

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 23<sup>rd</sup> 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 25<sup>1</sup> 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*