha construction activity has been lost due to implementation of Lockdown Guidelines which were in force till 3rd May. If under the new Lockdown Guidelines which has come into effect on 4th May, Ratha construction is not allowed to commence in the Ratha-khala, then it will not be possible to complete Ratha construction before Gundicha-jatra day, that is, 23-06-2020. The Members were of the opinion that the date of Ratha-jatra being more than one and half month away, the decision regarding holding Ratha-jatra should be taken by the State Government at the appropriate time according to the situation of coronavirus epidemic and Orders/Guidelines issued by Government of India at that time. To prohibit Ratha construction under the new Lockdown Guidelines will automatically mean that Ratha-jatra will not be held this year; which the Members felt is not a decision that should be taken now. Even if Ratha construction is allowed, the State Government may at any point of time take the decision to not hold Ratha-jatra, if such a decision becomes necessary in view of spread of coronavirus disease. In that event, the Rathas will be dismantled and the timber used as firewood in the Rosa-ghara of the Temple, as per practice of previous years.
3. The Members were of the firm view that Ratha construction which is to commence now is construction activity and not a religious function prohibited under the Lockdown Guidelines. Prior to commencement of Ratha construction, Ratha-anukula, including Homa-yajna (which is a religious function), is performed every year on Akshaya-Tritiya day; which, as already mentioned, has already



A handwritten signature in black ink, appearing to be 'K. K. K.', with a horizontal line underneath it.

been performed on 26th April within the Temple premises instead of at the Ratha-khala. The other religious function connected with the Rathas is Ratha-pratistha which is a religious function and is performed after completion of Ratha construction in the morning of Gundicha-jatra day. Therefore, the only activity undertaken now in the Ratha-khala is construction activity and no religious function will be held there. The Members also observed that under the new Lockdown Guidelines, subject to implementation of certain measures, construction activities are permitted in all the three Zones (Red, Orange and Green); and that Puri District has been currently classified in the Green Zone. Under these circumstances, the Members resolved to appeal to the State Government to permit construction of the Rathas in the Ratha-khala with immediate effect.

4. The Members further noted that religious congregation is strictly prohibited under the Lockdown Guidelines. They expressed the view that no religious congregation takes place in the Ratha-khala as it is a work place and not a public place accessible to the general public. However, for effective COVID management, the Members recommended complete segregation of the Ratha-khala from adjoining Grand Road and adjacent properties by erecting a cloth partition-wall so that public entry is effectively prevented.

5. It was further decided by Managing Committee that during the Ratha construction process, the Temple Administration will ensure that all the Lockdown Guidelines of the Government of India given in its Order no. 40-3/2020-DM-I (A) dated 1st May 2020 and the National Directives for COVID-19 Management contained in Annexure 1 thereto as well as the Standard Operating Procedure prescribed by the State Government in Annexure 6 to its Order no. 2444/R&DM(DM) dated 03-05-2020, will be fully implemented. This will, inter alia, include:
 - a. Compulsory wearing of face cover/mask;

- b. Substantially enlarging the dimensions of Ratha-khala so as to ensure implementation of social distancing measures amongst persons working in the Ratha-khala;
 - c. Screening/temporary partitioning of Ratha-khala to prevent entry of general public;
 - d. Provision for thermal scanning, hand wash and sanitizers;
 - e. Frequent sanitization of entire workplace and common facilities;
 - f. Persons above 65 years of age will not be allowed to work;
 - g. A Special Health Post established for screening, testing etc. of all persons involved in Ratha construction activity;
 - h. Any person showing any symptom of COVID-19 will be immediately sent for check-up to Special Health Post;
 - i. A Special Quarantine Center will be set up for any person involved in the Ratha construction requiring isolation as per Government guidelines;
 - j. Intensive communication and training on good hygiene practices for persons involved in Ratha construction;
 - k. Use of Arogya Setu mobile app, to the extent possible.
6. It was further resolved by the Managing Committee that it will abide by any further measures or guidelines that the Central and/or State Government may issue for conduct of Ratha construction activities. As eight days of Ratha construction activities have now been lost and it being incumbent to expedite the construction activities in order to complete the Ratha construction within the stipulated time, the State Government may relax restrictions, if any, regarding the timing of working hours in the Ratha-khala.
7. Since Snana-jatra is scheduled to be held on 05-06-2020 and Gundicha-jatra on 23-06-2020, the Managing Committee decided to discuss about these most important functions at its subsequent meeting after issue of new Lockdown



Guidelines by Central and State Governments which will come into effect on 18-05-2020.

8. Having regard to religious sentiments of countless devotees around the world, the Committee resolved to request the State Government to expeditiously allow construction of the Rathas, subject to implementation of all such measures necessary to effectively prevent spread of coronavirus disease as may be stipulated by the State Government.

The meeting ended with a vote of thanks to the chair and other members and shanti-patha.

Sd/-
Chief Administrator

Sd/-
Chairman

No. 40-10/2020-DM-I(A)
Government of India
Ministry of Home Affairs

North Block, New Delhi-110001

Dated: 7th May, 2020

To

The Chief Secretary
Government of Odisha
Bhubaneswar

Sub: Clarification with regard to the proposed construction of chariots for the conduct of Raha Yatra.

Sir,

I am directed to refer to Government of Odisha letter No.829/SH. Bhubaneswar dated 6th May, 2020, on the captioned subject.

2. It has been informed that the Managing Committee of Shri Jagannath Temple held a meeting on May 4, 2020, wherein the following decisions were taken:

- i The Ratha construction activities in the Ratha-khala, which is situated on both sides of the Grand Road in front of the Temple Office and Sri Nahar (Palace), be immediately permitted.
- ii No religious congregation takes place in the Ratha-khala as it is a workplace and not a public place accessible to general public. However, for effective COVID-19 management, complete segregation of the Ratha-khala from adjoining Grand Road and adjoining properties by erecting a cloth partition wall so that public can be effectively prohibited.
- iii The lockdown guidelines of the Government of India given in its Order No. 40-3/2020-DM-I(A) dated 1st May, 2020, and the National Directives for Covid-19 Management, will be fully implemented.

3. The undersigned is directed to convey that the activity of Ratha construction is allowed to be undertaken in the Ratha-khala, which is situated on both sides of the Grand Road in front of the Temple Office and Sri Nahar (Palace), subject to the following conditions being fulfilled:

- a) No religious congregation takes place in the Ratha-khala. Complete segregation of Ratha-khala should be ensured.

- b) The new guidelines on lockdown measures issued by MHA on 1st May, 2020, including the National Directives for Covid-19 Management, should be compulsorily adhered to.
4. However, the decisions regarding holding of Ratha Yatra be taken by the State Government keeping in view the conditions prevailing at that point of time.

Ashish
7/5/2020

(Ashish Kumar Singh)
Under Secretary (DM)
Tel. No. 011-23092085
Email: ashish.singh@nic.in

ITEM NO.11

Virtual Court 1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s).571/2020

ODISHA VIKASH PARISHAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With IA No. 54784/2020 - EX-PARTE AD-INTERIM RELIEF and IA No. 54912/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 54785/2020 - EXEMPTION FROM FILING AFFIDAVIT and WITH APPLN.(S) FOR INTERVENTION/IMPLEADMENT)

Date : 18-06-2020 The petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Ranjit Kumar, Sr. Adv.
Ms. Ranjeeta Rohatgi, AOR
Ms. Samten Doma, Adv.

For Respondent(s)/
Applicant(s) Mr. Harish Salve, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Shibashish Misra, AOR

Mr. K. Ramamoorthy, Sr. Adv.
Mr. Vimlesh Kumar Shukla, Sr. Adv.
Mr. Hitendra Nath Rath, AOR

Mr. Tushar Mehta, Ld. SG
Mr. K.M. Nataraj, ASG
Mr. Kanu Agarwal, Adv.
Mr. B.V. Balaram Das, AOR

Mr. V.K. Shukla, Sr. Adv.
Mr. Hitendra Nath Rath, AOR

Mr. Swetaketu Mishra, Adv.
Mr. Sanjay Kumar Das, Adv.
Mr. V.K. Monga, AOR

Mr. Narender Hooda, Sr. Advocate
Mr. Simranjeet Singh, Advocate
Ms. Nandita Hooda, Advocate

For Dr. Surender Singh Hooda, AOR

Mr. Pranaya Kumar Mohapatra, AOR

Mr. Arijit Prasad, Sr. Adv.

Mr. Anjuman Tripathy, Adv.

Mr. Arya Tripathy, Adv.

Mr. Sahil Tagotra, AOR

Mr. Mahesh Jethmalani, Sr. Adv.*

UPON hearing the counsel the Court made the following
O R D E R

Issue notice returnable four weeks.

It is not disputed that the number of people that are likely to gather for the annual Rath Yatra scheduled to be held from 23rd June, 2020, is going to be about 10 to 12 lakhs. The festivities normally continue for a period of 10 to 12 days. Having regard to the danger presented by such a large gathering of people for the Rath Yatra, we consider it appropriate in the interests of public health and safety of citizens who are devotees to restrain the respondents from holding the Rath Yatra this year. Article 25¹ of the Constitution of India itself confers the right to freely profess and propagate religion subject to health.

1"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.

We accordingly direct that there shall be no Rath Yatra anywhere in the temple town of Odisha or in any other part of the State this year.

We further direct that there shall be no activities secular or religious associated with the Rath Yatra during this period.

Order accordingly.

(SANJAY KUMAR-II)
ASTT. REGISTRAR-cum-PS

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR

**Appearance slip not submitted by the counsel*