

ITEM NO.1

Virtual Court 4

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

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

ODISHA VIKASH PARISHAD

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR IA No. 55527/2020 - APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT AND

- IA No. 56796/2020 - CLARIFICATION/DIRECTION
- IA No. 56804/2020 - CLARIFICATION/DIRECTION
- IA No. 56802/2020 - EARLY HEARING APPLICATION
- IA No. 56816/2020 - EARLY HEARING APPLICATION
- IA No. 55596/2020 - EXEMPTION FROM FILING AFFIDAVIT
- IA No. 56737/2020 - EXEMPTION FROM FILING AFFIDAVIT
- IA No. 56786/2020 - EXEMPTION FROM FILING AFFIDAVIT
- IA No. 56660/2020 - EXEMPTION FROM FILING AFFIDAVIT
- IA No. 56801/2020 - EXEMPTION FROM FILING AFFIDAVIT
- IA No. 56784/2020 - EXEMPTION FROM FILING AFFIDAVIT
- IA No. 56792/2020 - EXEMPTION FROM FILING AFFIDAVIT
- IA No. 56399/2020 - EXEMPTION FROM FILING AFFIDAVIT
- IA No. 56807/2020 - EXEMPTION FROM FILING AFFIDAVIT
- IA No. 54912/2020 - EXEMPTION FROM FILING AFFIDAVIT
- IA No. 56588/2020 - EXEMPTION FROM FILING AFFIDAVIT
- IA No. 56695/2020 - EXEMPTION FROM FILING AFFIDAVIT
- IA No. 56782/2020 - EXEMPTION FROM FILING AFFIDAVIT
- IA No. 56790/2020 - EXEMPTION FROM FILING AFFIDAVIT
- IA No. 56815/2020 - EXEMPTION FROM FILING AFFIDAVIT
- IA No. 55759/2020 - EXEMPTION FROM FILING AFFIDAVIT
- IA No. 56797/2020 - EXEMPTION FROM FILING AFFIDAVIT
- IA No. 56580/2020 - EXEMPTION FROM FILING AFFIDAVIT
- IA No. 56788/2020 - EXEMPTION FROM FILING AFFIDAVIT
- IA No. 56665/2020 - EXEMPTION FROM FILING AFFIDAVIT
- IA No. 56800/2020 - EXEMPTION FROM FILING O.T.
- IA No. 56781/2020 - EXEMPTION FROM FILING O.T.
- IA No. 56814/2020 - EXEMPTION FROM FILING O.T.
- IA No. 56811/2020 - INTERVENTION APPLICATION
- IA No. 56574/2020 - INTERVENTION APPLICATION
- IA No. 56735/2020 - INTERVENTION APPLICATION
- IA No. 56785/2020 - INTERVENTION APPLICATION
- IA No. 56793/2020 - INTERVENTION APPLICATION
- IA No. 55525/2020 - INTERVENTION APPLICATION
- IA No. 56655/2020 - INTERVENTION APPLICATION
- IA No. 56783/2020 - INTERVENTION APPLICATION
- IA No. 56791/2020 - INTERVENTION APPLICATION
- IA No. 56798/2020 - INTERVENTION APPLICATION
- IA No. 54910/2020 - INTERVENTION APPLICATION

IA No. 56805/2020 - INTERVENTION APPLICATION
IA No. 55757/2020 - INTERVENTION APPLICATION
IA No. 56692/2020 - INTERVENTION APPLICATION
IA No. 55745/2020 - INTERVENTION APPLICATION
IA No. 56578/2020 - INTERVENTION APPLICATION
IA No. 56779/2020 - INTERVENTION APPLICATION
IA No. 56787/2020 - INTERVENTION APPLICATION
IA No. 56795/2020 - INTERVENTION APPLICATION
IA No. 56794/2020 - INTERVENTION/IMPLEADMENT
IA No. 55595/2020 - INTERVENTION/IMPLEADMENT
IA No. 56808/2020 - INTERVENTION/IMPLEADMENT
IA No. 56730/2020 - INTERVENTION/IMPLEADMENT
IA No. 56789/2020 - INTERVENTION/IMPLEADMENT
IA No. 56803/2020 - INTERVENTION/IMPLEADMENT
IA No. 56812/2020 - INTERVENTION/IMPLEADMENT
IA No. 56576/2020 - MODIFICATION
IA No. 56799/2020 - MODIFICATION
IA No. 56397/2020 - MODIFICATION
IA No. 56806/2020 - MODIFICATION
IA No. 56813/2020 - MODIFICATION
IA No. 56664/2020 - MODIFICATION OF COURT ORDER
IA No. 56468/2020 - MODIFICATION OF COURT ORDER
IA No. 56658/2020 - MODIFICATION OF COURT ORDER
IA No. 56583/2020 - MODIFICATION OF COURT ORDER
IA No. 56694/2020 - MODIFICATION OF COURT ORDER
IA No. 56780/2020 - MODIFICATION OF COURT ORDER
IA No. 56810/2020 - RECALLING THE COURTS ORDER
IA No. 56731/2020 - RECALLING THE COURTS ORDER)

Date : 22-06-2020 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE A.S. BOPANNA
(VACATION BENCH)

COUNSEL FOR THE PARTIES

Mr. Harish Salve, Sr. Adv.
Mr. Ashok Parija, Ld. AG (For Odisha)
Mr. Shibashish Misra, Adv.
Mr. Mahesh Agarwal, Adv.

Mr. Tushar Mehta, Ld. SG
Mr. Kanu Agarwal, Adv.
Mr. B.V. Balaram Das, AOR

Mr. Ranjit Kumar, Sr. Adv.
Ms. Ranjeeta Rohatgi, AOR
Ms. Samten Doma, Adv.

Mr. Mohan Parasaran, Sr. Adv.

Mr. K.V. Viswanathan, Sr. Adv.
Mr. Vimlesh Kumar Sukla, Sr. Adv.
Mr. Chetan Sharma, Sr. Adv.
Mr. P.K. Mohanty, Sr. Adv.
Mr. Hitendra Nath Rath, AOR
Mr. Vijay Ku. Ragada, Adv.
Mr. Bibhuti Bhusan Choudhary, Adv.
Mr. Silabhadra Sastry, Adv.
Mr. J.P. Parida, Adv.
Mr. Vishnu Mohan, Adv.
Mr. Manan Sanghai, Adv.
Mr. Ankur Kashyap, Adv.
Mr. Deves Tripathy, Adv.
Mr. Dhurtiman Joshi, Adv.
Mr. Arvind Aswani, Adv.
Mr. Bhusan Ojha, Adv.
Mr. Debasis Sathpathy, Adv.
Mr. Prabhakar Meher, Adv.
Mr. S.K. Rout, Adv.
Mr. Prahalad Bhat, Adv.

Mr. Tejaswi Kumar Pradhan, AOR

Mr. Mahesh Jethmalani, Sr. Adv.
Mr. Sarthak Nayak, Adv.
Mr. Sri Satya Mohanty, Adv.
Dr. Surender Singh Hooda, AOR

Mr. P.S. Narsimha, Sr. Adv.
Ms. Aishwarya Bhati, Sr. Adv.
Mr. Nachiketa Joshi, Adv.
Mr. Merusagar Samantray, Adv.
Ms. Priyanka Das, Adv.
Mr. Ardhendu Mauli Prasad, Adv.
Ms. Archana Pathak Dave, Adv.
Mr. Tirtha Sahu, Adv.
Mr. P. V. Yogeswaran, AOR

Mr. C.S. Vaidyanathan, Sr. Adv.
Mr. Bhakti Vardhan Singh, AOR
Mr. Joydeep Roy, Adv.
Mr. Nachiketa Joshi, Adv.
Mr. Tirth Kumar Sahu, Adv.
Mr. Santosh Kumar, Adv.
Mr. Saumya Ranjan, Adv.

Mr. Arijit Prasad, Sr. Adv.
Mr. Anjuman Tripathy, Adv.
Mr. Arya Tripathy, Adv.
Mr. Vikas Dahiya, Adv.
Mr. Vishwa Raj Singh, Adv.
Mr. Sahil Tagotra, AOR

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

Mr. Maninder Singh, Sr. Adv.
Ms. Priyashree, Adv.
Mr. Kush Chaturvedi, AOR

Mr. Manan Sanghai, Adv.
Mr. Advait Shukla, Adv.
Mr. Arvind Aswani, Adv.
Mr. Ankur Kashyap, Adv.
Mr. Pranaya Kumar Mohapatra, AOR

Mr. Arijit Prasad, Sr. Adv.
Mr. Anjuman Tripathy, Adv.
Mr. Arya Tripathy, Adv.
Mr. Sahil Tagotra, AOR

Ms. Akriti Chaubey, AOR
Mr. Anshuman Ray, Adv.
Mr. Digant Deo, Adv.

Mr. Kedar Nath Tripathy, AOR
Mr. Jitendra Mohapatra, Adv.

Mr. P.N. Misra, Sr. Adv.
Mr. Manan Sanghai, Adv.
Mr. E. C. Vidya Sagar, AOR

Mr. Subhash Jha, Adv.
Mr. Ghanshyam Upadhyay, Adv.
Mr. Umesh Dubey, Adv.
Mr. Manoj K. Mishra, AOR

Mr. Ashok Panigrahi, AOR
Mr. Anmol Tayal, Adv.

Mr. Biswajit Das, Adv.
Mr. Abhigya, AOR
Ms. Anamika Sharma, Adv.
Ms. Sunita Yadav, Adv.
Ms. Anamika Kushwaha, Adv.
Ms. Nandita Rao, Adv.

Mr. P.S. Narasimha, Sr. Adv.
Mr. J. Sai Deepak, Adv.
Mr. Suvidutt M.S., AOR
Mr. Anu B., Adv.
Mr. Vibhor Ahlawat, Adv.

Mr. Yogesh Kumar, Adv.
Mr. Abhijeet Singh, Adv.

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

These are applications made by several parties for intervention and modification of Order dated 18th June, 2020 passed by this Court. By that Order we had restrained the respondents from holding the Rath Yatra this year in view of the danger presented by gathering of 10 to 12 lakhs devotees for a period of 10-12 days. Clearly, any spread of the Coronavirus due to the Rath Yatra would be disastrous due to the large number of persons and the impossibility of tracking all the infected people after they have gone back to their respective homes. Needless to say that it is not possible to screen the medical conditions of all those who converge on the cities for the Rath Yatra.

While we do not have the official copy of the gazette itself, we are informed that in the 18th-19th century a yatra of this kind was responsible for the spread of cholera and plague "like wild fire". We say this in order to remind the authorities concerned that the situation can become dangerous if the rules of caution are ignored.

Before we passed our earlier Order we had suggested to the parties that the procession of chariots, i.e., the Rath Yatra itself, could be allowed to proceed, however, without the general congregation which participates in this Yatra. We were informed that it would be well nigh impossible to ensure that

there is no congregation. This Court was, therefore, left with no option but to grant an injunction restraining the Rath Yatra itself.

However, we find, in one of the present applications, an affidavit filed on behalf of the State of Orissa stating that it might be possible to conduct the Rath Yatra at Puri "in a limited way without public attendance". This has been proposed by Gajapati Maharaj of Puri, who is the Chairman of the Puri Jagannath Temple Administration. Indeed, if it is possible to ensure that there is no public attendance, we see no reason why the Rath Yatra cannot be conducted safely along its usual route from temple to temple.

Having given serious consideration to the matter and having heard the parties, we are of the view that the Rath Yatra at Puri may be held subject to following conditions:

- (1) All entry points into the City of Puri, i.e., airports, railway stations, bus stands, etc., shall be closed during the period of Rath Yatra festival.
- (2) The State Government shall impose a curfew in the City of Puri on all the days and during all the time when Rath Yatra chariots are taken in procession. The State Government may also impose curfew in the city of Puri on such other days and during such time as deemed necessary. During the period of curfew no one would be allowed to come out of their houses or their places of residence, such as, hotels, lodging houses, etc. To start with, the curfew shall begin tonight at 8 P.M.

- (3) Each Rath, i.e., Chariot, shall be pulled by not more than 500 persons. Each of those 500 persons shall be tested for the Coronavirus. They shall be permitted to pull the chariot only if they have been found negative. The number 500 shall include officials and police personnel.
- (4) There shall be an interval of one hour between two chariots.
- (5) Each of those who is engaged in pulling the chariot shall maintain social distancing before, during and after the Rath Yatra.
- (6) We are informed that certain rituals are associated with the Rath Yatra. We direct that only such persons shall be associated with the rituals who have been found to have tested negative and shall maintain social distancing.
- (7) The primary responsibility for conducting the Rath Yatra in accordance with the conditions and other norms shall be that of the Committee in-charge of Puri Jagannath Temple Administration. Each member of the Committee shall be responsible for due compliance with the conditions imposed by this Court and the general directions which govern ensuring of public health issued by the Union Government. In addition, the officers designated by the State Government for conduct of the Rath Yatra shall be responsible likewise.
- (8) The rituals and the Rath Yatra shall be freely covered by the visual media. The State Government shall allow TV cameras to be installed at such places as may be found necessary by the TV crew.
- (9) The bare minimum number of people shall be allowed

by the Committee to participate in the rituals and in the Rath Yatra. We take a note of the fact that the State of Orissa has a good record of having controlled the pandemic with a very little loss of life. We see no reason why the same attitude of care and caution should not be applied to the Rath Yatra.

- (10) The State Government may take such help as may be found necessary from the Union Government. Shri Tushar Mehta, learned Solicitor General, has assured the Court that the Union Government shall offer all assistance and help to the State Government in this endeavour.
- (11) The State Government shall maintain a record containing details of all those who have been allowed to participate in the Rath Yatra or the rituals connected therewith along with details of their medical conditions after testing.

All the applications for intervention and modification of Order dated 18th June, 2020 passed by this Court are disposed of.

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

(BEENA JOLLY)
BRANCH OFFICER