

SUPREME COURT OF INDIA

Mrinalini Padhi

Vs.

Union of India

WP(Civil)No.649 of 2018

(Arun Mishra,J., M.R.Shah and S.Ravindra Bhatt,JJ.,)

04.11.2019

ORDER

Arun Mishra,J.,

1. The petition has been filed under Article 32 of the Constitution of India to direct an investigation/enquiry into the disappearance of the keys to the Ratna Bhandar of the Shri Jagannath Temple, Puri. It has also been prayed that an inventory of the valuables stored at the Ratna Bhandar of Shri Jagannath Temple, Puri be taken and to direct appointment of an expert committee to submit a report to this Court for preservation and management of property and valuables of Shri Jagannath Temple. Prayer has also been made to provide express Reliance has been placed on the decision of this Court in *Sarika v Administrator, Shri Mahakaleshwar Mandir Committee, Ujjain, M.P. & ors¹*.

2. While entertaining the petition, this Court has passed an order on 8.6.2018, directing District Judge, Puri a submit a report. Later on, vide order dated 5.7.2018, in addition to order dated 8.6.2018, some more directions were issued and were summed up as follows:

“19. We may sum-up our directions in today’s orders, in addition to the orders dated 8.6.2018, as follows:

i)Report of the District Judge dated 26.6.2018 is accepted in principle and action to be taken by the temple administration.

ii)District Judge, Puri may send further report, if any by 31.8.2018, preferably by e-mail.

iii)The State Government may submit report of the Committee constituted by it on or before 31.8.2018.

iv) The Central Government may constitute its Committee, as already directed, within two weeks from today and place its interim report on record of this Court on

or before 31.8.2018.

v) Copy of the Report of the District Judge may be placed on the websites of the temple management, Ministry of Culture and website of the Supreme Court for two weeks.

vi) The directions in the order dated 8.6.2018 may be complied with by all concerned and non-compliance thereof may be reported to this Court for appropriate action if necessary.

vii) The temple management may consider, subject to regulatory measures, with regard to dress code, giving of an appropriate declaration or compliance with other directions, permitting every visitor irrespective of his faith, to offer respects and to make offerings to the deity.

viii) We have noted that Hinduism does not eliminate any other belief and is eternal faith and wisdom and inspiration of centuries, as noted in earlier judgments of this Court.

ix) Difficulties faced by the visitors, deficiencies in management, maintenance of hygiene, appropriate utilization of offerings and protections of assets with regard to shrines, irrespective of religion is a matter for consideration not only for the State Government, Central Government but also for Courts. Every District Judge throughout India may examine such matters himself or through any court under his jurisdiction and send a report to the concerned High Court so that such report can be treated as PIL on the judicial side and such direction may be issued as may be considered necessary having regard to individual fact situation.

x) Learned amicus is at liberty to engage with all stakeholders and to give suggestions for bringing about improvements and also to give a report to this Court. However, this will not stand in the way of the Committee of the State Government, Committee of the Central Government or any District Judge considering matters in terms of above directions.”

3. This Court vide order dated 9.1.2019, has appointed Shri Ranjit Kumar, learned Senior Counsel as Amicus Curiae and Ms. Priya Hingorani, learned Senior Counsel was requested to assist him in the matter. Learned Amicus Curiae has submitted interim reports pursuant to the orders which have been passed by this Court from time to time. During the pendency of the writ petition, the State Government has decided to make certain land acquisitions so as to provide various facilities to the pilgrims such as building of watch tower, an evacuation plan, widening of roads, etc. A Cabinet of the State Government of Orissa has taken a decision, which has been gazetted on 27.8.2019. Thereafter, as the instructions had been issued by the State Government, there was some unrest for the time being which has been settled. We had requested the Amicus Curiae to make a site visit and submit a report. They have submitted their report.

4. We have heard the learned Counsel for the parties and have considered various reports. We are happy to place it on record that the learned Counsel appearing at the Bar expressed satisfaction that the action is being taken by the State Government as per the Resolution dated 27.8.2019.

IN RE: REPORT OF DISTRICT JUDGE, PURI

5. The District Judge, Puri has submitted the report along with various documents pursuant to order dated 8.6.2018. Following Annexures have been filed:

“ANNEXURES

A-I Sketch Map of Shri Jagannath Temple, Puri.

A-II Sketch Map of different locations in Shri Jagannath Temple, Puri.

A-III Sketch Map of Shri Jagannath Temple with indication of five rows of queue of Darshan of the Jews in Shri Jagannath Temple.

B. Proposed and Existing C.C.T.V. Cameras.

C. List of cases against Sevaks.

D. Statement of Sanctioned Post, present strength and vacancy position in Shri Jagannath Temple, Puri as on March 2018.

E. Fund Management of Shri Jagannath Temple, Puri.

F. Audit Report of the Accountant General, Odisha of the accounts of Shri Jagannath Temple, Puri for period April 2009 to September, 2015.

G. Relevant Extracts of the Record-of-Rights prepared under the Puri Shri Jagannath Temple (Administration) Act, 1952 Part-I and Part-II.

H. List of Sevaks and Palia Awards.

J. Number of Hundi installed in Shri Jagannath Temple premises, Puri.

K. Relevant extracts of report of Shri Jagannath Temple Administration Improvement Committee.

L. Relevant extracts of report of the Commission of Inquiry by Justice B.K. Patra, Former Judge, Orissa High Court.

M. Recommendations of the Hon'ble Shri Justice P.K. Mohanty, Commission of Inquiry.

N. Recommendations in the interim report dated 20-04- 2017 of the Commission of Inquiry into the affairs of the Shri Jagannath Temple, Puri.

P. The Puri Shri Jagannath Temple (Administration) Act, 1952.

Q. Shri Jagannath Temple Act, 1954.”

6. The audit report of the Accountant General, Odisha has also been filed as Annexure-F on following various aspects:

1. Fund Management;

2. Estate Management;

3. Project Management;

4. Financial Management;
5. Utilisation of Grants-in-Aid;
6. Unrealistic Budget;
7. Submission of Inflated Utilization Certificate (UC) in excess of actual expenditure;
8. Contract Management;
9. Human Resource Management;
10. Miscellaneous observations as to jewellery and ornament, non-maintenance of Asset register, non-maintenance of subsidiary Registers, non-preparation of Report on administration of the affairs of Shri Jagannath Temple etc.; and
11. Limitation to Audit

7. Annexure-K is the report of the Committee headed by Shri B.D. Sharma, Ex-Governor for the State of Orissa for improvement of the temple in which certain recommendations have been made including accommodation and other facilities to the pilgrims. It was recommended that accommodation for 60,000 pilgrims should be provided by the Temple Administration. To start with, accommodation for 10,000 pilgrims should be provided as early as possible. With respect to the management of the existing properties and augmentation of income of the Temple, certain recommendations were made in Chapter III. Recommendations have also been made with respect to Sevapuja, Nitis, appointment of Sevaks and their conditions of service and subsidiary shrines. In Part III, recommendations were made as to accommodation and other facilities to the pilgrims and devotees. It was recommended that accommodation for 60,000 pilgrims should be provided by the Temple Administration and to start with, accommodation for 10,000 pilgrims, should be provided as early as possible. With respect to import of the record of rights and daily nitis, recommendations were made in Chapters XXIII and XXIV respectively. Main cause for delay in performance of Nitis and the remedy therefor had been dealt with in Chapter XXV. Certain irregularities in the preparation of Kotha Bhog were dealt with in Chapter XXVI. In Chapter XXVII, it was recommended that Temple should take possession of Rosaghar Ovens. Certain nature of disputes, which hold back Nitis were mentioned in Chapter XXVIII. Economic condition of servitors and their numbers to be reduced were mentioned in Chapter XXIX. The aspect with respect to reforms in the system of puja and performance of nitis, was dealt with in Chapter XXXI of the report. With respect to the constitution of Managing Committee, certain recommendations were made in Chapter XXXII. Appointment of Administrator was dealt with in Chapter XXXIII. Sarbasadharan Darsan and the queue system were dealt with in Chapter XXXV. Paramanik Darsan and special sevas were dealt with in Chapter XXXVII. Suggestions for augmenting the income of the Temple was dealt with in Chapter XXXVIII. In the report, reference was also made

to transport, dairy farm, lease of other rights and properties, land and buildings of Lord Jagannath situated outside the district of Puri and outside the State of Orissa. Certain other suggestions were made in Chapter XXXIX regarding training of Sevaks, sanitation, publicity, etc. In Chapter XL, a summary of recommendations was made, which is as under:

“CHAPTER XL SUMMARY OF RECOMMENDATIONS

257. The practice of the Charcha staff going to call the Sevaks on their Pali day should be stopped. It should be sufficient if the intimation to the concerned Palia Sevaks is given on the day preceding (Chapter XXIV).

258. Suars should be prevented from offering any Baradi or Bikri Bhog at the time of the four main Dhups. To ensure this, the Merda Roso should be commissioned and utilised for preparation of Kotha Bhog. A collapsible gate should be fixed at a convenient place in the Bhog Bata and that should remain closed throughout, and be opened just before the prescribed time for Bhog Mandap Puja. (Chapter XXV).

259. As many extra Bhog Mandaps as are absolutely necessary should be arranged on payment of extra fee for the purpose (Chapter XXV).

260. A temple Official should physically distribute Khei amongst Palia Sevaks. The system of the Pasarathias taking the Khei of the various Palia Sevaks directly from inside the Bhittar Pokharia should be stopped. (Chapter XXVI).

261. By arrangement with the various Palia Sevaks, the Temple Administration should purchase the Khei of the Sevaks and pay them the price thereof in cash (Chapter XXVI).

262. The Temple Administration should resume possession of the Chulis and lease them out every year by public auction to such Sadhibandha Suars as would be willing to take them on annual lease. (XXVII).

263. After proper discussion with the representative of the Suar Nijog and taking into consideration the current prices of foodstuff and other relevant factors, the Temple Administration should fix the maximum selling prices of Abhada and other commodities exposed for sale in the Ananda Bazar. There should be periodical revision of such rates. (Chapter XXVII)

264. A responsible Officer of the Administration not below the rank of Assistant Administrator should be present inside the Gambhira at the time of Sahan Mela to exercise effective control over Pindika collections and prevent exploitation of the pilgrims either by the Sevaks or by Jatri Pandas or by Dhulia Gumastas (Chapter XXVIII).

265. Disputes that arise between the Administration and Sevak or Sevaks or between the Sevaks inter se should be disposed of quickly by the Administration. The Managing Committee should immediately constitute an Appeal Sub-Committee and that Sub-Committee should ensure that appeals filed before the Managing Committee against the orders of the Administrator are quickly disposed of. (Chapter XXVIII).

266. A Sevak who fails to turn up to do his duty on any particular day without sufficient reasons should be liable for removal. The number of Sadhibandha Sevaks in each category should be reduced by removing those who do not actually do Seva. (Chapter XXVIII).

267. If the above recommendations are implemented, it is likely to result in the elimination of a number of recorded Sevaks in each category leaving in the field only those who actually do the Seva. Consequently, the turn of worship of the remaining Sevaks would be more frequent and the remuneration that they would get per month would be more than what it is at present. If in spite of this, it is found that the Nitis are not performed punctually and regularly, the hereditary rights of the Sevaks should be abolished by Legislation and thereafter the required number of Sevaks should be appointed afresh on the basis of monthly salary (Chapter XXIX).

268. A reserve body of Sevaks should be maintained on salary basis consisting of three Srotriya brahmins well-versed in Puja Padhhati who can act both as Puja Pandas and Pasupalaks; two Supakars to prepare Kotha Bhog; a pratihari or a Brahmin who can be entrusted with the security type of work; a Mekap or a Khuntia type of Sevak or in the alternative a Brahmin; a Bodo Sevak or in the alternative a Brahmin; and two non-Brahmin Sevaks. The expenditure incurred on the reserve Sevaks would not be a waste, because so long as their services are not required in time of emergency, they can be utilized for other purpose as indicated in the report. (Chapter XXX)

269. There is no necessity either to curtail the Nitis or to interfere with the system of Puja prevalent at present. (Chapter XXXI)

270. At present neither the Administrator nor the Assistant Administrators and in fact no other official excepting a few sevaks are entitled to go into the Roso. There appears to be no reason why the Administrator and the Assistant Administrators, provided they are Brahmins, should not have the privilege to go into the Roso to check malpractices if any prevalent there. This should be enforced if necessary after consultation with the Sankaracharya of Gobardhan Pitha and Mukti Mandap Pandit Sabha. (Chapter XXXI).

271. Similarly there appears to be no religious prohibition against having three permanent chariots for the Ratha Jatra. There are great many advantages in having such permanent Chariots. This should be done after necessary consultation with

Jagatguru Sankaracharya and the members of the Mukti Mandap Pandit Sabha after taking due note of public opinion in the matter. (Chapter XXXI).

272. The Managing Committee should consist of 10 members, namely –

1. The Raja of Puri, who should be the Chairman.
2. The Collector of Puri, who should be the Vice-Chairman.
3. Administrator.
4. Commissioner of Endowment.
5. Jagatguru Sankaracharya of Gobardhan Pitha or if he is not available any other Sanyasi of Sampradaya.
6. Patajosi Mahapatra or in his absence the person functioning as such.
7. Three persons of learning devoted.
8. to the cult of Lord Jagannath.
9. nominated by the State Government.
10. A nominee of the Advisory Body consisting of persons who donate Rs.5 lakhs or more for the Foundation Fund of the Temple. The tenure of appointment of non-official Members should be three years. Power should be given to the Managing Committee to co-opt for any particular meeting, any Sevak or Sevaks whose presence is considered necessary or desirable by the Committee. (Chapter XXXII).

273. The present provision regarding selection of Administrator requires no modification. What however is important is proper selection of the Officer. Not only should he be administratively strong but he should also have a religious bent of mind, and one who can involve himself completely in the administration of the Temple affairs. The minimum period of deputation of an Officer to work as Administrator should be five years. (Chapter XXXIII).

274. Similar procedure should be adopted in the appointment of Assistant Administrators. There should be three Assistant Administrators one – to remain in charge of revenue administration, the office and establishment; the second to remain exclusively in charge of the Nitis and the third in charge of the developmental works and discipline inside the Temple. The period of appointment of Assistant Administrators should also be five years (Chapter XXXIII).

275. As the Administrator is proposed to be drawn from the Orissa Administrative Service, Class (1) controlled by the Political & Services Department and the Assistant Administrators are proposed to be drawn from the Orissa Administrative Service controlled by the Revenue Department, a convention should grow that in matters of posting and withdrawal of these Officers, the concerned Department would do so in consultation with the Law Department, which is in administrative charge of the affairs of the Sree Jagannath Temple. (Chapter XXXIII).

276. Disciplinary power vested in the Administrator under the Act are quite

adequate. But in spite of there being innumerable occasions to warrant the exercise of such powers, no Administrator so far has done so because of the fear that such action may precipitate a strike in which case the public as also the Government, without trying to enter into details, would immediately hold the Administrator responsible for precipitating such crisis. The general attitude of all Administrators is to somehow or other manage affairs peacefully during their limited tenure of office. To enable the Administrator to become effective in the Administration of the Temple affairs, he should not only be given a free hand for such management but he should also be assured by Government that so long as he acts on correct lines, his action would be supported irrespective of any unpleasant consequences, that may ensue. (Chapter XXXIV)

277. Section 21-A of the Puri Sree Jagannath Temple Act should be amended to provide for suspension of a Sevak pending initiation and disposal of proceedings against him. (Chapter XXXIV)

278. Order passed by the Administrator under clauses (h) and (i) of Sub-Section 2 of Section 21 should be brought within the purview of Sub-Section 1 of section 24. (Chapter XXXIV).

279. The queue system should be introduced to regulate the entry of pilgrims inside the Temple for Darshan of the deities. Sahan Mela which at present means the pilgrims going into the Bhittar Pokharia to have Darshan of the deities, should continue. But the time allowed for such Sahan Mela should be restricted to one hour in the morning and half an hour during night. At all other times, excluding however such occasions when entry of the pilgrims to Natyamandir (the area between Chandan argali and Jaya Bijoya Dwar) is prohibited, pilgrims should be allowed to go in queue up to Chandan argali to have Darsan of the deities free of charge. If at times other than Sahan Mela a pilgrim wants to enter into the Bhittar Pokharia for Darsan of the deities he should avail himself of the provision for Paramanik Darsan which is at present in vogue. The existing fee for Paramanik Darsan should be slightly increased. (Chapter XXXV)

280. The practice of placing three Jharis in front of the three deities for Pindika collection should be discontinued. Instead of that a strong sealed box with a slit on the top of it should be placed just below the Ratna Singhasan, at the time pilgrims are allowed into the Bhittar Pokharia either at the time of Sahan Mela or at the time of Paramanik Darsan. Such of the Jattris who are inclined to make any offering to the deities may put their offerings in such boxes. A similar box should also be placed near the Chandan argali to enable the Jattris who have Darsan of the deities from that point to place their offerings. Excepting the Palia Pasupalaks who sit on the Ratna Singhasan at the time of Sahan Mela, there should be no other Palia Sevak on duty inside the Bhittar Pokharia at the time of Sahan Mela. It shall be the duty of the Palia Pasupalak on duty who sit on the Ratna Singhasan to

distribute Tulasi to the pilgrims. They shall not, on pain of disciplinary action, solicit for any offering from the pilgrims. Similarly, at the time of Darsan by the pilgrims from near the Chandanargali a Sevak should be posted there only to distribute Tulasi to the pilgrims and he should be prohibited from soliciting any offerings from pilgrims. (Chapter XXXV)

281. The adoption of the queue system would not prevent the pilgrims from gathering in the Jaganmohan and to have Darsan of the deities from that place as they are doing at present. It is not necessary to regulate them on ordinary days. But regulation even of such pilgrims would become necessary on festive occasions when there is expected to be rush of pilgrims. (Chapter XXXV)

282. The existing system of collection of Attika money by Jatri Pandas may be allowed to continue only on the specific condition that out of the Attika amount they should pay 25% to the funds of the Temple. Simultaneously Legislation should be undertaken to give power to the Temple Administration to exercise sufficient control over the Jatri business. No person shall be allowed to continue doing business of Jatri Panda without obtaining a licence from the Administrator and no such licence should be given to anyone who does not actually perform Seva in the Temple. Conditions should be embodied in the licence indicating the amount that a Jatri Panda is entitled to take from a pilgrim for services rendered, and the accounts he is to maintain, etc. No Jatri Panda can engage as his Gumasta a person who himself has not obtained a licence from the Administrator. If Jatri Pandas do not agree to contribute 25% of the Attika money to the Temple fund, collection of Attika by Jatri Pandas should be banned by Legislature, and due publicity should be given that if the Jatri wish to make any offerings to the Deities for any purpose whatsoever, the offerings should be put only in the Hundis placed in the Temple and that no offerings made elsewhere will be utilized for the purposes of the Deities. (Chapter XXXVI)

283. There should be complete ban on the activities of Dhulia Gumastas. The Temple should set up an organization of pilgrim guides and in enlisting such guides preference should be given to Dhulia Gumastas who, having regard to their character and antecedents, are found fit for the job. Preference should also be given to the Sevaks who by reason of any reforms brought about by Legislation or otherwise would be displaced from their Seva. Each pilgrim guide should obtain a license from the Administrator. (Chapter XXXVI).

284. Provisions contained in Clauses 18B, 18C, 18D and clauses 18F to 18H in the Sree Jagannath Temple (Amendment) Bill, 1976 are commended for acceptance. (Chapter XXXVI).

285. Even if the present system of Attika is allowed to continue under conditions

and restrictions mentioned above, still a Hundi should be placed in a prominent place in the Jagamohan inside a screened enclosure where Jattris may put their offerings. Similarly, in some of the important subsidiary shrines inside the Temple sealed boxes may be placed where pilgrims may put their offerings. (Chapter XXXVI).

286. Existing facilities for Paramanik Darsan should continue, but the fees may be raised slightly. Besides Paramanik Darsan, provision should be made for Ekanta Seva by pilgrims. (Chapter XXXVII).

287. The Temple Administration should undertake construction of a Dharmasala of its own. If possible, at a place as near the Temple as possible. If there is any difficulty to secure such a vacant site it should put up a Dharamsala in Talabania near the Railway Station. It should initiate the 'own your cottage' scheme and put up cottages either in Talabania or in Ballapanda. Simultaneously it should enter into negotiations with the owners of Dharamsala to secure management of the Dharamsalas situated in the Town of Puri. If that is not feasible the Temple Administration should at least enter into some arrangements with the owners of Dharamsala to ensure that the pilgrims conducted to the Dharamsalas in the Temple buses are accommodated there. (Chapter XXXVIII).

288. The Temple should keep some of its buses at the Railway Station and bus stand to conduct the pilgrims from there to the Dharamsalas. (Chapter XXXVIII)

289. A Foundation Fund of an amount of Rs.10 crores should be constituted. The Governor may be requested, if he has no objection, to issue an appeal on behalf of the people of Orissa inviting donations to the fund. The Fund should be administered by a Board of Trustees consisting of those donors who pay Rs.5 lakhs or more to the Foundation Fund. The fund when collected should be invested in long term deposits. Only the interest accruing from such deposits should be spent for the purpose of the Temple. The Board of Trustees should meet once a year at Puri to review the financial position of the Temple and inter alia to consider proposals to augment the income thereof. The Board of Trustees should elect a person to be the Member of the Managing Committee. (Chapter XXXVIII).

290. The Temple should publish an almanac of its own. It is only this almanac which should receive the approval of the Raja of Puri and of the Mukti Mandap. Such Almanac is likely to be very popular and the sale thereof may yield a sizeable profit to the Temple. (Chapter XXXVIII)

291. The Temple should obtain monopoly for the manufacture and sale of photo pictures of the Deities in several Besas. This is likely to yield a substantial recurring income to the Temple. (Chapter XXXVIII).

292. The Mahalaxmi Bhandar should be run departmentally instead of being leased

out as is being done at present. If worked departmentally it is likely to yield annually a net profit of Rs.2 lakhs as against Rs.70,000 which the Management is at present getting by leasing it out. (Chapter XXXVIII).

293. The Management should introduce a scheme whereby pilgrims may at their cost conduct some of the festivals of the deities for which expenditure is at present being incurred from the Temple Funds. Apart from satisfying the devotional urge of the pilgrims, this system is likely to yield a good deal of income to the Temple. (Chapter XXXVIII).

294. By means of due publicity the pilgrims may be encouraged to offer special Bhogs to the Deity. As a portion of such Bhog would be distributed amongst certain categories of Palia Sevaks, their earnings would increase thereby. Sale of the Temple's share of such Bhog would also yield an income to the Temple. (Chapter XXXVIII).

295. As the Transport Service of the Temple is yielding a net profit of about Rs.2 lakhs per year at present, its scope should be widened as far as it is practicable. (Chapter XXXVIII).

296. A dairy farm should be started. If properly run there is every likelihood of philanthropic people donating cows to the dairy farm. (Chapter XXXVIII)

297. Niladribihar should be worked departmentally, and Dolabedi Kunja should be revived. (Chapter XXXVIII)

298. Besides taking possession of and leasing out Chulis in the Temple Roso, the Administration should also take possession of all the Saraghars inside the Temple premises and utilise them properly. If possible some of the Sargharas situated in the Bahar Bedha can be leased out. (Chapter XXXVIII).

299. As far as it is practicable, lands of Lord Jagannath and Jagir lands held by Sevaks under Lord Jagannath should be kept out of the purview of land Legislations. This principle should also apply to all Debottar lands. If it is not possible to exempt the Estates of Lord Jagannath from the purview of the Estates Abolition Act, the annuity that is going to be fixed, should be on as liberal a scale as possible, making a further provision for periodic upward revision of the annuity amount with the rise in prices. (Chapter XXXVIII).

300. Sincere and urgent efforts should be made by the Temple Administration to obtain a full list of all properties of Lord Jagannath situated inside and outside the State. Excepting properties situated in the district of Puri, which the Temple can directly manage, efforts should be made to dispose of the properties situated outside Puri and the sale proceeds should be invested in long term deposits. The effort to obtain information regarding properties situated outside the State of Orissa should

be made at the level of Government. (Chapter XXXVIII).

301. Transfer of Seva rights should be prohibited by Legislation. (Chapter XXXIX)

302. An institution to train Puja Pandas and such other Sevaks for whom training is necessary should be established inside the Temple. (Chapter XXXIX).

303. A concerted drive to keep the Temple premises absolutely clean should be undertaken by the Temple Administration. (Chapter XXXIX).

304. It must be ensured that food-stuff sold in Ananda Bazar are kept in fly-proof receptacles. Food-stuff must be sold at places earmarked for the purpose. Ananda Bazar should be cleaned twice a day. (Chapter XXXIX).

305. Asking for alms within the Temple precincts should be strictly prohibited. (Chapter XXXIX).

306. A religious atmosphere should be created inside the Temple premises by periodically holding religious discourses and by arranging for Vedaparayana and reading of Puranas, inside the Temple precincts. (Chapter XXXIX).

307. Practically no publicity arrangements exists in the Temple at present. The Publicity arrangements should be considerably improved for the convenience of the pilgrims. (Chapter XXXIX).

308. Soliciting Dakhina in any form by any person, be he a Sevak or otherwise, inside the Temple premises should be prohibited. (Chapter XXXIX).

309. Mahaprasad Seva Sadan which had been started some time back and which has fallen into disuse now should be revived. (Chapter XXXIX).

310. A Code of Conduct for observance by all Sevaks inside the Temple should be framed and their observance should be strictly enforced. (Chapter XXXIX).”

The CCTV Cameras having night vision was also recommended.

IN RE: REPORT OF LEARNED AMICUS CURIAE

8. Shri Ranjit Kumar, learned Amicus Curiae has made inspection of the premises on 22-23.2.2019. He has made reference to the Puri Shri Jagannath Temple (Administration) Act, 1952 (for short, ‘the 1952 Act’) and Shri Jagannath Temple Act, 1954 (for short, ‘the 1954 Act’). He has drawn our attention to the definition of Sevaks as defined under Section 4(d-1) of the 1954 Act, thus:

“4(d-1) “Sevak” means any person who is recorded as such in the Record of Rights or is

recognized by a competent authority as a Sevak or his substitute or has acquired the rights of a Sevak by means of any recognized mode of transfer and includes a person appointed to perform any niti or Seva under clause (i) of sub-section (2) of Section 21.”

9. Learned Amicus Curiae has pointed out in his report that 1954 Act has been made to reorganize the scheme of the management of the affairs of the Temple and to provide better administration and governance having regard to the ancient customs and unique and traditional nitis and ritual contained in the Record of Rights prepared under the 1952 Act. The Managing Committee has been constituted under the Act, inter alia, to ensure proper performance of Seva, Puja and periodicals Niti of temple, arrange for proper collections of offerings, audit of accounts and installation of Hundi.

10. Learned Amicus Curiae has pointed out following aspects in his report of inspection:

(a) There is scope of improvement on various aspects with respect to visits of devotees inside the Temple complex. Suggestion has been made to have darshan in a systematic line, which facility is available in Tirupati, Golden Temple and Mata Vaishno Devi or such other similar places. Learned

Amicus Curiae was informed that the entire complex is about

10. acres and a very large number of smaller temples were there, approximately 97(b) With respect of hygiene more specifically in Rosaghar, where all the cooking for the Mahaprasad is done, it was found that there was a lot of activities being done on small chabutra open to the air and without proper manner of disposal of waste. Wood fired chullas are used in the main kitchen. Out of 240 chullas, 8 are specifically used for preparation of Kotha Bhog of the Lord Jagannath and the rest are under the possession of other licensees who pay nominal rent to Temple administration and are cooking the Mahaprasad. The hygiene in the main kitchen is not known. There is no disposal mechanism for waste nor an effluent treatment plant.

(c) With respect to hygiene requirement to Anand Bazar where the sale of Mahaprasad takes place, the steps require large scale improvement in terms of hygiene, but Archaeological Survey of India (ASI) seems to be having some issue, if improvement is made.

(d) Donation boxes should be placed at strategic point both within, outside and at all other smaller Temples within the complex.

11. Learned Amicus Curiae was informed that 119 types of Seva/Nitis/Rituals are performed by the Sevaks who are hereditary and the daily requirement is about 85 to 90 Sevaks from 45 categories of Sevaks and the requirement increases in festivals and occasions. The Managing Committee meeting was held to consider the 12 recommendations made by the District Judge. Learned Amicus Curiae has reported regarding 12 suggestions thus:

“(i) Abolition of Hereditary Sevaks / Appointment of Sevaks: Firstly, in terms of the 1952 Act the hereditary right granted to the Sevaks is recognized and is statutory in nature. Therefore the same cannot be abolished because each of the Sevaks who belonged to different Nijog have been recognized with reference to their right to perform Rituals/Nitis of the Deity, since it is a practice which has been going on for time immemorial. The same cannot be taken away and those rites stand recognized. However, there are presently about 2300 Sevaks belonging to different Nijogs and what was suggested was that the number was required to be reduced so that each of the Sevaks gets some turn for Seva and thereafter some Puraskar for the maintenance and upkeep of the family and their livelihood. The others be given a golden handshake which was being worked out between the administration and the Nijogs without losing any of the hereditary practice and requirement qua with Deity while having a reserve list also so that in the absence of any Sevak, the Nitis and Rituals are not in any way affected.

(ii) Prohibition to collection of money by Sevaks: The Administrator along with some others in the Managing Committee suggested, as is also are the requirement under the Act, that additional Hundis/Donation Boxes are placed and from out of the money received a certain percentage be disbursed to the Sevaks. Over and above, those devotees/visitors who have a specific Yatri Puja may do so at a price to be deposited through the office where receipts would be granted and a percentage of the same would be paid to the Sevak for performing that Puja. In this manner the Darshan of the Pilgrim will not be effected and at the same time the Sevaks would also be getting certain percentage of the collection. It was my understanding that the percentage being given on some things or the percentage that is being thought of may be on the lower side.

(iii) The Temple Management to take control of RosAgHAr and ChullAS: I have already dealt with this above and I was informed by the Managing Committee that they will make sure that hygiene is brought to the standards and all efforts are being made in that direction.

(iv) Provision of separate toilets for male/female, Sevaks: I was informed that just now there was only two places in the West and the South but 10 more urinals and two toilet complexes were being set up with private maintenance so that hygiene and cleanliness is maintained and cloak rooms will be made in four months time and that a motorcycle stand would also be made for the Sevaks.

(v) Queue in Darshan: I have already outlined this above and have suggested already to the Managing Committee that how it could be done and will also explain in the Court is well.

(vi) Surveillance of collection from Hundis And DonAtion boxes: This has also been dealt with above.

(vii) Audit of Temple fund by Accountant General: I was informed that Audit was already being done by the Internal Audit Committee of the Temple Administration, by the Chartered Accountant and that the grants which were made by the State Government were

being audited by the CAG. Further the Chartered Accountant, member of the Managing Committee, informed me that the accounts are going to be put online on the website: www.jagannath.nic.in and that more and more activities will now be put therein. He also informed me that the interest earning of the Temple on the corpus fund of the Temple was approximately Rs.30 to Rs.35 crores per year while the expenses are Rs.60 to Rs.70 crores per year. Thereafter the shortfall is met by the State grants and the capital investment requirements are met by the Government. He was also of the suggestion that digital marketing could be done for the Temple for the purpose of donations to be received. I was also informed that the Temple and endowments have a total of 60418.353 acres of land and the Record of Rights have been prepared only with reference to 34200.976 acres and the rest was under preparation. It must be understood that there are two kind of Records of Rights vis-à-vis the Temple, one is the Record of Rights as is normally understood with reference to property and the revenue entries and the second is Record of Rights (RITES) which is with reference to the Rites, RituAls And Nitis to be performed by SevAks who have hereditary rights and recognized under the 1952 Act.

(viii) Identity Cards for the Sevaks and Staff: It has been agreed upon that Identity Cards for Sevaks would be made with a colour code for Sevaks, for employees and for labour so that unwanted element do not come in. This would be implemented in three months time.

(ix) Guides to be Registered: It was informed that a Yatri Panda Sangh was being made this would also be done in three months time and they would be verified by the office of the S.P., Puri so that any criminal element is not recruited.

(x) Reduction of Administrative Staff: I was informed that rationalization of the administrative staff was being done and 127 persons had already been retrenched. The main requirement of the administrative staff was with reference to cleaning and sweeping, the internal temple police, the management of the lands belonging to the temple as also the management of the Quarries and Mines of the temple. This rationalization would be completed soon.

(xi) Single Authority for Security of the Temple: I was informed that the internal police performing the job of security inside the temple was without any police power but now an additional S.P. Rank officer has been assigned to the temple administration with full Rights because of the confusion that is created to the hereditary rights of the Sevaks for the performance of the Nitis and Pujas.”

12. Learned Amicus Curiae has pointed out that no accommodation is made available for any pilgrim by the Temple Administration. The Administrator informed that Yatri Niwas and Bhakt Niwas were proposed and one was under construction and another, which was available, required lot of repair.

13. References have been made to the demand of Sevaks regarding Temple management to provide school, education, Government jobs, etc., for the families of Sevaks. There is no proper accommodation for them and for the education of their children. They hardly get

one turn in a month for performing Seva/Puja, for which they get Puraskar, which is not sufficient for their livelihood.

14 Learned Amicus Curiae has also pointed out that proper coordination is required. Certain suggestions have been made for revenue generation of the Temple.

15. The opinion of the Chairman of the Managing Committee Shri Gajapati Maharaj has also been noted by learned Amicus Curiae that the situation was very difficult as the heart and soul was not dedicated to the Lord. The three grey areas have been pointed, namely, (1) Management with three authorities – the Government, the Managing Committee and the Administrator; (2) Qualified Sevaks are not available despite the requirement of having traditional Nitis and Sevas and Rituals to be performed. Seva should be made attractive; and (3) religious monitoring was not proper.

16. Learned Amicus Curiae has also pointed out that proper coordination is required between the Administration and the Sevaks. The criminal elements were required to be identified and removed and discipline was required to be brought in both for the Sevaks and for the pilgrims with regard to the movement inside and outside the complex. The system of sub-letting is required to be done away with. There was a requirement of four tier of security within the Temple in such a manner that only one type of police is available so that the pilgrims are not harassed.

17. Learned Amicus Curiae has also pointed out with respect to the meeting he had with the stakeholders. Sevaks were of the point of view that their rites cannot be taken away, which were hereditary in nature. Certain restrictions have been imposed on offering during Rath Yatra and on the entry of pilgrims inside the Garbh Griha (Sanctum Sanctorum). There is no health welfare scheme nor hospitals are provided. The accounts are not being managed properly. The quarries and mines were allotted in the names of minor. Reference has also been made to the report of 1805 of Charles Grome. It has also been pointed out that there was no internal mechanism for complaint to be lodged by women. It has been pointed out that 8-9 suggestions of District Judge are being implemented. There was scope for improvement and the hygiene is required to be improved without affecting the hereditary rights of Sevaks, which in turn improve the conditions of Sevaks and hassle free Darshan.

18. This Court has directed the learned Amicus Curiae and Shri Tushar Mehta, learned Solicitor General of India, to make inspection and submit a report as to suggestions after the Cabinet decision, which has been gazetted on 27.8.2019. Learned Amicus Curiae has submitted his report on 27.9.2019, wherein it has been observed that redevelopment plan around the Temple is mainly to decongest the area for the benefit of pilgrims and to make the city of Puri a world heritage city. Some demolition on the entrance of the Temple has already taken place. The Chairman of the Managing Committee informed that nobody was

opposing the reforms for the betterment of the place so that it becomes world heritage city. However, the rehabilitation package should be liberal and proper and should provide fair deal.

19. It has also been pointed out that during annual Rath Yatra, lakhs of people visit the Temple town, the congregation is such that it is difficult to manage the crowd. It becomes difficult to manage the crowd \\especially to protect the elderly or the children or if somebody becomes sick. It was informed that Nagarjuna Basha to be held in 2020-21 and the plan has been prepared to rotate the crowd along the dedicated corridors around the Temple and control the same in a peaceful manner. The rehabilitation package has been prepared for the people who are going to be uprooted from their homes, business places, etc. The acquisition is being done on the basis of negotiation. Learned Amicus Curiae also met Srimad Jagadguru Shankaracharya and Swami Nishchalanand Saraswati, who expressed concern of the daily Rajbhog and Puja, which are called “NEETIS” to be performed inside the Temple for Deity on daily basis and if the Deities were not worshipped according to the Neetis, then it amounted to desecration of the Idol. He has handed over a written note to learned Amicus Curiae. The note given would be helpful for deciding the main writ petition about the Neetis and daily ritual to be followed in the worship of Deities.

20. It has also been pointed by learned Amicus Curiae that there is a necessity to have a better infrastructure outside the Temple than the existing one, that is sought to be achieved by the proposed plan.

21. Ms. Priya Hingorani, learned Senior Counsel has also submitted a separate report. She visited the Temple on 11.10.2019. She has also pointed out certain demolition has taken place. Those structures were in dilapidated state and unsafe for human habitation. However, Temples inside the Mathas, their Gaadis, Samadhis and other artefacts have been preserved. Certain establishments have been relocated and thus, are yet to be resettled.

IN RE: SUGGESTIONS MADE BY SRIMAD JAGADGURU SHANKARACHARYA

22. Suggestions made by Srimad Jagadguru Shankaracharya have also been placed on record, wherein the importance of the place has been pointed out thus:

“By faithfully darshan of Neelchakra, Shikha Dhvaj, Devalaya, Garuda Stambha, Shri Patit Pavan, bowing down in front of Shri Jagannath placed on ratha from the ratha premises and outer circumambulation of temple a person will get same fruit as one who is directly involved in service and worship.

The use of Mantrik, Tantrik and Yantrik process for expressing all encompassing Sacchidananda Swaroop Sarveshwar in the form of traditionally made Archa Vighraha is same as the process of expression of electricity present in water, earth and sky through machines.

Like we need to respect this fact that “Electricity shouldn’t disappear and it’s existence should be beneficial not fatal”. In the same manner the fact that “Five deities namely Surya- Vishnu-Shiv-Shakti-Ganapati and their avatars as defined by Sanatana Shastra (scripture) which are consecrated and embedded in the Archa Vighraha their refulgence should not diminish and their presence should be beneficial not fatal”. Reverence to this fact within the limits of propriety is the ultimate responsibility of cultural, social, administrative and constitutional institutes. The brilliant people who understand Devata Tatva (god element) through the effect of their extraordinary infallible power consider the splendid effect-cause-composed universal all-deity either at Aditya (sun) according to ‘एकैव वव महवन्वत्सव ददेवत्व स सरर इत्रवचक्षतदे’ or as Agni (Fire) according to ‘अगगनः सववर ददेवत्वः’

(Aitareya Brahmana 2.3). He is also known as Indra having extraordinary grandeur, Mitra who assures safety from fear of death, Varun who purifies all sins. Agni which is omnipresent, Garuda the divine bird, Yama who in form of fire governs and Vayu who flows freely everywhere in space. Therefore worship and consecration of Surya, Vishnu, Shiv, Shakti, Ganpati and their vedas based avatar (incarnations) who perform five task namely creation-preservation-destruction-punishment-reward in the form of Archa Vighraha is possible. Therefore it is the sacred obligation of learned eminent person that they allow this Sanatana tradition which is in harmonious compliance with philosophy, science and behaviour to be implemented in the Sanatana method.”

With respect to servitors appointed in Sanatana Temple, they are permitted to carry out their living. Concern has been expressed about their financial condition. To make temple free from exploitation and healthy environment, mutual understanding has to be developed under the aim to free the sacred institution from economic exploitation. Care should be taken that does not result in more economic exploitation by Government in comparison to before. There should not be neglect and disrespect of any element involved in the proper operation of this sacred institution, but neither more or less participation of everyone is required. A High-Level Committee should be formed for which suggestions have been given to have a harmonious dialogue that can remove all discrepancies in Shri Mandir. Following suggestions have been made:

- “1. Implementation of the endeavour to promote and systemize Shri Mandir as an institution of education, defence, culture, prosperity, service, dharma & moksha.
2. Implementation of proper system for selection, training and enrolling servitors according to family tradition.
3. Absence of dharmic and spiritual leadership should be rectified as per tradition.

4. The books namely Rigveda, Skanda Purana, Brahma Purana, Vamdev Samhita, Neeladrimahoday, Pancharatra- Ishwar Samhita and Vimarsha which mention consecration, worship and different festivals related to Shri Jagannath; based upon these a book named 'Shrimandir-Seva—Samarcha- Prakalpa-Paddhati'- 'Shri Jagannath Samhita' should be created by wise pundits under the guidance of Shrimad Jagadguru Shankaracharya, Shri Govardhan Math, Puri Peeth so that blind traditions are negated appropriately and a healthy tradition that is in accordance to Shastra (scriptures) is fixed and implemented.

5. 'Mukti Mandapa' should be restored to its original form and the natural right of establishment, upkeep and management accorded to Shrimad Jagadguru Shankaracharya, Shri Govardhan Math, Puri Peeth by tradition should be restored.

6. King Gajapati Ji should be recognised as Yajamana in a position of King Indradyumna.

7. The rights and liabilities of Shankaracharya, Gajapati, 'Mukti Mandapa', servitors and administration should be decided such that they are neither more or less; then the determination and execution of service roles of Kumbhakar etc. according to old settled traditions.

8. Determination of tradition of servitors in accordance to Shastra (scriptures). The endeavour to make them well educated, cultured, trained, deserving and self-sufficient should be identified and undertaken. A residential school must be established and run accordingly for children of servitors and brahmin family belonging to solahshasan. They should receive knowledge and skills training according to their family tradition. In systemizing Shri Mandir it is expected that due consideration must be paid to proper following of traditions, establishing eligibility of servitors according to daily schedule, appointment of servitors within the limits of service required, their training and determination of source of livelihood for extra servitors. In independent Bharat through directionless government this sacred institution has been removed faraway from spiritual guidance and turned just into a hub of money and fame. The implementation of divide and rule policy is heights of short sightedness. Therefore rectification of this discrepancy is highly desired. With the aim to keep the divine powers of Shri Jagannath Ji in Archa Vighraha intact so that worshippers and devotees get benefited by it not harmed, we need to follow injunctions and prohibitions prescribed in Sanatan Shastra (scriptures) just like we follow injunctions and prohibitions regarding electricity. By declaring Shri Mandir as equivalent to samadhi and museum of Gandhi Ji, its sacredness and safety is bound to get extinct.

9. There should be adeptness in securing the sacredness and beauty of temple, protection of decency and ornaments of devotees and management of temple. The service projects run by temple should be determined and implemented. It is essential to make this sacred institution a center of devotion and of participation of

hindus all over world who are devotees of Shri Jagannath and belong to Sanatan, Vedic, Arya tradition. The first consecration of Shri Jagannath Ji was done by Shri Brahma Ji on Vaisakh Shukl Ashtami and second consecration was done by Shri Shankaracharya on Vaisakh Shukl Dashmi so annual festival should be held on that day.

10. During the reign of idol destroyers for 144 years Shri Jagannath Ji was not visible; according to Bhasmajabala Upanishad on Vaishakha Shukl Dashmi 483 BC, Shri Bhagwatpad Adi Shankaracharya re-consecrated Mukti Mandap. This fact should be illustrated in history of Shri Mandir as a token of gratitude.

11. Through the method specified by Shri Bhagwatpad Adi Shankaracharya and his disciple Emperor Sudhanwa the way of managing Shri Govardhan Math, Puri Peeth should be cleared; then Shri Jagannath Mahaprabhu should be re- established as the worship deity of this peeth and Puri situated in Purushottam region should be popularized as a dharmic and spiritual capital and the Acharya of peeth should be mentioned as it's overlord. Reckon this fact that without Devguru Brihaspati Ji, Indra and other devatas had to suffer a lot. In modern perspective the infallible cause behind the preeminence of Christians worldwide is the concurrence between both parts of christianty namely alternative governance system and Pope. By keeping this fact in mind a path must be cleared for in principle concurrence between traditional Vyaspeeth and government.

12. Most of servitors are financially vulnerable due to less quantity of service in Shri Mandir, a way for their economic welfare must be found out and some adequate arrangements for their medical and other expenses must be made.

13. Government of Odisha should appoint a chief manager adept in complying and making others comply with dharmic and spiritual activities in Shri Mandir; but he shouldn't be administrator of dharmic and spiritual area.

14. The competent person to be appointed as Chief of Shri Mandir Management Committee must first undergo dharmic and spiritual training for a month then he should be appointed to this post so that he is able to keep this sacred institution away from the grips of directionless business class.

15. The determination and execution of standards of sacredness, beauty, grandeur and orderliness in Shri Mandir must be done as soon as possible.

16. The details of property and budget of Shri Mandir must be decided and presented in proper manner.

17. Travellers must receive warm and pleasant behaviour.

18. The service and worship of Devi-Devata consecrated in Shri Mandir must be

done according to Shastra (scriptures) at appropriate timing.

19. The selection of members of management committee must be done in dharmic and spiritual way with the participation of Shankaracharya, Gajapati, 'Mukti Mandapa', Mukti Mandapa Pandit Sabha', Servitors and Government administration.

20. The selection of office bearers of 'Mukti Mandapa' and 'Mukti Mandapa Pandit Sabha' must be done under the divine aegis and guidance of Shrimad Jagadguru Shankaracharya, Shri Govardhan Math, Puri Peeth who is the chief of institution.

21. The publication of annual Panchang from Shri Mandir must be done in an authentic and optimal method.

22. The endeavour to organize monasteries, temples of 'Sanatana dharma' in Odisha as dharmic and spiritual fortress and divine temples must be determined and implemented.

23. The office bearers of management committees of Shri Jagannath temples built all over nation and world must be contacted in good faith and every year a convention must be organized for them in 'Acharya Peeth', Puri.

24. An authorised scholar should recite 'Shrimad Bhagwat' and stories of greatness of Purushottam region from Skanda Purana in Shri Mandir regularly in morning and evening.

25. Proper arrangements for the security of Purushottam area and Shri Mandir situated there must be done.

26. The required reformation between Garbhagriha (sanctum sanctorum) of Shri mandir and the attached Mandapa must be determined and implemented based upon Shastra (scripture).

27. The inordinate secrecy and misconduct in service and worship of Shri Mandir is due to addition of different dimensions by many eminent persons from time to time; while elaboration leads to increase in tribulation but brevity leads to assuagement - गवस्तवरवर क्लदेशसर Shanti Parva, 297.20, 37) क्य तवर सक्षदेपवस्तय सख ववहवः| (Mahabharata Therefore, it is necessary to determine and implement practices which are unopposed and in accordance to Sanatana tradition and which will not lead this sacred institute to become directionless.

28. While any person and organization related to this institution should be taken care of appropriately, nobody must exploit this dharmic and Spiritual institution.

31.....Therefore it's an established principle that Shri Govardhan Math and the sacred institution of it's Aradhya Devi Shri Jagannath Ji must be managed as per the code of conduct given by Shri Bhagwatpad Adi Shankaracharya.”

IN RE: RESPONSE OF STATE OF ORISSA, RESPONDENT NO.2

23. The State of Orissa, respondent no.2 has filed an affidavit on 29.6.2018, wherein it has been stated that State of Orissa as per the order dated 8.6.2018 passed by this Court, has constituted a Committee to study the management schemes of other important Shrines such as Vaishno Devi, Somnath Temple, Golden Temple, Amritsar, Tirupati Temple and Dharmsthala (Karnataka) Temple. The Committee was directed to submit an interim report. Notification has been issued on 12.6.2018.

24. An additional affidavit has been filed on behalf of State of Orissa on 30.9.2019, in which it has been pointed that a Commission headed by Shri Justice B.P. Das, retired Judge of the High Court of Orissa, was constituted, which has recommended for widening of road outside the Temple for crowd management, movement of emergency vehicles such as fire tenders, ambulances, etc. and the Works Department has submitted a proposal to the Collector for acquisition of land within 75 meters from Meghanad Pacheri of Shree Jagannath Temple under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ('the Act of 2013'). A Resolution has been passed by the Cabinet, which has been gazetted on 27.8.2019. It is stated that steps are being taken in accordance with the provisions contained in the Act of 2013, to acquire and rehabilitate. Three highly unsafe structures have been removed, details of which have been given. It is further stated that 26 commercial establishments have been relocated temporarily till final rehabilitation takes place. The Deities and the Gaadis of affected Maths have been preserved. The Redevelopment Plan will focus on heritage architecture, complementary affiliation between Shri Jagannath Temple and the Maths concerned. Adequate parking shall be provided for the use of Maths in the redevelopment plan. Shopping units will be constructed as per the Rehabilitation and Resettlement Scheme and provided at common market complexes. The Rehabilitation and Resettlement Package has been filed as Annexure-C along with Heritage City Project of Puri as Annexure-D. Due process of law is being followed and the District Administration has no intention to remove the temples and gaadies, etc.

25. Additional Status Report has been filed on 21.10.2019 by the State of Orissa. The State Government has taken a policy decision in consultation with the Mahant and the Administrators of the Matha. Following five steps have been taken by the State Government:

- “7.That the above referred steps would ensure that –
- (i) The long felt need of clearing the nearby area of Shree Jagannath Temple is achieved so as to avoid any stampede, incident of fire, taking care of emergency situation by providing ingress/egress to fire brigade and ambulance and taking the

security concerns of the temple and the safety of the devotees into consideration.

(ii) While doing so, the deities, sanctum sanctorum, gaadi, samadhi of the Matha, relics of the Matha will not be disturbed and remain at their current place with better beautification in line with Kalinga style architecture.

(iii) The properties of the Matha which are used for shops/ commercial activities/ lodges etc will be acquired and cleared and the compensation would be paid at the rate mutually agreed in consonance with the Rehabilitation and Resettlement Policy. Every shopping unit will be eligible for allotment of a shop unit in the market complexes to be developed.

(iv) In view of redevelopment of Matha with accommodation of Mahanta, and other relevant structure as applicable, an alternate site would be made available at the nearest available vicinity of the place where it existed earlier. Structure cost as per law would be paid to the Mahanta of the respective Mathas with construction assistance as prescribed in the Rehabilitation & Resettlement Policy.

(v) Till the time such alternate site is made available, the State Government would pay compensation/ rent on a monthly basis at a rate as per the Rehabilitation & Resettlement policy and based upon the request of the Mahants which is calculated based upon their actual requirement.” The Minutes of Consultation Meeting with various Mahants of Maths have also been placed on record as Annexures A to H.

IN RE: SUBMISSION OF INTERVENOR

26. One of the intervenors – Daitapati Nijog has pointed that the Daitapatis have a hereditary right to perform secret sevapuja of Lord Jagannath and same is mentioned in Record of Rights under the Act of 1954. Any reduction in number of Daitapatis would lead to difficulties in performing the nitis/rituals.

IN RE: RESPONSE OF TEMPLE MANAGING COMMITTEE

27. The Temple Managing Committee has filed its first response on 24.4.2019, as to the suggestions made by learned Amicus Curiae. It has been pointed that the Temple Administration is neither averse to the implementation of the recommendations/suggestions of learned Amicus Curiae on the issue after holding discussions with all the stakeholders on 23.2.2019.

28. It is further submitted that Temple Administration is open to carry out improvements in the Temple as may be directed by this Court in the larger interest of the public, however, improvement should be carried out without hurting the religious sentiments of the people of Orissa, the devotees, religious traditions, the rights of Sevaks and the Jagannath Sanskruti. Since, it does not wish to have chaotic surroundings around the Shrine or to hurt

the religious faith of its devotees, which are spread all over the world. The queue system has been introduced by installing steel railings with covers for all the devotees. Queue is controlled by the police personnel of the Temple Police. Police Officials are monitoring the CCTV footage round the clock. Railings at the Singhadwar i.e., main entry, have been installed from 1st week of October, 2019, which was strongly opposed by some groups claiming to be Jagannath Sena and called for Puri Bandh on 3.10.2019. During which the members of the group vandalized and ransacked the Temple Administration, which is causing huge loss to the property of the Temple Administration. Thus, Temple Administration was forced to abandon the execution at the main entrance to the Shrine.

29. It is further pointed out that large scale improvement for managing the crowd inside the Shrine is not possible considering the fact that the Shrine being protected religious monument is under the control of Archaeological Survey of India (ASI) and without its express permission, no further construction or renovation is possible.

30. As to the abolition of hereditary rights of Sevaks, the Temple Administration is in respectful agreement, however, it is submitted by the Temple Administration that Record of Rights has been conferred on such Sevaks/Sebayats recognizing their rights under the 1952 Act. The abolition of the system would require amendment of the Act. It has also been pointed out that in the event of such amendment to the existing provisions abolishing the age-old rights of the Sevaks, the same would have serious ramifications on the daily rituals/nitis/pujas of Shri Lord Jagannath as all Pujaries cannot perform seva/puja of the Deities, which requires special skills and expertise and the present Sevaks are well versed with the traditional style of seva/puja of the Deities. The abolition of the system may evoke widespread protest. The Temple Administration is contemplating to reduce the number of Sevaks, who are large in number and have been enjoying such rights as against the actual number of Sevaks for performing the daily ritual and additional Sevaks are required on festive occasions only. There are about 2500 Sevaks at present and number can be cut down to sizeable level as per actual requirements. Shri B.D. Sharma, Ex-Governor of State of Orissa as also suggested improvement in his report in this regard. He has also suggested employment of sevayats for nitis shall be rationalized and kept within the limits of actual requirement. The Temple Administration is not in favour of total abolition of ROR of Sevaks. Sevaks may create serious problems by stopping daily rituals in the event of such steps being taken for reduction of their numbers. Thus, matter has been left at that and they will abide by the directions and the orders which may be issued by this Court.

31. An incident dated 28.12.2018 which took place in the Shrine has also been highlighted by the Temple Administration in which one Bhitari- Chhu Sevak, who was entrusted with the daily duty of opening the door to the Sanctum-Sanctorum at 4.30 a.m. for daily puja/nitis, did not open the door on the ground of his personal issues with Police Administration of Puri Town, leading to delay in performance of seva and puja, the door was opened at 4.30 p.m. in the evening with the intervention of Chief Administrator. The Chief Administrator may be directed to take disciplinary action in accordance with law against those Sevaks, who are found indulged in anti-temple activities including stopping of nitis/pujas/seva and misbehavior/misconduct against the employees of the Temple

Administration and also the devotees. In case of misconduct with devotees and pilgrims, to debar such Sevaks permanently from their ROR and benefits/facilities enjoyed by them under the law. The Committee has also agreed with the collection of donations by Sevaks as suggested by learned Amicus Curiae in Para 9 of his report. The Temple Administration has passed a resolution on 18.8.2018 and has formed a Sub-Committee. It has drafted a regulation in this regard and the same was awaiting approval of the Managing Committee in accordance with the procedure provided under Section 31 of the Shri Jagannath Temple Act, 1955.

32. It is pointed out that suggestions have been made by the Chief Administrator to the Managing Committee to develop the Mathas located in the periphery of the Shrine for providing low cost accommodation to the poor and needy devotees/pilgrims.

33. The Temple Administration has taken initiative for launching E- Services of the Shrine. The website would cover all relevant information with regard to Shrine like details of seva/puja, accommodations for the devotees, the price-chart for sale of Prasad/Bhog. The website was likely to be launched on 7.5.2019, on the auspicious day of Akshya Tritiya.

34. With respect to hassle free darshan to the devotees, the Temple Administration has initiated steps for providing facility of Parikarma around the Shrine with covered roof, safe drinking water facility at suitable points, sitting arrangements for old, aged and differently-abled persons.

35. For providing safe drinking water to devotees and pilgrims, water purifiers have been installed at several places including Anand Bazar for pilgrims/Servitors.

36. With respect to improvement in the hygiene conditions around Rosaghar, the matter has been taken up with ASI to take steps including providing cover for pandal where all initial preparations for cooking takes place.

37. With respect to waste disposal, treatment plant is in place at southern gate. Other wastes are being collected by the employees of the Puri Municipality on day to day basis. The Temple is exploring further possibility in view of the report of learned Amicus Curiae for installing effective waste management system.

38. With respect to the welfare measures, the Temple Administration has pointed out that they are giving following benefits:

“14. That so far as the grievances of the sevaks as highlighted in the Report of the Ld. Amicus are concerned, the following welfare measures have already been provided by the Temple Administration for their benefits;

- a. Monthly pension for old, senior sevaks, differently abled and widows of the sevaks;
- b. Medi-claim policy to all the sevaks.

- c. Scholarship to the children of the sevaks to promote education.
- d. Dispensary providing free medical facilities to the sevaks and their family members.
- e. First-Aid centre inside the Shrine for all.
- f. Financial helps to sevaks in case of marriage, thread ceremony and to meet the funeral expenses.
- g. Accidental Death Insurance coverage to all sevaks and devotees in case of death inside the shrine;”

39. It is further submitted that the Temple Administration is concerning about setting up of school for the children of servitors where priority is to be given to equip the children with the Jagannath Sanskruti and the rites and rituals attached to seva/puja.

40. Another affidavit has been filed on behalf of Temple Managing Committee, wherein it is stated that Managing Committee has passed a resolution on 27.9.2018, which is to the following effect:

(i) Abolition of Hereditary Sevaks/ appointment of Sevaks. The Managing Committee considered the recommendations submitted by the Sub-Committee constituted under the Chairmanship of the Chairman of the Managing Committee to examine this issue; and after thorough discussions unanimously approved the recommendations of the said Sub-Committee after some amendments. A copy of the proceedings of the said Sub-Committee dated 18.09.2018 incorporating the said amendments is annexed hereto as Annexure: R3/ - and may be treated as part of this affidavit. I wish to respectfully add here that the daily and periodical rituals of the Deities are performed according to religious practices, customs and traditions well established since more than 800 years as per the dictates of sacred scriptures. The sevaks are performing their respective sevas hereditarily since time immemorial. As the seva is hereditary, the Temple Administration has liberally permitted the descendants of the hereditary right-holders-sevaks to perform seva as a result of which the number of sevaks has increased considerably over the centuries. It is necessary now to streamline and rationalise the hereditary rights system by re-defined it and implementing it correctly. With regard to Puri Shri Jagannath Temple, the hereditary right of a Sevak is not an absolute right to appointment. Rather it is a preferential right to be considered for appointment subject to availability of post, eligibility and fitness. On this basis, it is proposed to select and appoint the number of sevaks actually required from each category of hereditary right holder sevaks for the smooth performance of the daily rituals, periodical nitis and festivals. The number of sevaks actually required and the procedure for selection will be determined after thorough discussion and deliberation with Sevak Nijogs and the State Government. Hereditary right holder

sevaks not selected/appointed through this process will be generously compensated. The State Government will be requested to constitute a committee under the Chairmanship of a senior Judicial Officer for determination of compensation to be paid to each sevak who has not been selected/appointed. However, those who will not be selected will not lose their status as sevak and they or their successors may be considered for selection/appointment in case of vacancy arising in future in their category of seva. If a selected sevak, fails to report in time or neglects in performing his duty, he is liable to be dismissed from seva through appropriate disciplinary proceeding under Sec. 21-A of the said Act and a new sevak engaged to perform the seva from among the same category of sevaks in accordance with the R.O.R.. Except handful of sevaks most of the sevaks are performing their seva with sincerity and dedication. Many sevaks are not financially sound which is apparent from the socio-economic survey conducted by the Temple Administration. Handsome remuneration will be paid to those who will be selected for performing seva puja of the Deities so that they will not face any difficulty in maintaining themselves and their family in a reasonable decent manner.

That, learned Amicus Curiae in his report has suggested to reduce the number of sevaks as per requirement so that each of the sevaks gets some turn for seva and thereafter some Purshakar for the maintenance and upkeep of the family and their livelihood. The others be given a golden handshake to be worked out between Administration and Nijog. The learned Amicus Curiae has also suggested for having a reserve list of sevaks so that in absence of any sevak, the rituals and nities are not in any way affected. That, it may be considered to exclude those Sevaks who are involved in criminal activity and in forcible possession of Temple land while selecting required number of sevaks. Besides that the retirement age of the sevaks may be fixed.

(ii) Prohibition to collect money from Annadan Atika by Sevak. Ban on placing Thali and pitchers by Sevaks to receive offering :

As regards the prohibition to collect money from Annadan Atika by Sevaks, the Managing Committee has resolved to close Annadan Atika offices run by various sevak nijogs inside the Temple premises. It has been decided that the Temple Administration shall take over the possession of these offices and collect Annandan Atika money directly from the devotees. The Annadan Atika system will however be regulated by appropriate Regulation framed by the Managing Committee under the said Act to ensure fair and proper operation of this practice to the complete satisfaction of the devotee/pilgrims. This regulation will also appropriately regulate the smooth functioning of traditional Jatri Panda seva carried by the Sevaks and ensure that no devotee-pilgrim is put to any harassment or inconvenience whatsoever. The Yatri Pandas serving the pilgrims as guide in the Temple premises will be granted license, under specific terms and conditions by the Temple Administration to work as guides.

That, the Temple Managing Committee in its meeting held on 18.08.18 has constituted a sub-committee under the Chairmanship of Chief Administrator to draft a regulation for the purpose of collection of Atika Money by Temple Administration and for its proper utilization with a view to save the pilgrims from exploitation. A draft regulation has been prepared and it is in active consideration. As regards Ban on placing Thali and pitchers by Sevaks to receive offerings, it has been contemplated, to replace the Thali and pitchers with well designed donation boxes to be kept in suitable places accessible to the devotees for placing of offerings.

(III) Temple Management to take control of Rosaghar and Chuli (Hearth): In this connection, it is submitted that there are 240 chulis (traditional hearths for cooking bhoga) within the Rosa-ghara (Temple kitchen). 8 chulis are dedicated for preparation of 'Kotha-bhoga' (which is distributed among the Sevaks as per ROR); the cost of which is borne by the Temple Administration. The balance 232 chulis are used by the Supakars (traditional Temple cooks) for preparing "Baradi-bhoga" (bhoga for sale to devotees) and the respective Supakars bear the expenses in this regard. The Managing Committee has decided that the said 232 chulis will be let-out to the Supakars on annual license basis on specific terms and conditions. An appropriate Regulation under the said Act is being framed for comprehensively regulating all activities in the Rosa-ghara as well as in the Ananda-bazar (where Mahaprasad is sold to the devotees) to ensure hygienic and proper preparation of the bhoga and its sale to devotees at reasonable rates in a systematic, organised and hygienic manner. That, Mahaprasad is being sold in Ananda-bazar of the Temple. Dry Mahaprasad and mementos of Lord Jagannath are being sold in shop rooms constructed within the Ananda-bazar. For sale of Anna Mahaprasad by Supakars sheds have been set up within Ananda-bazar. Steps has been taken to fix the rate of Mahaprasad in consultation with the Suar Mahasuar Nijog and the rate chart will be displayed within Ananda Bazar. A control room will be opened within Ananda Bazar to address the grievances of the purchasers of Mahaprasad. A separate place will be identified and selected for storing and dispatching of "Baradi Bhog" (Bhoga prepared on orders of devotee). The learned Amicus Curiae, has suggested to make the courtyard near Roshaghar where vegetables are chopped and spices are grinded for preparation of Bhog more hygienic. In this regard Temple Administration has decided to reconstruct the dilapidated structures standing on said courtyard and to repair the floor of the courtyard by replacing stones in consultation of the A.S.I.

(IV) Provision of separate toilets for male and female members of the public and for Sevaks That, a Toilet has been constructed outside West Gate of the Temple for use by the Sevaks and another toilet has been constructed outside south gate of the Temple for use by the pilgrims. A committee was constituted consisting of the Collector, Puri, S.P., Puri and Administrator (Development), Shree Jagannath Temple, Puri to identify other suitable places at the outer periphery of "Meghanada" Pracheri for construction of separate toilets for male and female pilgrims. After identification of the land, steps have been taken to construct toilet

blocks for male, female and differently abled person at one of the location near West Gate of the Temple.

(V) Queue system for hassle-free darshan : As regards the queue system for hassle free Darshan, it is submitted that queue system has been introduced experimentally from 1st Oct, 2018. Arrangement have been made for entry of devotees through Lion's Gate exit through other three gates. The devotees are being allowed to main temple batch by batch through 'Sata Pahacha' (on the northern side) and exit through 'Beheran Dwar'. Since it is a very old temple and limited space and has several rituals which requires to be performed without any obstacles, no permanent barricades from Sata Pahacha to Beheran Dwar can be set up to allow the devotees to go through in a queue. However, steps will be taken to deploy additional Temple Police and District Police Staff to manage the Crowd. It is pertinent to mention here that for hassle free Darshan of Deity by differently abled persons, special arrangements are being made. The differently abled persons will enter the Temple through North Gate, and will have Darshan of Deity from 'Bahara katha' (Inside Nata Mandap near Jay Bijay Dwar). For this purpose a ramp is under construction.

(VI) Surveillance of collection from Hundis and receptacles: As regards the surveillance of collection from Hundis and receptacles, it is submitted that the collection from Hundi and donation boxes are being counted by designated Temple Officers & Staff in the presence of representative of Sevaks in the Branch Office of the Temple located within the Temple precincts. For effective surveillance of the counting process, five closed-circuit cameras have been installed at the counting place monitored by senior Temple officials and the counting process is also displayed through a large L.E.D. monitor installed outside the said Branch Office.

(VII) Audit of Temple Funds by Accountant General :

As regards the Audit of Temple Funds by Accountant General, it is submitted that as per section 27(1) the said Act read with Shri Jagannath Temple Audit Rules, 1968, the audit of Shri Jagannath Temple Accounts is being conducted by Local Fund Auditors as appointed by the Government of Odisha from time to time. The Managing Committee moreover appoints a reputed Chartered Accountant for internal audit and special audit of income and expenditure of the Temple funds. All expenditure of Government grants (which are required to be placed before the State Legislature) are audited by the Account General Auditors appointed by the State Government. It has been proposed to introduce online account system from the current financial year.

(VIII) & (IX) Identity Cards for Sevaks and Staff & Guides to be registered in Temple Office:

As regards issue of identity cards for Sevaks and staff and registration of Guides, it is submitted that multi-coloured identity cards with smart chips will be issued by

the Temple Administration to all officers and employees of the Temple. Besides, all Sevaks, agents of hereditary Yatri-pandas, employees of Sevak-nijogs including those engaged in the Rosa-ghara and Ananda-bazar (such as, porters and kitchen assistants, namely, tunia, jogania etc.) will also be provided identity cards. With the introduction the new identify cards all identity cards issued earlier will be cancelled.

(X) Reduction of over-staff :

In this regard, it is submitted that a professional agency will be hired to design the staff structure of various categories of Temple staff. It may be stated here that the staff strength of Temple Administration at present is 547 which is substantially less than the staff strength in other important shrines of India. On the other hand, the number of devotees visiting Puri Temple on any normal day is much more than other shrines of India. On festive occasions, there is a manifold increase in the number of visitors to the Temple.

(XI) Single authority for security management in Temple premises:

As regards appointment of a single authority for security management in the Temple premises, it is submitted that the State Government was requested to appoint an officer of the rank of Additional Superintendent of Police who will be the Administrator (Security) of the Temple and will also hold charge of Singhadwara Police Station located near the main entrance gate of the Temple. Accordingly the State Govt. has appointed Addl. S.P. Puri as incharge Administrator (Security) Shree Jagannath Temple, Puri.

The copy of Notification dtd.5.02.19 is annexed hereto and marked as ANNEXURE:R3/----- of the Paper Book)

(XII) Proposed amendments to Shri Jagannath Temple Act, 1955:

As regards suggestions for amendments to Shri Jagannath Temple Act, 1955, A draft amendment is under preparation which will be placed before the Temple Managing Committee and State Govt. for necessary orders.”

41. The District Judge along with his report has also filed the relevant extracts of the report of the Commission of Inquiry headed by Shri B.D. Sharma, Ex-Governor, Orissa as Annexure-K and that of Mr. Justice B.K. Patra, former Judge, High Court of Orissa as Annexure-L. The recommendations in the interim report dated 20.4.2017 of the Commission of Inquiry into the affairs of Shri Jagannath Temple has also filed as Annexure-N. We have carefully perused the various reports submitted including the one by Shri Ranjit Kumar, Amicus Curiae and Ms. Priya Hingorani, learned Senior Counsel as well as the Audit Report of Accountant General, Orissa; suggestions given by Srimad Jagadguru Shankaracharya and Swami Nishchalanand Saraswati; and the response filed by the Temple Managing Committee.

42. It is apparent that various aspects have to be gone into and considered by the Temple Managing Committee and wherever the Government role comes in, the Government has to do the needful after taking all the stakeholders into confidence. Let following aspects be considered:

(i) We are very concerned and worried as to the incident dated 28.12.2018, pointed out by the Temple Managing Committee in which one Bhitari-Chhu Sevak, who was entrusted with the duty of opening the door of Sanctum-Sanctorum at 4.30 a.m. for daily puja/nitis, did not open the door on the ground of his personal issues with the Police Administration of Puri Town and the door was opened at 4.30 p.m. This is unpardonable. No one has right to obstruct the nitis and rituals of the Deity to be performed and there are approximately 60,000 people visiting the Temple every day. There is absolutely no right with anyone to delay the opening of the Temple for even a minute. There was total mal-administration and chaos writ large from the aforesaid incident. There is no disciplinary control available. In the circumstances, we have to authorize the Chief Administrator of the Temple, for the time being, to take appropriate steps against such servitors/incumbents, who create obstruction in seva/puja/niti and are involved in misbehavior and misconduct against the employees of the Temple Administration or with devotees and he may pass appropriate orders considering the nature of indiscipline.

(ii) Srimad Jagadguru Shankaracharya has expressed grave concern about the nitis/rituals which are required to be performed daily, otherwise it would amount to desecration of the Deities. What rituals are to be performed is not for the Court to decide, but when Temple exists due to the Deities, the Deities cannot be permitted to be disregarded by non-performance of the nitis, puja and ritual in the traditional form as observed by Srimad Jagadguru Shankaracharya of Govardhan Math, Puri in his suggestions, nitis are to be performed as per the traditional rituals laid down in Brahma Purana, Vamdev Samhita, Pancharatra - Ishwar Samhita and Vimarsha, which mention consecration, worship and different festivals related to Shri Jagannath Temple. Let the Temple Management Committee invite Srimad Jagadguru Shankaracharya and other stakeholders including the erstwhile ruler Gajapathi and ensure that nitis, puja and ritual are performed as prescribed. They are performed regularly punctually every day without any remiss and obstruction. At the same time, we request the Temple Managing Committee to ensure that as suggested by Srimad Jagadguru Shankaracharya and also as per Record of Rights, nitis and puja are performed each and every day. The Temple Managing Committee is the best master to ensure the same. Let the Temple Management Committee ensure and supervise that nitis and rituals are performed regularly.

(iii) There is a need for setting up of schools for the children of servitors. We direct the Temple Managing Committee to allot suitable place for the school for children of servitors for their proper education as may be considered necessary. The school should also cater to other members of the public, and not exclusively for

children of such servitors. The cost of Rs.5 crores imposed on Kalinga Institute of Medical Sciences (KIMS) in C.A. No. 4914 of 2016, lying in deposit in this Court along with interest, to be utilized for the purpose of setting up the school and its infrastructure. The Chief Architect of the State to ensure that proper plan is produced with the help of the Temple Managing Committee and progress of steps taken in this regard be informed to this Court.

(iv) There are vast immovable properties within and outside the State belonging to the Shri Jagannath Temple. It is stated by learned Amicus Curiae in his report that 60,418 acres of land belong to the Temple and Record of Rights have been prepared for 34200.976 acres so far. Let the remaining Record of Rights be prepared, as far as possible, within 6 months and the same be placed before this Court. With respect to other immovable properties within and outside the State, let inventory be prepared and details be submitted and how they are being utilized also how much income is generated from them.

(v) It is stated by learned Amicus Curiae in the report that there are several quarries and mines of the Temple, which are in operation without payment. A list of quarries and mines be prepared as to how they are being managed, who is operating them, on what basis and what is the income of the Temple from them and the outstanding dues. Let the list of quarries and mines be produced and the income generated/outstanding dues with names with other details.

(vi) There is no proper accommodation at present for pilgrims provided by the Temple Managing Committee. Report of Shri B.D. Sharma, former Governor of Orissa, indicated that there was need of providing accommodation to 60,000 pilgrims. With respect to the accommodation not only the Temple Administration, but the Government can also do the needful as that is for providing shelter to humanity, which is necessary. When there is a vast congregation of people, it becomes the Government's duty to ensure welfare, law and order, hygiene and provide proper amenities and sanitation facilities. The State Government is, therefore, directed to work out and prepare a plan in this regard. The Temple Administration is directed to coordinate with the Government in this regard for providing shelter place and facilities to the pilgrims.

(vii) It appears that there is necessity for qualified servitors in traditional nitis and rituals. It is for the Temple Management Committee to ensure that proper training is imparted to the servitors as they are in very large number and to ensure that only qualified servitors in traditional nitis and ritual, perform seva, puja and nitis.

(viii) Concern has been expressed in various reports with respect to economic welfare of the servitors. It is for the Temple Administration and for the Government as it provides grants to temple to ensure that servitors are looked after properly. At the same time, it is also necessary to ensure that pilgrims are not harassed for obtaining donations and donations are properly accounted. It can only be ensured

when servitors are properly looked after including remuneration and health welfare. Likewise, to stop harassment strict control and discipline with suitable and swift mechanism to punish the erring, should be put in place.

(ix) Concern has also been expressed in the report with respect to the sub-letting of seva/puja. Contracting the seva/puja is improper and the Temple Management Committee is directed to take steps in this regard and ensure that seva/puja is performed by a person to whom it is assigned by it.

(x) Concern has been expressed in various reports with respect to hygiene in the Rosaghar. We direct the Temple Administration to maintain hygiene in Rosaghar at all costs. The hygiene of Rosaghar is indispensable as Bhog for Deity is also prepared. The place has to be clean and hygienic. All effective steps to ensure this shall be taken including using proper means for cooking etc.

(xi) It was also pointed out by the learned Amicus Curiae that certain preliminary preparations take place in the open area. This state of affairs is not proper. In case preparation of food take place in an open area, obviously it is bound to be contaminated. The preparation of food should be done in permanently covered area in an absolutely hygienic condition. The ASI shall forthwith clear the plan for construction of sheds/permanent structures which is absolutely necessary.

(xii) Reports have pointed out that prasad, which is sold in Ananda Bazar, is also not sold in hygienic manner. Let such places be improved and made hygienic, prasadam should be kept in fly proof receptacles and it should be sold at proper rates, to be fixed by the Temple Management. The purity of the prasadam also shall be ensured by the Temple Managing Committee.

(xiii) In the report, necessity has been indicated for I-Cards for servitors and staff, which is in the interest of the Temple Administration. The servitors and staff should be provided with I-Cards so that unscrupulous persons are not able to present themselves as servitors or staff members and the people are not misled on the basis of wrong identity.

(xiv) In the report of Shri B.D. Sharma, Ex-Governor, Orissa, necessity of a dairy farm has also been pointed out. It would be ideal for the Temple to have the dairy farm. Let the Temple Management Committee consider the same in coordination with other stakeholders with respect to opening dairy farm.

(xv) It appears from the Managing Committee response that lot needs to be done with respect to having proper darshan by people at large. As a matter of fact, there should not be any commotion and chaos as large number of pilgrims are visiting the Temple every day. It is a pious duty to provide proper darshan in systematic manner and to take care of the aged, the infirm and children. It is for the experts to suggest what system can be devised without disturbances to the rituals to be

performed in Temple and passage required for it and thereafter Temple Management Committee and Administration have to consider it. We direct the Temple Administration and the Chief Administrator including the State Government to prepare a roadmap with the help of experts for having proper darshan by the devotees/pilgrims and to implement it effectively and to ensure that there is no commotion so that everybody is able to have darshan peacefully without any obstruction by anybody.

(xvi) There are certain incidents which have been pointed out in the report relating to the misbehavior with the women, snatching of ornaments, etc. There should not be any room for any such incident in the Sanctum-Sanctorum and other Temples situated around. If such incidents are taking place, it has to be dealt with all seriousness with firm hand and there should not be any room for such incidents. Unlawful elements are responsible for doing such acts have to be removed out of the premises at all costs. We direct the Temple Administration and also the Temple Police to ensure that let there be a dedicated section of personnel to tighten security inside the temple and only to ensure that no such incident takes place in the Temples and no misbehavior is meted out to women. Those found involved in such acts cannot be said to be believer in the God also. When such an act is performed in the Temple, it is very disrespectful to Shri Jagannath and the Sanskruti. There is no place for such unlawful activities in Temples. The temple authorities and the police are directed to take strict action to avoid such incidents.

(xvii) With respect to valuables of the Temple, let the Temple Management place before this Court, what kind of inventory it has prepared? How it proposes to secure the valuables of the Temple and ornaments offered by the devotees?

(xviii) Learned Amicus Curiae has also pointed out that there is need for an effluent treatment plant and waste management system which is one of the requirements for keeping the area clean and hygienic for devotees. The State Government can also spend money in this regard, as it is a secular activity. Let proper effluent treatment plant and waste management system be set up with the help of experts by the Temple Administration and the State Government as may be considered appropriate.

(xix) Learned Amicus Curiae has also pointed out that there is a necessity for separate toilets for male and female. We direct that let the toilets be provided with modern amenities and should be kept absolutely clean. The number of toilets shall be adequate having regard to the average footfall in the temple, which is large in number.

(xx) There is a necessity pointed out about the cloak rooms. Let steps be taken by the Temple Administration in this regard.

(xxi) As pointed out in the report, there is necessity for motorcycle stand. Let steps

be taken to provide motorcycle stand within a period of 4 months, not only for servitors, but also for those who are visiting the Temple on their own vehicle and it is for the local Administration to work out the proper place for such purpose.

(xxii) As there are various reports which have been submitted from time to time containing various suggestions. What steps have been taken with respect to the suggestions pointed out in these reports, shall also be considered by the Temple Management at the first instance and whatever is done by the other stakeholders like State Government and others, should also be considered by respective stakeholders. In case they have taken any action, be also report to this Court.

(xxiii) Considering the overall situation and the facts, we direct the State Government to depute full time Chief Administrator, not by way of additional charge forthwith One of the positive developments is that of introduction of E-Portal. Constant endeavor has to be made to improve upon the information made available. It appears from the reports that there are various temples of importance and different systems of having darshan. It is for the Temple Committee to place such information on website. We place on record our appreciation that all the stakeholders are happy with the development which is taking place at the instance of State Government and they are cooperating with each other in restoration of glory of Lord Shri Jagannath Temple. We direct ASI also to cooperate and to permit the activities of improvement which are not prima facie objectionable and are necessary for public hygiene, sanitation and public health and upgradation of the facilities and at the same time it has to ensure that the form of the new structure is maintained in the same manner as the ancient one. Let the Temple Management Committee consider various other positive aspects for improvement and invite all the stakeholders including the State Government, whose cooperation is necessary in permissible matters, to take care of finance in the various development activities. The Temple Management Committee has to take steps as it is the sole repository of faith. The progress report and the decisions taken shall be submitted in this Court within eight weeks, in the form of an action taken report.

List the matter on 8th January, 2020.

Judgment Referred.

¹(2018) 6 SCALE 0651