

ITEM NO.8

COURT NO.4

SECTION PIL-W

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

Writ Petition (Civil) No.649/2018

MRINALINI PADHI

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(With appln.(s) for directions)

Date : 08-06-2018 The matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Mr. Shubhranshu Padhi, AOR

For Respondent(s) Mr. Vikramjeet Banerjee, ASG  
Mr. R. Bala Subramaniam, Adv.  
Mr. Sachin Sharma, Adv.  
Mr. Raj Bahadur, AOR

Mr. Sibho Sankar Mishra, AOR

Mr. Shibashish Misra, Adv.

Mr. Swetaketu Mishra, AOR

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

1. The issue of public importance highlighted in this petition relates to the difficulties faced by the visitors to Shri Jagannath Temple at Puri, and their harassment or exploitation by the Sevaks of the temple. It is also pointed out that the environment of the surroundings is not hygienic as it ought to be. There are encroachments. It is also mentioned that there are deficiencies in the management of the Shrine. Rituals are commercialised.

2. The issue raised involves enforcement of fundamental right under Article 25 and Directive Principles under Article 38, 49 and

51A(f) and (g) of the Constitution of India and other rights.

3. Issue notice returnable on 05.07.2018.

4. Mr. Vikramjeet Banerjee, learned Additional Solicitor General for the Union of India, is present in Court and on our asking, he has agreed to put in appearance for respondent no.1-Union of India.

5. Mr. Sibho Sankar Mishra, learned counsel, also agrees to appear for respondent no.2 and 5. Mr. Swetaketu Mishra, learned counsel, appears for respondent no.3 and 4. They may file their response before the next date.

6. Service is complete.

7. There is no doubt that proper management of pilgrimage centres of great importance is a matter of public interest. These centres are of undoubted religious, social historical and architectural importance, representing cultural heritage of our country. Millions of people visit these centres not only for tourism but also for seeking inspiration for the righteous values and for their well being. They also make huge offerings and donations for advancement of such values.

8. This Court in *Shri Jagannath Temple, Puri Management Committee vs. Chintamani Khuntia* - (1997) 8 SCC 422, considered and upheld validity of section 28B and 28C(9) of *Shri Jagannath Temple Act, 1954*, which required placing of *hundis* for receiving offerings of the devotees visiting the temple.

9. This Court in the course of consideration, *inter alia*, made the following observations :

(i) The *Shri Jagannath Temple (Administration) Act 1952* was an attempt to check moral degeneration of attendants/*Sevaks* and

to check mismanagement. (Para 7)

(ii) The Attendants/*Sevaks* of the temple do not have any right under Article 300A to share the offerings as of right. They are entitled to remuneration as per rules. (Paras 1, 27, 28, 30, 35, 51)

(iii) Right to manage the temple is secular in nature and does not affect right of *Sevaks*. (Para 49)

(iv) The rules can be framed to regulate the payment of remuneration to the *Sevaks* out of the collections or otherwise. (Para 49)

(v) Offerings can be collected in *Hundis* and will vest in the Temple fund and will not be individual earning of *Sevaks*. (Paras 19, 20, 29, 32 and 50)

10. Having regard to the nature of the issue, we consider it appropriate to issue the following interim directions :

(i) The District Judge, Puri, may give a report on factual aspects of

- (a) Difficulties faced by the visitors;
- (b) Exploitative practices, if any;
- (c) Deficiencies in the management, if any;
- (d) Suggestions, if any.

The District Judge, Puri, may give an interim report by June 30, 2018. He may take assistance of the Collector and the Administrator. The Collector/Administrator may provide necessary funds, facilities and information, as may be necessary. He may consider any earlier study/report on the

subject.

(ii) We also direct the Administrator to review the arrangement of CCTV camras already installed. Apart from the installation of more CCTV camras at appropriate locations, footage thereof should be viewed by an independent committee at suitable intervals and the report thereof be given to the District Judge, Puri, once in every month so that the District Judge may issue any direction in this regard, if necessary.

(iii) The Administrator may also ensure that no direct collection of the offerings is made by any *Sevaks* and all the offerings either in *hundi* or are deposited and accounted for and properly utilized. They should not be individual pockets by the *Sevaks*/attendants who may be given their due remuneration as per rules. To ensure this, the help of CCTV camras and its footage or other steps may be explored.

(iv) We direct the State of Orissa to constitute forthwith a Committee which may study the management schemes in other important shrines such as Vaishno Devi, Somnath Temple, Golden Temple, Amritsar, Tirupati Temple, Dharamsthala (Karnataka) Temple and suggest such changes as may be considered necessary. The Committee may also give its interim report by June 30, 2018.

(v) Since these issues may be common to various other important shrines in the country, we also direct respondent no.1 - Union of India to constitute a committee to collect information with regard to such other shrines so that the management practices therein can be reviewed for the benefit

of all visitors, wherever necessary.

(vi) It is of prime importance that all the visitors have hassle free visits and the offerings made are utilized for righteous objects and not misappropriated in any manner by the staff/Sevaks. Of course, the staff/Sevkas ought to be duly compensated by the legitimate remuneration as may be determined by the concerned authority. The issue of hygiene and encroachment also need be considered. Exploitative practices have to be timely stopped.

11. We appoint Mr. Gopal Subramaniam, learned Senior Counsel, as Amicus Curiae to assist the Court. The Amicus Curiae may collate the above reports and give his suggestions for further consideration. A set of papers and copies of reports when received may be furnished to him.

12. List the matter on 05.07.2018 at 2 P.M. for further consideration.

13. We make it clear that any other issues which may be pending before any other Court/Tribunal may be gone into in accordance with law and pendency of this petition will be no bar to such proceedings.

(SANJAY KUMAR-II)  
COURT MASTER (SH)

(PARVEEN KUMARI PASRICHA)  
BRANCH OFFICER