

IN THE SUPREME COURT OF INDIA
ORIGINAL CIVIL JURISDICTION
WRIT PETITION (C) NO. _____ OF 2020
(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

IN THE MATTER OF:

ODISHA VIKAS PARISHAD,

....PETITIONER

VERSUS

UNION OF INDIA & ORS.

.....RESPONDENTS

WITH

I.A. NO. _____ OF 2020

An Application seeking ex-parte ad-interim relief

AND

I.A. NO. _____ OF 2020

An Application seeking Exemption from filing duly attested and
notarized Affidavit.

PAPER - BOOK

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ADVOCATE FOR THE PETITIONER: RANJEETA ROHATGI

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LISTING PROFORMA**SECTION: PIL**

1. The case pertains to (Please tick/check the correct box): N/A

Central Act : N/A
 Section : N/A
 Central Rule: N/A
 Rule No(s) : N/A
 State Act : N/A
 Section : N/A
 State Rule : N/A
 Rule No(s) : N/A
 Impugned Interim Order : N/A
 High Court/Trial Court: N/A
 Name of Judges: N/A
 Tribunal/Authority : N/A

1. Nature of Matter : **Civil**
- 2.(a) Petitioner/Appellant No.1 : Odisha Vikash Parishad
 (b) e-mail ID : N/A
 (c) Mobile Phone Number : N/A
- 3.(a) Respondent No. : Union of India & Ors.
 (b) e-mail ID : N/A
 (c) Mobile Phone Number : N/A
- 4(a) Main category classification : 08
 (b) Sub-classification : 0812
5. Not to be listed before : N/A
6. (a) Similar disposed of matter with citation, if any, & case details : No similar matter is disposed off
- (b) Similar pending matter with case details : No similar matter is pending
- 7. CRIMINAL MATTERS : N/A**
- (a) Whether accused/convict has surrendered? : N/A
- (b) FIR No. : N/A Date : N/A
- (c) Police Station. : N/A

- (d) Sentence Awarded : N/A
- (e) Period of sentence : N/A
undergone including period
of detention/custody
undergone.

8. **LAND ACQUISITION MATTERS: N/A**

- (a) Date of Section 4 : N/A
Notification
- (b) Date of Section 6 : N/A
Notification
- (c) Date of Section 17 : N/A
Notification

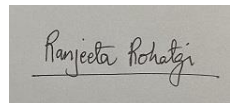
9. **TAX MATTERS:** State the : N/A
tax effect

10. SPECIAL CATEGORY (First Petitioner/Appellant only) : **N/A**

Senior Citizen, SC/S T, Woman/Child, Disabled, Legal Aid, Case In
Custody : **N/A**

11. Vehicle number (in case of Motor Accident Claim matters) : **N/A**

Filed by:



[RANJEETA ROHATGI]
AOR for Petitioner(s)/Appellant(s)
112, Lawyer Chamber,
Supreme Court
New Delhi - 110001
CODE No. : 1723
Email: rohatgi.ranjeeta@gmail.com

Date: 10/06/2020

SYNOPSIS

The present petition is in the nature of a Public Interest Litigation which is being preferred by the Petitioner herein, a registered trust working for social causes. The present Petition is purely a 'Social Justice Litigation' and is absolutely non-adversarial in nature. It merely seeks to protect the interests of the people of Odisha during such times of distress and health crisis. The concerns underlying the present Petition are not individualist in nature but are shared widely by millions of people.

The public interest involved in the present petition stems from the imminent danger of likely spread of COVID-19 amongst members of general public who are likely to gather for Lord Shri Jagannath's Rath Yatra (Car Festival) which is one of the biggest annual religious congregations in the country. This year the Rath Yatra is scheduled to be held on 23rd June, 2020 and the same will continue for a period of 10 to 12 days.

It may be pertinent to state that all the rituals leading to the Rath Yatra such as 'Askhay Trutiya' (the day on which the construction of the chariots start) and 'Snana Purnima' have been allowed to be performed by the

State Government of Odisha which reasonably leads to a conclusion that the State Government comprehends may allow the Rath Yatra to happen.

The Petitioner is a reputed registered Trust with its objective of inter alia conducting programmes of welfare and development of common people with emphasis on socially deprived categories including Scheduled Castes, Scheduled Tribes, OBCs, Women, Children, Aged people , Minorities and Persons with disabilities including but not limited to health, education, culture and social heritage. The Petitioner Trust conducts various social awareness, healthcare and other charitable programs and promotes humanitarian values.

The World Health Organisation has declared *COVID-19* to be a “Public Health Emergency of International Concern” on 30th January 2020 and on 12th March, 2020, it was declared as a ‘Pandemic’. Thereafter, on 24th March, 2020, the Ministry of Home Affairs, Government of India has notified lockdown measures under section 10 (2) (1) of the Disaster Management Act, 2005 with an objective to stop the spread of COVID-19 in the country. The objective of these measures is to contain the spread of the COVID-19 which is an infectious disease caused by a new virus.

Prior to the lockdown announced by the Ministry of Home Affairs, Government of India, the State Government of Odisha had also announced lockdown of the entire state with effect from 22.03.2020. Thereafter, in view of the extension of the lockdown measures by the Ministry of Home Affairs, Government of India from time to time, the Government of Odisha had been extending the lockdown in the entire State in order to contain the spread of COVID-19.

After the lapse of around two months from the date of the announcement of the lockdown in the entire nation, on 30.05.2020, the Ministry of Home Affairs, Government of India issued new guidelines for phased reopening of 'all activities outside containment zones' for the next one month with effect from 01.06.2020. The said guideline came into effect from 01.06.2020 and will be effective till 30.06.2020. It was, *inter alia*, decided that the dates for re-starting any activities relating to Social/political/ sports/ entertainment/ academy/ cultural/religious functions and other large congregations will be decided based on the assessment of situation. Clause 5 of the said guideline dated 30.05.2020 further provided that States/UTs, based on their assessment of the situation, may prohibit certain activities outside the

Containment zones, or impose such restrictions as deemed necessary. It may also be pertinent to state that the National Directives for COVID-19 Management under Annexure-I to the said guidelines also provides that any large public gatherings/congregations will continue to remain prohibited during the said period.

In line with the said guidelines, the Government of Odisha issued guidelines on 01.06.2020 extending the lockdown in all COVID-19 containment zones in the State of Odisha until midnight of 30.06.2020 and to re-open prohibited activities in a phased manner in areas outside the containment zones wherein the religious places/places of worship for public continued to remain closed till 30th June, 2020. Clause 3 of the guideline also stipulated that in areas outside the containment zones, Social/political/ sports/ entertainment/ academy/ cultural/religious functions and other large congregations will remain closed. Since there was a significant increase in the number of positive cases, it was decided that there will be complete shutdown in eleven districts including Puri on all Saturdays and Sundays till 30th June, 2020.

Thereafter, on 07.06.2020, the Office of the Special Relief Commissioner, Government of Odisha, vide an order, reiterated its earlier stipulation provided in the guideline dated 01.06.2020 and directed that all religious places/places of worship for public will continue to remain closed till 30th June, 2020.

Rath Yatra is a Hindu festival associated with Lord Jagannath which is held at Puri every year in the State of Odisha which spans for 10-12 days. It is a world renowned festival which is attended by lakhs of devotees from across the world. The Rath Yatra is scheduled to be held on 23.06.2020. Presently, the entire nation including the State of Odisha is facing an unprecedented situation in the form of 'COVID-19' wherein the lives of the common people are at a huge risk. There is no vaccine available to treat COVID-19 and the only recognized way to contain the said virus is to ensure Social Distancing among the citizens and isolation of the suspected cases along with declaring highly affected areas as containment zones in order to contain the spread.

Looking at the emergent situation prevalent in the district of Puri, the Ministry of Home Affairs vide its letter dated 07.05.2020, had granted

permission to the Government of Odisha to carry out the construction of chariots for the conduct of Rath Yatra subject to the condition that no religious congregation takes place while it is constructed and adherence to stipulations provided in the guideline dated 01.05.2020 of the Ministry of Home Affairs. In the said letter, discretion was also granted to the State Government with regard to the holding of the Rath Yatra keeping in mind the conditions prevailing at that relevant point of time.

According to a report in Hindustan Times website originally published on 03.07.019 (updated on 28th May, 2020) for the Rath Yatra held in Puri in 2019, the State Government of Odisha had to deploy 10,000 Security Personnel for an estimated 10 Lakh devotees. It is common knowledge that around 10 lakhs devotees every year for the said festival.

In view of the prevailing pandemic in the entire country including in the State of Odisha, the Petitioner has approached this Hon'ble Court with a prayer to direct the Respondents to postpone the Car Festival / Rath Yatra which is scheduled to be held on 23.06.2020 in Puri.

It may be stated that the first positive case of COVID-19 was reported in Odisha on 16th March 2020. Thereafter, due to the pre-emptive measures taken by the State Government to tackle the spread of COVID-19 within the State, there was no spurt in positive cases in the State unlike other states in the country. However, due to the recent influx of the migrants and people coming from outside the State, there has been a steep increase in the number of positive cases which is evident from the table mentioned herein below:-

SL. No.	Dates	No. of Positive COVID-19 Cases in the State of Odisha
1.	30th March 2020	3
2.	30 th April 2020	43
3.	31 st May 2020	2104
4.	7 th June 2020 (as on date)	2856

More particularly, on 03rd April, 2020, the number of reported positive cases was 1 in the district of Puri. For the entire month of April, 2020, there was only was 1 positive case in Puri. In view of such low number of cases, the district of Puri was categorized as 'Green Zone' by the State Government.

However, during the month of May, 2020, 85 positive cases were reported from the district of Puri alone and as on today i.e on 08.06.2020, the total number of reported positive cases has risen to 108. Due to such a sharp spike in the positive cases, the district of Puri has been treated as a 'high risk zone' by the State Government.

The aforesaid increase in positive cases clearly shows that the infections due to COVID-19 are increasing exponentially. Looking at the severity of the situation that the State is facing, on 05.06.2020, the Hon'ble Chief Minister of the State of Odisha has also addressed wherein he stated that the month of June is very critical for the State of Odisha and advised the people of Odisha to strictly follow the COVID-19 guidelines and practice social distancing in order to contain the spread of the infections which is increasing significantly.

The State of Odisha has reported over 2,000 positive cases in last one month and therefore, the coming months are going to be the most crucial phase in the corona virus battle as there will be the onset of monsoon that may also lead to emergence of severe acute respiratory infection (SARI) as well as influenza like illness (ILI) which will further accentuate the threat of COVID-

19. It has also been widely reported that the medical experts have indicated through various predictive models and simulations that the spread of COVID-19 infections will peak in the coming months especially in June and July, 2020.

The alarming situation currently in the State of Odisha is evident from the fact that as per the projections by the Ministry of Health and Family Welfare Department, Government of India, Respondent No.2 the number of COVID -19 positive cases will reach around 10,718 by 09.07.2020 in Odisha. As on today, as per the analysis made by the Ministry of Health and Family Welfare department, Government of India, which has been published in its website, it has been predicted on the basis of last 7 days growth rate of the positive cases that the number of COVID-19 cases will double in every 11.4 days in the State of Odisha.

It is humbly submitted that this being the state of affairs, if the Rath Yatra is allowed to happen on 23.06.2020, despite State Government's prohibition on holding religious gathering or congregations, lakhs and lakhs of devotees are going to gather for '*darshan*' of Lord Shri Jagannath. If such a massive gathering takes place members of the crowd will not be able to

maintain adequate distance, which will make them all vulnerable to contracting COVID-19 infection. Every year devotees from all over India come to Puri and attend the Rath Yatra and if the Rath Yatra happens on 23.06.2020, people from all across the country will come to participate, which can lead to spread of infection amongst the attendees and the general public in large numbers.

A religious congregation of such nature which has been specifically prohibited by the State Government vide its guidelines dated 01.06.2020 & 07.06.2020 and the Ministry of Home Affairs, Government of India vide its guideline dated 30.05.2020, if allowed, will lead to catastrophic results and it will be very difficult on the part of the authorities to control the spread of virus thereafter. Thus, keeping in mind the interests of the general public at large, it would be apposite to postpone the Rath Yatra festival which is scheduled to commence on 23.06.2020 and further continue for a period of 10-12 days thereafter.

It is submitted that the relief sought by the Petitioner is also supported by a judgment of this Hon'ble Court, in the case of *Arjun Gopal v. Union of India* [(2019) 13 SCC 523], in a PIL pertaining to health hazards

associated with burning fire crackers during the festival of Diwali, held that 'right to health', which is recognized as a facet of Article 21 assumes great importance so much so that a religious practice protected under Article 25 is subject to Article 21 when it concerns health and lives of people at large.

Hence, the present petition under Article 32 is being filed in above-mentioned public-interest.

LIST OF DATES

DATE	EVENTS
03.07.2019	According to a report in Hindustan Times website originally published on 03.07.019 (updated on 28 th May, 2020) for the Rath Yatra in 2019, the State Government of Odisha had to deploy 10,000 Security Personnel for an estimated 10 Lakh devotees.
30.01.2020	First case of COVID-19 was reported within the territory of India.
13.03.2020	The State Government of Odisha declared COVID-19 as a 'disaster'.
22.03.2020	The State Government announced the lockdown of the State until 9 PM of 29 th March, 2020 in order to tackle of spread of COVID-19 in the State.
24.03.2020	On 24.03.2020, the Ministry of Home Affairs, Government of India announced a national lockdown for a period of 21 days with effect from 25.03.2020.

- 09.04.2020 The State of Odisha extended the lockdown till 30th April, 2020. Thereafter, the State of Odisha acting in line with the guidelines issued by the Ministry of Home Affairs, Government of India, extended the lockdown till 31st May, 2020.
- 07.05.2020 The Ministry of Home Affairs, Govt. of India vide its letter dated 07.05.2020, had granted permission to the Government of Odisha to carry out the construction of chariots for the conduct of Rath Yatra subject to the condition that no religious congregation takes place while it is constructed and adherence to stipulations contained in the guideline dated 01.05.2020 of the Ministry of Home Affairs. In the said letter, discretion was also granted to the State Government with regard to the holding of the Rath Yatra keeping in mind the conditions prevailing at that relevant point of time.

01.06.2020 The Government of Odisha issued guidelines on 01.06.2020 extending the lockdown in all COVID-19 containment zones in the State of Odisha until midnight of 30.06.2020 and to re-open prohibited activities in a phased manner in areas outside the containment zones. It was also provided that the religious places/ places of worship for public continued to remain closed till 30th June, 2020. Clause 3 of the guideline also stipulated that in areas outside the containment zones, Social/political/ sports/ entertainment/ academy/ cultural/religious functions and other large congregations will remain closed. Since there was a significant increase in the number of positive cases, it was decided that there will be complete shutdown in eleven districts including Puri on all Saturdays and Sundays till 30th June, 2020.

03.06.2020 According to a news article published on the website of The New India Express (<https://www.newindianexpress.com/states/odisha/2020/ju>

[n/03/next-21-days-crucial-for-odisha-in-coronavirus-war-2151454.html](https://www.republicworld.com/indianews/general-news/odisha-naveen-patnaik-lockdowncoronavirus-bhubaneswar-cuttack-jajpur.html)), it was reported that in view of the fact that the State of Odisha has reported over 2,000 positive cases in last one month, the next 21 days will be the most crucial phase in its corona virus battle. With the onset of monsoon, severe acute respiratory infection (SARI) as well as influenza like illness (ILI) will spike and the State Government expects the next three weeks to be critical in the 11 districts which account for 90 per cent of the cases in the State.

05.06.2020 According to a news article published on the website of Republic World(<https://www.republicworld.com/indianews/general-news/odisha-naveen-patnaik-lockdowncoronavirus-bhubaneswar-cuttack-jajpur.html>), the Chief Minister of Odisha while addressing the people of Odisha on 04.06.2020 said that the month of June is very crucial for the state in view of its fight against the COVID-19.

- 05.06.2020 Deba Snana Purnima, a ritual of Lord Jagannath, Devi Subhadra and Lord Balabhadra was held on 5th June, 2020 at the Jagannath temple in Puri, Odisha. It is one of rituals which is held before the Rath Yatra festival.
- 07.06.2020 The Office of the Special Relief Commissioner, Government of Odisha, vide an order, stipulated that all religious places/places of worship for public will continue to remain closed till 30th June, 2020.
- 07.06.2020 As on today, as per the analysis made by the Ministry of Health and Family Welfare department, Government of India, which has been published in its website i.e it has been predicted on the basis of last 7 days growth rate that the number of COVID-19 cases will double in every 11.4 days in the State of Odisha.
- 23.06.2020 The Rath Yatra is scheduled to be held in Puri, Odisha.
- .06.2020 Hence, the present Writ Petition.

IN THE SUPREME COURT OF INDIA
ORIGINAL WRIT JURISDICTION
[ORDER XXXVIII OF SCR, 2013]
PUBLIC INTEREST LITIGATION
WRIT PETITION (C) NO. _____ OF 2020
(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

IN THE MATTER OF:

ODISHA VIKASH PARISHAD,
A REGISTERED TRUST HAVING
ITS OFFICE AT PLOT NO. 1384/A,
SAI VIHAR, BOMIKHAL,
BHUBANESWAR – 25,
REPRESENTED THROUGH ITS
PRESIDENT- SUSANTA KUMAR
PADHI, AGED ABOUT 41 YEARS,
SON OF DHARANIDHAR PADHI,
RESIDING AT 1384/A, SAI BIHAR,
CANAL ROAD, BOMIKHAL,
BHUBANESWAR,
ODISHA - 751010

.....**PETITIONER**

-VERSUS-

1. UNION OF INDIA, **..RESPONDENT**
REPRESENTED THROUGH ITS **NO. 1**
SECRETARY, MINISTRY OF
HOME AFFAIRS, NORTH BLOCK,
CABINET SECRETARIAT,
RAISINA HILL,
NEW DELHI-110001.

2. UNION OF INDIA, REPRESENTED **...RESPONDENT**
THROUGH ITS SECRETARY, **NO. 2**
MINISTRY OF HEALTH AND
FAMILY WELFARE, NIRMAN
BHAVAN, NEW DELHI-110001.

3. STATE OF ODISHA, **..RESPONDENT**
REPRESENTED THROUGH CHIEF **NO. 3**
SECRETARY, GOVERNMENT OF
ODISHA, SECRETARIAT
BUILDING, BHUBANESWAR,
ODISHA-751001

4. STATE OF ODISHA, **..RESPONDENT**
REPRESENTED THROUGH **NO. 4**
OFFICE OF SPECIAL RELIEF

COMMISSIONER, GOVERNMENT
OF ODISHA,GROUND
FLOOR,RAJIV BHAVAN, UNIT-V,
BHUBANESWAR, ODISHA-751001

- | | |
|--|---------------------------------------|
| <p>5. STATE OF ODISHA,
REPRESENTED THROUGH
SECRETARY, HEALTH
DEPARTMENT GOVERNMENT
OF ODISHA, SECRETARIAT
BUILDING, BHUBANESWAR,
ODISHA-751001</p> | <p>...RESPONDENT
NO. 5</p> |
| <p>6. OFFICE OF COLLECTOR &
DISTRICT MAGISTRATE, PURI
GOVERNOR HOUSE ROAD, PURI-
752002</p> | <p>..RESPONDENT
NO. 6</p> |
| <p>7. TEMPLE MANAGING
COMMITTEE OF SHREE LORD
JAGANNATH BIJE, PURI
REPRESENTED, THROUGH ITS
CHIEF ADMINISTRATOR, PURI-
752001</p> | <p>...RESPONDENT
NO. 7</p> |

(All are Contesting Respondents)

**WRIT PETITION UNDER ARTICLE - 32 OF THE
CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT
IN THE NATURE OF MANDAMUS OR ANY OTHER
APPROPRIATE WRIT, ORDER OR DIRECTION, TO STAY
THE RATH YATRA AND/OR THE RESPONDENTS TO
NOT TO GRANT ANY PERMISSION FOR THE RATH
YATRA FESTIVAL WHICH IS SCHEDULED TO BE HELD
ON 23.06.2020**

THE HON'BLE CHIEF JUSTICE
OF INDIA AND HIS COMPANION
JUSTICE OF THE HON'BLE SUPREME COURT

THE HUMBLE PETITION OF THE
PETITIONER ABOVE NAMED:

MOST RESPECTFULLY SHOWETH:

1. That Petitioner is filing the present Petition by way of Public Interest Litigation under Article 32 of the Constitution of India, *inter alia* praying for issuance of a writ of mandamus or any other appropriate direction(s) to stay the Rath Yatra and /or the Respondents to not to grant any permission for holding the Rath Yatra festival which is scheduled to be held on 23rd June, 2020 at Puri, Odisha on account of the prevailing COVID-19 pandemic situation in the State of Odisha and the entire nation.

It is submitted that the Petitioner is a registered Trust and is acting in bonafide interests for the welfare and wellbeing of the people of Odisha and devotees who may visit Puri during the Rath Yatra festival. The Petitioner has neither any vested personal interest nor oblique motive in the subject matter of the present petition. Further, the Petitioner hereby undertakes to bear costs, if any, imposed by this Hon'ble Court arising out of this Petition. The Petitioner has not instituted any similar petition before this Hon'ble Court or any other Court of Law seeking same or similar relief.

The particulars of the Petitioner are as under:-

1.	Full Name of the Petitioner	Susant Kumar Padhi
2.	Address	1384/A, SAI BIHAR, CANAL ROAD, BOMIKHAL, BHUBANESWAR, ODISHA - 751010
3.	Age	41 years
4.	Phone Number	9348866121
5.	Aadhar No.	916132256275
6.	PAN No	AXRPP1111D
7.	Occupation	Advocate
8.	Annual Income	Approx. 5 LACS

It is further submitted that there is no civil, criminal and/or revenue proceedings pending against the Petitioner which could have legal nexus with the issues involved in the Public Interest Litigation.

A true copy of the identity proof of the Petitioner is annexed herewith and marked as **ANNEXURE P-1 (Pg. Nos. 33 to 33)**.

2. The Petitioner have not approached any statutory authority with respect to the underlying concerns of the present Petition because considering the (i) peculiar nature of the prayers sought in the present Petition; (ii) prolonged and currently prevailing National lockdown owing to the spread of COVID-19 pandemic and; (iii) extreme urgency of the present case in light of the prevailing National crisis, the Petitioner has no other alternate efficacious remedy, thereby calling for immediate intervention of this Hon'ble Court, which is necessary in the interest of justice, requiring immediate orders with respect to the prayers sought in the present Petition.
3. The widespread COVID-19 pandemic has resulted in not only a medical emergency but also extreme economic recession,

unemployment, shortage of food and problems of the like nature, throughout the world and in India, which pose an imminent and immediate threat to the lives of millions of persons within the territory of India, in addition to the threat already posed by the Corona virus. In order to effectively address the said issues pertaining to safeguarding the lives of millions of persons within the territory of India, the Petitioner has no other alternate efficacious remedy, amidst the unprecedented national lockdown owing to the medical emergency posed by the COVID-19 pandemic, but to approach this Hon'ble Court by way of the present Petition. Under the prevailing circumstances of National lockdown, this Hon'ble Court is the last resort for the fundamental rights of the citizens.

4. It is submitted that the Respondent No. 1 is the Union of India through Ministry of Home Affairs, Respondent No. 2 is the Union of India through Ministry of Health & Family Welfare Department, Respondent No. 3 is the Government of Odisha, represented by its Chief Secretary, Respondent No. 4 is the Office of Special Relief Commissioner, Government of Odisha.

Respondent No.5 is the Department of Health and Family Welfare represented through its Secretary. Respondent no.6 is the Collector & District Magistrate, Puri, Respondent No. 7 is the Temple Managing Committee of the Lord Jagannath Temple in Puri, represented through its Chief Administrator who has been vested with the power under the Jagannath Temple Administration Act, 1955 to inter alia, to arrange for the proper performance of Seva- Puja and of the daily and periodical Nitis of the Jagannath Temple.

5. That the present Petitioner raises the following questions of general public interest:
 - a) Whether the Respondents herein have a constitutional duty to protect the interests of Indian Citizens in times of distress and worldwide emergency?
 - b) Whether the Rath Yatra festival which is scheduled to be held on 23rd June, 2020 in Puri, Odisha can be allowed to happen in view of the present pandemic situation and the

exponential rise of the COVID-19 positive cases in the last one month in the State of Odisha?

- c) Whether it is justified on the part of the State Government to hold the Rath Yatra festival at the cost of the imminent threat to the lives of the devotees of Lord Jagannath who will attend the said festival if the same is to happen on 23rd June, 2020?
- d) Whether the Respondents herein are duty bound to protect the Right to Health, Life and Personal Liberty and Right to Live with Dignity and Fair Treatment as enumerated under Article 21 of the Constitution?

6. That the present petition is being filed in the interest of justice for, fundamental and statutory rights, dignity of the public at large. Some of the people being represented in the present PIL may not be aware of their legal rights being infringed and may not have the economic means to approach this Hon'ble court.

7. That the Petitioner has not instituted any similar petition before this Hon'ble Court or any other Court of Law seeking same or similar relief.

PUBLIC INTEREST AT LARGE

8. According to a report in Hindustan Times website originally published on 03.07.019 (updated on 28th May, 2020) for the Rath Yatra in 2019, State Government had to deploy 10,000 Security Personnel for an estimated 10 Lakh devotees.

A true copy of the newspaper report published in Hindustan Times website originally published 2020) is annexed herewith and marked as **Annexure-P/2. (Pg. Nos. 34 to 36)**.
9. That World Health Organisation has declared *COVID-19* to be a "Public Health Emergency of International Concern" on 30th January 2020 and on 12th March, 2020, it was declared as a 'Pandemic'.
10. That the first case of COVID-19 pandemic was reported within the territory of India on 30.01.2020.

11. That on 22nd March, 2020, after confirmation of two positive cases of COVID-19, the State Government of Odisha announced a lockdown of the entire state which was to be in force until 9pm of 29th March, 2020.
12. That the Ministry of Home Affairs, Government of India, in order to break the chain of transmission and thereby to control the spread of the said virus, announced a 21-day National lockdown on 24.03.2020, which brought the entire nation to an absolute halt. The said lockdown was supposed to be in force till 14.04.2020.
13. That acting in line with the lockdown called by the Ministry of Home Affairs, Government of India, the State Government also extended its lockdown till 15th April, 2020. Thereafter, on 09th April, 2020, the Government of Odisha extended the lockdown till 30th April, 2020.
14. That thereafter, the Ministry of Home Affairs, Government of India and the State Government, extended the lockdown in

the entire nation and the State of Odisha respectively till 31st May, 2020.

15. That the Ministry of Home Affairs vide its letter dated 07.05.2020, had granted permission to the Government of Odisha to carry out the construction of chariots for the conduct of Rath Yatra subject to the condition that no religious congregation takes place while it is constructed and adherence to stipulations contained in the guideline dated 01.05.2020 of the Ministry of Home Affairs. In the said letter, discretion was also granted to the State Government with regard to the holding of the Rath Yatra keeping in mind the conditions prevailing at that relevant point of time.

A true copy of the letter dated 07.05.2020 issued by the Ministry of Home Affairs is annexed herewith and marked as **Annexure-P/3. (Pg. Nos. 37 to 38).**

16. After the lapse of around two months from the date of the announcement of the lockdown in the entire nation, on 30.05.2020, the Ministry of Home Affairs, Government of India issued new guidelines for phased reopening of 'all activities

outside containment zones' for the next one month with effect from 01.06.2020. The said guideline came into effect from 01.06.2020 and will be effective till 30.06.2020. It was, *inter alia*, decided that the dates for re-starting any activities relating to Social/political/ sports/ entertainment/ academy/ cultural/religious functions and other large congregations will be decided based on the assessment of situation. Clause 5 of the said guideline dated 30.05.2020 further provided that States/UTs, based on their assessment of the situation, may prohibit certain activities outside the Containment zones, or impose such restrictions as deemed necessary. It may also be pertinent to state that the National Directives for COVID-19 Management under Annexure-I to the said guidelines also provides that any large public gatherings/congregations will continue to remain prohibited.

A true copy of the guideline dated 30.05.2020 issued by the Ministry of Home Affairs, Government of India is annexed herewith and marked as **Annexure-P/4. (Pg. Nos. 39 to 46).**

17. That in line with the guideline dated 30.05.2020, the Office of Special Relief Commissioner, Government of Odisha issued guidelines on 01.06.2020 extending the lockdown in all COVID-19 containment zones in the State of Odisha until midnight of 30.06.2020 and to re-open prohibited activities in a phased manner in areas outside the containment zones. Clause 3 of the said guideline also stipulated that in areas outside the containment zones, Social/political/ sports/ entertainment/ academy/ cultural/religious functions and other large congregations will remain closed. It also provided that the religious places/places of worship for public continued to remain closed till 30th June, 2020.

A true copy of the guideline dated 01.06.2020 issued by Special Relief Commissioner, Government of Odisha is annexed herewith and marked as **Annexure-P/5. (Pg. Nos. 47 to 57).**

18. That according to a news article published on the website of
The New India Express
([https://www.newindianexpress.com/states/odisha/2020/jun/03/n
ext-21-days-crucial-for-odisha-in-coronavirus-](https://www.newindianexpress.com/states/odisha/2020/jun/03/n
ext-21-days-crucial-for-odisha-in-coronavirus-)

[war2151454.html](#)), it was reported that in view of the fact that the State of Odisha has reported over 2,000 positive cases in last one month, the next 21 days will be the most crucial phase in its corona virus battle. With the onset of monsoon, severe acute respiratory infection (SARI) as well as influenza like illness (ILI) will spike and the Government expects the next three weeks to be critical in the 11 districts which account for 90 per cent of the cases in the State.

A true copy of the news item published on the webpage of The New India Express (<https://www.newindianexpress.com/states/odisha/2020/jun/03/n-ext-21-days-crucial-for-odisha-in-coronavirus-war-2151454.html>) is annexed herewith and marked as **Annexure-P/6. (Pg. Nos. 58 to 66).**

19. That according to a news article published on the website of the Republic World, the Chief Minister of Odisha while addressing the people of Odisha on 4th June, 2020 said that the month of June is very crucial for the state in view of its fight against the COVID-19 pandemic.

A true copy of the news item published on the webpage of The Republic(<https://www.republicworld.com/indianews/generalnews/odisha-naveen-patnaik-lockdowncoronavirus-bhubaneswar-cuttack-jajpur.html>) is annexed herewith and marked as **Annexure-P/7. (Pg. Nos. 67 to 69).**

20. That on 07.06.2020, the Office of the Special Relief Commissioner, Government of Odisha, vide an order, being in addition to the guideline dated 01.06.2020, further stipulated that all religious places/places of worship for public will continue to remain closed till 30th June, 2020. A true copy of the order dated 07.06.2020 issued by the Office of Special Relief Commissioner, Government of Odisha is annexed herewith and marked as **Annexure-P/8. (Pg. Nos. 70 to 71).**

21. That on 07.06.2020, as per the analysis made by the Ministry of Health and Family Welfare department, Government of India, which has been published in its website, it has been predicted on the basis of last 7 days growth rate that the number of COVID-19 cases will double in every 11.4 days in the State of Odisha.

A true copy of the relevant graph published on the website of the Ministry of Health and Family Welfare department, Government of India is annexed herewith and marked as **Annexure-P/9. (Pg. Nos. 72 to 72).**

22. That Ratha Jatra, the Festival of Chariots of Lord Jagannath is celebrated every year at Puri, the temple town in Odisha, on the east coast of India which is scheduled to be held on 23rd June 2020 and will continue for a period of 10 to 12 days. The presiding deities of the main temple, Sri Mandira, Lord Jagannatha, Lord Balabhadra and Goddess Subhadra, with the celestial wheel Sudarshana are taken out from the temple precincts in an elaborate ritual procession to their respective chariots. The huge, colourfully decorated chariots, are drawn by hundreds and thousands of devotees on the bada danda, the grand avenue to the Gundicha temple, some two miles away to the North. After a stay for seven days, the deities return to their abode in Srimandira. The Rath Yatra, which draws nearly a million people from across the world, sees frenzied devotees pull the raths (chariots) manually of the three deities.

23. That it is pertinent to note that a decision has already been taken to hold all important rituals leading up to the Rath Yatra, beginning with Akshaya Tritiya which was celebrated on 26.04.2020, which marks the beginning of the construction of the chariots. The constructions of the chariots are in full swing. Also a ritual leading up to the Car Festival like Snana Purnima was also held on 5th June, 2020 by the servitors adhering to the norms of Social Distancing. Looking by the scheme of things, it can be safely presumed that the State Government intends to hold the Rath Yatra this year on the scheduled date as all the customs and rituals leading up to the Rath Yatra are being performed.

24. That it is stated that Odisha reported its first case of COVID-19 on 16th March, 2020. Due to the preemptive steps taken by the State Government in announcing the lockdown measures, the spread of the COVID-19 virus in the State was largely controlled. In comparison to other states in India, the State has been proactive in dealing with COVID-19 with the State Government declaring COVID-19 to be a 'disaster' as early as

on 13th March, 2020. On 25th April, 2020 when India's COVID-19 case count stood at about 26,283, Odisha had recorded numbers in double digits at only 94 cases and as on 30th April, 2020, the number of positive cases in Odisha stood at 142 as compared to 33,067 positive cases in the country.

25. That however, recently, due to influx of the migrants and people coming from outside the State of Odisha, there has been an exponential rise in the number of positive cases in the State of Odisha. The steep increase in the number of positive cases will be evident from the table mentioned herein below which showcases the number of COVID-19 positive cases in the last three months;-

Sl.No.	Date	No. of Positive COVID-19 Cases in the State of Odisha
1.	30 th March 2020	3
2.	30 th April 2020	143
3.	31 st May 2020	2104
4.	7 th June 2020 (as on date)	2856

26. That it can be seen that there has been a significant increase in the COVID-19 cases and the pandemic poses a significant threat to the health infrastructure in the State. It is well known that the Rath Yatra festival is attended by lakhs of devotees every year and if the said festival is allowed to be held this year, it significantly puts the lives of the attending devotees and the people of the State of Odisha at high risk since it is humanely impossible to adopt the practice of Social Distancing in such a huge gathering.

27. That the impact of a religious congregation during the COVID-19 pandemic is well known due to the spurt in the COVID-19 cases in the entire country due to a religious gathering organised by the Tablighi Jamaat, a muslim missionary group between March 13-15, 2020. Of about 4,400 COVID-19 positive cases in India as on 7th April, 2020, nearly one third were related to the religious gathering at the Markaz, Delhi. Thus, in order to avoid any similar instances of outbreak of COVID-19 cases, a religious gathering in the nature of Rath Yatra festival ought to be avoided.

28. That due to the global pandemic situation in the entire world, many international events involving huge gathering such as Olympics, 2020, sports tournaments etc. have been called off or postponed. It is pertinent to mention that it has been widely reported that the COVID-19 infections will actually peak in the State of Odisha in the coming two months i.e June and July,2020 and this being state of affairs, it would be highly negligent on the part of the Respondents to allow the Rath Yatra to happen.

29. That the Ministry of Home Affairs, Government of India in its guideline dated 30th May, 2020 has expressly prohibited any large gatherings. Further, the Government of Odisha vide its guideline dated 01.06.2020, has also prohibited any cultural/religious functions and other large congregations till 30.06.2020. In view of the said prohibitions, if the Rath Yatra is allowed to happen by the Respondent No.4, then the same will be in blatant violation of its own guidelines.

30. That the extent of challenges which are being faced by the country is highlighted from the fact that India has now become the 5th most affected country in the world due to COVID-19 with the number of COVID-19 cases as on 7th June, 2020 stood at 2, 46, 549 with active cases being upto 1,20,406. In view of such emergent situation, any religious congregation should not be allowed to happen and if it happens, it will put the lives of the devotees and residents of the State of Odisha at huge risk.

31. That even assuming that the devotees will not be allowed to attend the Rath Yatra on 23rd June, 2020, in that event, a large number of people are required to pull the three chariots which are very heavy and no social distancing can be observed while pulling the three chariots. The said activity cannot be done by a small gathering of people. Thus, in view of the present situation, the postponement of the Rath Yatra festival seems to be the only plausible and the practical option.

GROUNDS:

- I. BECAUSE** this Hon'ble Court, in the case of *Arjun Gopal v. Union of India* [(2019) 13 SCC 523], in a PIL pertaining to health hazards associated with burning fire crackers during the festival of Diwali, held that 'right to health', which is recognized as a facet of Article 21 assumes great importance so much so that a religious practice protected under Article 25 is subject to Article 21 when it concerns health and lives of people at large.
- II. BECAUSE** the present Petition is for safeguarding and protecting the potential, mass violation of fundamental right to life and liberty of the devotees of Lord Jagannath as enshrined under Article 21 of the Constitution of India since the holding of the Rath Yatra at this present juncture will put the lives of millions of devotees who may attend the Rath Yatra at risk and harm.
- III. BECAUSE** it was, *inter alia*, decided by the Ministry of Home Affairs, Government of India vide its guideline dated

30.05.2020 that the dates for re-starting any activities relating to Social/political/ sports/ entertainment/ academy/ cultural/religious functions and other large congregations will be decided based on the assessment of situation. Clause 5 of the said guideline dated 30.05.2020 further provided that States/UTs, based on their assessment of the situation, may prohibit certain activities outside the Containment zones, or impose such restrictions as deemed necessary. It may also be pertinent to state that the National Directives for COVID-19 Management under Annexure-I to the said guidelines also provides that any large public gatherings/congregations will continue to remain prohibited.

IV. BECAUSE the Office of Special Relief Commissioner, Government of Odisha issued guidelines on 01.06.2020 extending the lockdown in all COVID-19 containment zones in the State of Odisha until midnight of 30.06.2020 and to re-open prohibited activities in a phased manner in areas outside the containment zones. Clause 3 of the said guideline also stipulated that in areas outside the containment zones,

Social/political/ sports/ entertainment/ academy/ cultural/religious functions and other large congregations will remain closed. It was also stipulated that the places of religious worship for public are to be closed till 30.06.2020

- V. BECAUSE** the Respondents herein are duty bound to protect the Right to Health, Life & Personal Liberty and Right to Live with Dignity and Fair Treatment as enumerated under Article 21 of the Constitution of the people of Odisha including the devotees who might attend the Rath Yatra.
- VI. BECAUSE** the impact of a religious congregation during the COVID-19 pandemic is well known due to the spurt in the COVID-19 cases in the entire country due to a religious gathering organised by the Tablighi Jamaat, a muslim missionary group between March 13-15, 2020.
- VII. BECAUSE** due to influx of the migrants and people from outside the State of Odisha, there has been an exponential rise in the number of positive cases in the State of Odisha. As on

08.06.2020, the total number of positive cases stand at 2856 which is increasing at an exponential rate day by day.

VIII. BECAUSE due to the significant increase in the COVID-19 cases in the State of Odisha, the months of June and July, 2020 are very much critical and if the Rath Yatra event is allowed to happen, then the infections will increase manifoldly which will make the task of the State Government to control the spread of COVID-19 impossible.

IX. BECAUSE, on 03rd April, 2020, the number of positive cases was 1 in the district of Puri. For the entire month of April, 2020, there was only was 1 positive case in Puri. In view of such low number of cases, the district of Puri was categorized as 'Green Zone' by the State Government. However, during the month of May, 2020, 85 positive cases were reported from the district of Puri alone and as on today i.e on 08.06.2020, the total number of reported positive cases has risen to 108. Due to such a sharp spike in the positive cases, the district of Puri has been treated as a 'high risk zone' by the State Government.

- X. BECAUSE**, the Ministry of Home Affairs, on 07.05.2020, while allowing the construction of the chariots for the Rath Yatra festival, has granted the State Government the discretion to take a decision on conducting the Rath Yatra by looking at the situation prevalent at the relevant point of time. It is submitted that due to the increase in the positive cases in the State, more particularly in Puri, the State Government ought to be directed to exercise its discretion and postpone the holding of the Rath Yatra festival scheduled to be held in Puri in 23.06.2020.
- XI. BECAUSE** a decision has already been taken to hold all the rituals leading up to the Rath Yatra, beginning with Akshaya Tritiya which was celebrated on 26.04.2020, which marks the beginning of the construction of the chariots. The constructions of the chariots are in full swing. The rituals leading up to the Car Festival like Snana Purnima was also held on 5th June, 2020 by the servitors adhering to the norms of Social Distancing. Looking by the scheme of things, it can be safely presumed that the State Government intends to hold

the Rath Yatra this year on the scheduled date as all the customs and rituals leading up to the Rath Yatra are being performed.

XII. BECAUSE the action of permitting the Rath Yatra on 23rd June, 2020 by the State Government will be in violation of its own guidelines dated 01.06.2020 & 07.06.2020 and the guideline dated 30.05.2020 issued by the Ministry of Home Affairs, Govt. of India wherein it has been provided that any cultural/religious functions and other large congregations will remain closed till 30.06.2020.

XIII. BECAUSE the alarming situation currently in the State of Odisha is evident from the fact that as per the projections made by the Ministry of Health and Family Welfare Department, Government of India, Respondent No.2 the number of COVID -19 positive cases in Odisha will reach around 10,718 by 09.07.2020.

XIV. BECAUSE, as on 07.06.2020, as per the analysis made by the Ministry of Health and Family Welfare department,

Government of India, Respondent No.1 on the basis of last 7 days growth rate, the number of COVID-19 cases in Odisha will double in every 11.4 days.

XV. BECAUSE according to a report in Hindustan Times website originally published on 3.07.019 (updated on 28th May, 2020) for the Rath Yatra in 2019, State Government of Odisha had to deploy 10,000 Security Personnel for an estimated 10 Lakh devotees. Therefore, it can be safely presumed that a large number of people will gather in Puri if the Rath Yatra festival is permitted on 23.06.2020 which greatly enhance the prospect of the spread of COVID-19 virus since it is impossible to maintain social distancing in such a huge gathering.

PRAYERS:

In the facts and circumstances of the case, as mentioned above, it is, therefore, most humbly prayed that this Hon'ble Court may graciously be pleased to:

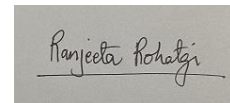
- a) Issue an appropriate Writ, Order or Direction to stay the holding of the Rath Yatra festival which is scheduled to

commence on 23.06.2020 at Puri, Odisha and which will continue for a period of around 10-12 days thereafter; and/or

- b) Issue a writ in the nature of Mandamus or any other appropriate Writ, Order or Direction, thereby directing the Respondents not to grant any permission for holding the Rath Yatra festival which is scheduled to commence on 23.06.2020 at Puri, Odisha and which will continue for a period of around 10-12 days thereafter; and/or
- c) Pass any other or further orders as may be deemed fit and proper in the circumstances of the case.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER SHALL AS IN DUTY BOUND EVER PRAY.

FILED BY:



RANJEETA ROHATGI
(Advocate for the Petitioner)

Drawn on: 09.06.2020
Place: New Delhi
Filed on: 10.06.2020

**IN THE SUPREME COURT OF INDIA
ORIGINAL CIVIL JURISDICTION
WRIT PETITION (Civil) No. OF 2020**

IN THE MATTER OF:

Odisha Vikash Parishad

...Petitioner

-Versus-

Union of India & ors

...Respondents

AFFIDAVIT

I, Susant Kumar Padhi, S/o. Dharanidhar Padhi, Aged about 43 years, R/o. 1384/A, Sai Bihar, Canal Road, Bomikhal, Bhubaneswar, Odisha – 751010, do hereby solemnly affirm and say as follows:-

1. That I'am the President of the Petitioner Trust in the captioned Writ Petition (PIL) and as such am well conversant with the facts and circumstances of the case and as such am competent to swear this Affidavit and I state that;
2. That I have filed the present Writ Petition (PIL) solely for protecting the interest of the public at large and without any personal gain or personal motive or other oblique reasons.
3. That I have read the contents of the accompanying Synopsis and List of Dates (Pgs. B to Q), Writ Petition (Pgs. 1 to 30) and the accompanying applications. I say that the same are true and correct and nothing material has been concealed therefrom.
4. I am a law abiding citizen of India and there is no civil or criminal or revenue litigation filed by or against me before any courts below which could affect the issues involved in the present matter.
5. That all the Annexures are the true copies of their respective originals.

Susanta Kumar Padhi

DEPONENT

VERIFICATION:

I, the deponent above named, do hereby and affirm that the contents of paragraph 1 to 5 of my above affidavit are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at Cuttaak on this the 09th of June, 2020.

Susanta Kumar Padhi

DEPONENT



भारतीय विशिष्ट पहचान प्राधिकरण

भारत सरकार
Unique Identification Authority of India
Government of India

नामांकन क्रम / Enrollment No 1178/60079/12665

25/09/2011
To,
पुसान् कुमार पादि
Susanta Kumar Padhi
S/O Dharanidhar Padhi
Qr No-J-37
NAC Colony
Unit -3 Kharavela Nagar
Bhubaneswar
Khordha
Orissa 751001
9861950233

Ref: 1009 / 20E / 1187949 / 1188237 / P



UE497313566IN



आपका आधार क्रमांक / Your Aadhaar No. :

9161 3225 6275

आधार — आम आदमी का अधिकार



भारत सरकार
GOVERNMENT OF INDIA



पुसान् कुमार पादि
Susanta Kumar Padhi
जन्म वर्ष / Year of Birth : 1977
पुरुष / Male



9161 3225 6275

आधार — आम आदमी का अधिकार

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(RR) ,

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Home / India News / 10,000 security personnel deployed for Rath Yatra

10,000 security personnel deployed for Rath Yatra

Anticipating a congregation of around 10 lakh devotees on the Rath Yatra day, 10,000 strong force have been deployed on the ground, while personnel of Indian Navy and Coast Guard will patrol in the sea, the official said.

INDIA Updated: May 28, 2020 03:50 IST

ht Press Trust of India Puri



Devotees stand outside the Lord Jagannath temple ahead of the Rath Yatra in Puri on Wednesday. (ANI Photo)

The Odisha government has deployed 10,000 security personnel in this holy town for the annual Rath Jatra of Lord Jagannath which will be attended by lakhs of people on Thursday, a senior official said Wednesday.

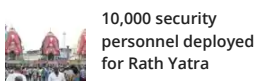
Anticipating a congregation of around 10 lakh devotees on the Rath Yatra day, 10,000 strong force have been deployed on the ground, while personnel of Indian Navy and Coast Guard will patrol in the sea, the official said.

As many as 142 platoons of Odisha police, about 1,000 officers of various ranks, 2,450 Home Guards, three company of RAF, two units of ODRAF, one unit NDRF, three company OSAF



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10,000 security personnel deployed for Rath Yatra



'Dragon in the room': Opposition's swipe at Centre



Covid-19 found its way to India via countries in Europe,



Sharad Pawar visits cyclone-hit Maharashtra's

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'Dragon in the room': Opposition's swipe at Centre over Ladakh standoff

The standoff has been continuing in the Ladakh area for more than a month. A meeting between top military officers of both India and China was held on Saturday.

INDIA Updated: Jun 09, 2020 15:35 IST

ht hindustantimes.com | Edited by: Amit Chaturvedi
Hindustan Times, New Delhi

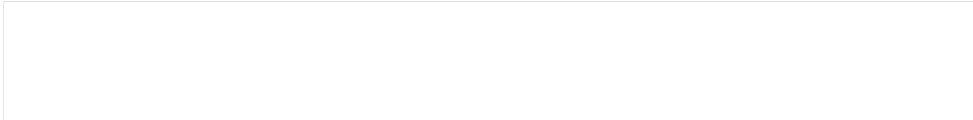
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Two ADGP rank officers, five IGPs and 1,000 commandant rank officers will supervise the security arrangements.



"We are prepared for any situation apart from VVIP security," said Soumendra Priyadarshi, the IGP, Central Range, adding for smooth and safe conduct of the event a mock drill of pulling of chariots was also conducted.

Meanwhile, the Shree Jaganath Temple Administration Chief Administrator P K Mohapatra said: "We have already prepared a time line for the procession of deities and pulling of chariots. With cooperation of all the stake holders, rituals will go on smoothly." "We will certainly meet the time line given by the administration. The servitors will fully cooperate with the administration to make the festival a grand success," said Binayak Dasmohapatra, a senior servitor.

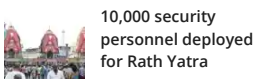
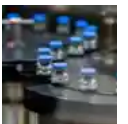
Apart from police, different state government departments like health, urban and housing development department, sanitation and others are doing their best to make the occasion a grand success, said Mohapatra.

The three deities - Lord Balabhadra, Lord Jagannath and Devi Subhadra's chariots will be pulled by the devotees in presence of lakhs of people on the grand road.

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latest



10,000 security personnel deployed for Rath Yatra



'Dragon in the room': Opposition's swipe at Centre



Covid-19 found its way to India via countries in Europe,



Sharad Pawar visits cyclone-hit Maharashtra's

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

North Block, New Delhi-110001

Dated: 7th May, 2020

To

The Chief Secretary
Government of Odisha
Bhubaneswar

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

Sir,

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

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

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

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

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

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

Ashish
7/5/2020

(Ashish Kumar Singh)
Under Secretary (DM)
Tel. No. 011-23092085
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(RR)

No. 40-3/2020-DM-I(A)
Government of India
Ministry of Home Affairs

North Block, New Delhi-110001
Dated 30th May, 2020

ORDER

Whereas, an Order of even number dated 17.05.2020 was issued for containment of COVID-19 in the country, for a period upto 31.05.2020;

Whereas, in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, National Disaster Management Authority (NDMA) has directed the undersigned to issue an order to extend the lockdown in Containment Zones upto 30.06.2020, and to re-open prohibited activities in a phased manner in areas outside Containment Zones;

Now therefore, in exercise of the powers, conferred under Section 10(2)(1) of the Disaster Management Act 2005, the undersigned hereby directs that guidelines, as *Annexed*, will remain in force upto 30.06.2020.


30/05/2020
Union Home Secretary

and, Chairman, National Executive Committee (NEC)

To:

1. The Secretaries of Ministries/ Departments of Government of India
2. The Chief Secretaries/Administrators of States/Union Territories
(As per list attached)

Copy to:

- i. All members of the National Executive Committee
- ii. Member Secretary, National Disaster Management Authority

Guidelines for Phased Re-opening (Unlock 1)

[As per Ministry of Home Affairs (MHA) Order No. 40-3/2020-DM-I (A) dated 30th May, 2020]

1. Phased re-opening of areas outside the Containment Zones

In areas outside Containment Zones, all activities will be permitted, except the following, which will be allowed, with the stipulation of following Standard Operating Procedures (SOPs) to be prescribed by the Ministry of Health and Family Welfare (MoHFW), in a phased manner:

Phase I

The following activities will be allowed with effect from 8 June, 2020:

- (i) Religious places/ places of worship for public.
- (ii) Hotels, restaurants and other hospitality services.
- (iii) Shopping malls.

Ministry of Health & Family Welfare (MoHFW) will issue Standard Operating Procedures (SOPs) for the above activities, in consultation with the Central Ministries/ Departments concerned and other stakeholders, for ensuring social distancing and to contain the spread of COVID-19.

Phase II

Schools, colleges, educational/ training/ coaching institutions etc., will be opened after consultations with States and UTs. State Governments/ UT administrations may hold consultations at the institution level with parents and other stakeholders. Based on the feedback, a decision on the re-opening of these institutions will be taken in the month of July, 2020.

MoHFW will prepare SOP in this regard, in consultation with the Central Ministries/ Departments concerned and other stakeholders, for ensuring social distancing and to contain the spread of COVID-19.

Phase III

Based on the assessment of the situation, dates for re-starting the following activities will be decided:

- (i) International air travel of passengers, except as permitted by MHA.
- (ii) Metro Rail.
- (iii) Cinema halls, gymnasiums, swimming pools, entertainment parks, theatres, bars and auditoriums, assembly halls and similar places.
- (iv) Social/ political/ sports/ entertainment/ academic/ cultural/ religious functions and other large congregations.

2. National Directives for COVID-19 Management

National Directives for COVID-19 Management, as specified in **Annexure I**, shall continue to be followed throughout the country.


30/5/20

3. Night curfew

Movement of individuals shall remain strictly prohibited between 9.00 pm to 5.00 am throughout the country, except for essential activities. Local authorities shall issue orders, in the entire area of their jurisdiction, under appropriate provisions of law, such as under Section 144 of CrPC, and ensure strict compliance.

4. Lockdown limited to Containment Zones

- (i) Lockdown shall continue to remain in force in the Containment Zones till 30 June, 2020.
- (ii) Containment Zones will be demarcated by the District authorities after taking into consideration the guidelines of MoHFW.
- (iii) In the Containment Zones, only essential activities shall be allowed. There shall be strict perimeter control to ensure that there is no movement of people in or out of these zones, except for medical emergencies and for maintaining supply of essential goods and services. In the Containment Zones, there shall be intensive contact tracing, house-to-house surveillance, and other clinical interventions, as required. Guidelines of MoHFW shall be taken into consideration for the above purpose.
- (iv) States/ UTs may also identify Buffer Zones outside the Containment Zones, where new cases are more likely to occur. Within the buffer zones, restrictions as considered necessary may be put in place by the District authorities.


5. States/ UTs, based on their assessment of the situation, may prohibit certain activities outside the Containment zones, or impose such restrictions as deemed necessary.

6. Unrestricted movement of persons and goods

- (i) There shall be no restriction on inter-State and intra-State movement of persons and goods. No separate permission/ approval/ e-permit will be required for such movements.
- (ii) However, if a State/ UT, based on reasons of public health and its assessment of the situation, proposes to regulate movement of persons, it will give wide publicity in advance regarding the restrictions to be placed on such movement, and the related procedures to be followed.
- (iii) Movement by passenger trains and *Shramik* special trains; domestic passenger air travel; movement of Indian Nationals stranded outside the country and of specified persons to travel abroad; evacuation of foreign nationals; and sign-on and sign-off of Indian seafarers will continue to be regulated as per SOPs issued.
- (iv) No State/ UT shall stop the movement of any type of goods/ cargo for cross land-border trade under Treaties with neighbouring countries.

7. Protection of vulnerable persons

Persons above 65 years of age, persons with co-morbidities, pregnant women, and children below the age of 10 years are advised to stay at home, except for essential and health purposes.

 30/5/20

8. Use of Aarogya Setu

- (i) *Aarogya Setu* enables early identification of potential risk of infection, and thus acts as a shield for individuals and the community.
- (ii) With a view to ensuring safety in offices and work places, employers on best effort basis should ensure that *Aarogya Setu* is installed by all employees having compatible mobile phones.
- (iii) District authorities may advise individuals to install the *Aarogya Setu* application on compatible mobile phones and regularly update their health status on the app. This will facilitate timely provision of medical attention to those individuals who are at risk.

9. Strict enforcement of the guidelines

- (i) State/ UT Governments shall not dilute these guidelines issued under the Disaster Management Act, 2005, in any manner.
- (ii) All the District Magistrates shall strictly enforce the above measures.

10. Penal provisions

Any person violating these measures will be liable to be proceeded against as per the provisions of Section 51 to 60 of the Disaster Management Act, 2005, besides legal action under Section 188 of the IPC, and other legal provisions as applicable. Extracts of these penal provisions are at **Annexure II**.


Union Home Secretary

and, Chairman, National Executive Committee

National Directives for COVID-19 Management

1. **Face coverings:** Wearing of face cover is compulsory in public places; in workplaces; and during transport.
2. **Social distancing:** Individuals must maintain a minimum distance of 6 feet (*2 gaz ki doori*) in public places.
Shops will ensure physical distancing among customers and will not allow more than 5 persons at one time.
3. **Gatherings:** Large public gatherings/ congregations continue to remain prohibited.
Marriage related gatherings : Number of guests not to exceed 50.
Funeral/ last rites related gatherings : Number of persons not to exceed 20.
4. **Spitting in public places** will be punishable with fine, as may be prescribed by the State/ UT local authority in accordance with its laws, rules or regulations.
5. **Consumption of liquor, paan, gutka, tobacco etc.** in public places is prohibited.

Additional directives for Work Places

6. **Work from home (WfH):** As far as possible the practice of WfH should be followed.
7. **Staggering of work/ business hours** will be followed in offices, work places, shops, markets and industrial & commercial establishments.
8. **Screening & hygiene:** Provision for thermal scanning, hand wash and sanitizer will be made at all entry and exit points and common areas.
9. **Frequent sanitization** of entire workplace, common facilities and all points which come into human contact e.g. door handles etc., will be ensured, including between shifts.
10. **Social distancing:** All persons in charge of work places will ensure adequate distance between workers, adequate gaps between shifts, staggering the lunch breaks of staff, etc.


30/5/20

Offences and Penalties for Violation of Lockdown Measures

A. Section 51 to 60 of the Disaster Management Act, 2005

51. Punishment for obstruction, etc.—Whoever, without reasonable cause —

- (a) obstructs any officer or employee of the Central Government or the State Government, or a person authorised by the National Authority or State Authority or District Authority in the discharge of his functions under this Act; or
- (b) refuses to comply with any direction given by or on behalf of the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act,

shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall on conviction be punishable with imprisonment for a term which may extend to two years.

52. Punishment for false claim.—Whoever knowingly makes a claim which he knows or has reason to believe to be false for obtaining any relief, assistance, repair, reconstruction or other benefits consequent to disaster from any officer of the Central Government, the State Government, the National Authority, the State Authority or the District Authority, shall, on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

53. Punishment for misappropriation of money or materials, etc.—Whoever, being entrusted with any money or materials, or otherwise being, in custody of, or dominion over, any money or goods, meant for providing relief in any threatening disaster situation or disaster, misappropriates or appropriates for his own use or disposes of such money or materials or any part thereof or wilfully compels any other person so to do, shall on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

54. Punishment for false warning.—Whoever makes or circulates a false alarm or warning as to disaster or its severity or magnitude, leading to panic, shall on conviction, be punishable with imprisonment which may extend to one year or with fine.

55. Offences by Departments of the Government.—(1) Where an offence under this Act has been committed by any Department of the Government, the head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the head of the Department, such officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

56. Failure of officer in duty or his connivance at the contravention of the provisions of this Act.—Any officer, on whom any duty has been imposed by or under this Act and who ceases or refuses to perform or withdraws himself from the duties of his office shall, unless he has obtained the express written permission of his official superior or has other lawful excuse for so doing, be punishable with imprisonment for a term which may extend to one year or with fine.

57. Penalty for contravention of any order regarding requisitioning.—If any person contravenes any order made under section 65, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

58. Offence by companies.—(1) Where an offence under this Act has been committed by a company or body corporate, every person who at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also, be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section—

- (a) “company” means anybody corporate and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm.

59. Previous sanction for prosecution.—No prosecution for offences punishable under sections 55 and 56 shall be instituted except with the previous sanction of the Central Government or the State Government, as the case may be, or of any officer authorised in this behalf, by general or special order, by such Government.

60. Cognizance of offences.—No court shall take cognizance of an offence under this Act except on a complaint made by—

- (a) the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised in this behalf by that Authority or Government, as the case may be; or
- (b) any person who has given notice of not less than thirty days in the manner prescribed, of the alleged offence and his intention to make a complaint to the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised as aforesaid.

B. Section 188 in the Indian Penal Code, 1860

188. Disobedience to order duly promulgated by public servant.—Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both; and if such disobedience causes or trends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Explanation.—It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.

Illustration

An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.

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**Government of Odisha
Office of Special Relief Commissioner**

No. **3057/R&DM(DM)**, Dt. **01-06-2020**
RDM-RLF-MISC-0034-2020

ORDER

Whereas, in pursuance of the directions issued by the National Executive Committee, Government of India under the Disaster Management Act, 2005, the Government Odisha, vide Revenue & Disaster Management (Disaster Management) Department Notification No.2800/R&DM(DM) dated 18.05.2020, had extended the lock down in the entire State of Odisha with stipulations mentioned therein, with a view to contain the spread of COVID-19 pandemic, till midnight of 31.05.2020;

And Whereas, in pursuance of the directions of the National Disaster Management Authority (NDMA), the National Executive Committee, in exercise of the powers conferred under Section 10(2)(1) of the Disaster Management Act, 2005, has issued revised guidelines vide Ministry of Home Affairs, Government of India order No.40-3/2020-DM-I(A) dated 30.05.2020 to extend the lockdown in Containment Zones up to 30.06.2020, and to re-open prohibited activities in a phased manner in areas outside Containment Zones;

Now, therefore, in pursuance of the said order, the State Government do hereby extend the lockdown in all COVID-19 Containment Zones in the State of Odisha until midnight of 30.06.2020 as per the following stipulations:

1. This order will come into force with effect from 01.6.2020.

2. Lockdown limited to Containment Zones

- i. Lockdown shall continue to remain in force in the Containment Zones till 30th June, 2020.
- ii. Containment Zones will be demarcated by the District Collectors/ Municipal Commissioners as per the guidelines of MoHFW, Government of India/ H&FW Department of Government of Odisha.
- iii. In the Containment Zones, only essential activities shall be allowed. There shall be strict perimeter control to ensure that there is no movement of people in or out of these zones, except for medical

emergencies and for maintaining supply of essential goods and services. There shall be intensive contact tracing, house-to-house surveillance, and other clinical interventions, as required. Guidelines of MoHFW shall be taken into consideration for the above purpose.

- iv. District Collectors/ Municipal Commissioners may also identify Buffer Zones outside the Containment Zones, where new cases are more likely to occur. Within the buffer zones, restrictions as considered necessary may be put in place by the Local authorities.

3. Graded re-opening of areas outside the Containment Zones

In areas outside Containment Zones, activities will be regulated as below:

- a. The following establishments/ activities will continue to remain closed till 30th June, 2020:
 - (i) Religious places/ places of worship for public.
 - (ii) Shopping malls
 - (iii) International air travel of passengers, except as permitted by MHA.
 - (iv) Cinema halls, gymnasiums, swimming pools, entertainment parks, theatres, bars and auditoriums, assembly halls and similar places.
 - (v) Social/ political/ sports/ entertainment/ academic/ cultural/ religious functions and other large congregations.
- b. Hotels will be allowed to operate up to 30% capacity. Restaurant service will be open only for in-house guests.
- c. Restaurants and Hotels are permitted for home delivery/ takeaways of food.
- d. Schools, colleges, other educational/ training/ coaching institutions, etc. will remain closed till 31st July, 2020.

Activities that are not specifically prohibited/ regulated/ restricted above are allowed.

Standard Operating Procedures (SOPs) for the establishments/ activities mentioned above issued by Ministry of Health and Family Welfare (MoHFW) and other Ministries of Government of India/ Department of H&FW, Government of Odisha, for the above activities will be strictly followed for ensuring social distancing and to contain the spread of COVID-19.

4. Directives for COVID-19 Management

The following Directives for COVID-19 Management shall be strictly followed throughout the State:

- a. **Face coverings:** Wearing of face cover is compulsory in public places; in workplaces; and during transport.
- b. **Social distancing:** Individuals must maintain a minimum distance of 6 feet in public places.
- c. Shops will ensure physical distancing among customers. The owner of the shop **shall be liable** for any violation.
- d. **Salons, Spas, Beauty Parlours and Barber shops** shall ensure all safety precautions, disinfection and sanitization before and after service of each customer.
- e. **Gatherings:** Public gatherings/ congregations of **more than 7 persons** are prohibited.
- f. **Marriage related gatherings:** Number of guests **not to exceed 50**.
- g. **Funeral/ last rites related gatherings:** Number of persons **not to exceed 20**.
- h. **Spitting in public places** will be punishable with fine, as prescribed in accordance with laws, rules or regulations.
- i. **Consumption of liquor, paan, gutka, tobacco etc.** in public places is prohibited.

Additional directives for Work Places

- j. **Work from home (WfH):** As far as possible the practice of WfH should be followed.
- k. **Staggering of work/ business hours** will be followed in offices, work places, shops, markets and industrial & commercial establishments.
- l. **Screening & hygiene:** Provision for thermal scanning, hand wash and sanitizer will be made at all entry and exit points and common areas.
- m. **Frequent sanitization** of entire workplace, common facilities and all points which come into human contact e.g. door handles, etc., will be ensured, including between shifts.
- n. **Social distancing:** All persons in charge of work places will ensure adequate distance between workers, adequate gaps between shifts, staggering the lunch breaks of staff, etc.

5. Unrestricted movement of persons and goods

- (i) There shall be no restriction on inter-State and intra-State movement of persons and goods. **No permission/ approval/ e-permit will be required for such movements.**
- (ii) Intra-State Buses, City Buses, Taxis (including cabs by aggregators

like Ola, Uber, etc.), Auto Rickshaws and other Passenger Vehicles, are allowed to operate with up to sitting capacity of the vehicle, as mentioned in the Registration Certificate.

- (iii) Movement by passenger trains and Shramik special trains; domestic passenger air travel; movement of Indian Nationals stranded outside the country and of specified persons to travel abroad; evacuation of foreign nationals; and sign-on and sign-off of Indian seafarers will continue to be regulated as per SOPs issued by Govt. of India.
- (iv) Movement of any type of goods/ cargo for cross land-border trade under Treaties with neighbouring countries shall not be stopped.

6. Night curfew

Movement of individuals shall remain strictly prohibited between 7.00 pm to 5.00 am throughout the State, except for essential activities. The District Collectors/ Police Commissioner, Bhubaneswar-Cuttack shall issue orders, in the entire area of their jurisdiction, under appropriate provisions of law, such as under Section 144 of CrPC, and ensure strict compliance.

This restriction shall not apply to:

- District and Municipal Administration/ Police/ Government Officials on duty
- Doctors, Medical/ Paramedical Staff (Govt. & Private)
- Staff of IT & ITeS Companies on production their ID cards
- Any person, in case of medical or other emergency
- Owner/ staff of Chemist shops
- All industrial units
- All construction activities
- Movement of Public Transport, private vehicles and taxis (including cabs by aggregators like Ola, Uber, etc.) to and from airports, railway station and bus terminals/ stands/ stops, for facilitating movement of passengers by air, rail and road.

7. Weekend Shutdown

In the interest of public health and the containment of spread of COVID-19 in the State, shutdown shall be imposed in the districts of **Ganjam, Puri, Nayagarh, Khurda, Cuttack, Jagatsinghpur, Kendrapara, Jajpur, Bhadrak, Balasore** and **Bolangir**, on all Saturdays and Sundays till 30th June, 2020. During this shutdown, only the following activities shall be allowed:

- All medical establishments including hospitals, clinics, nursing homes,

including medicine stores. Movement of Ambulance and all medical personnel.

- District and Municipal Administration/ Police/ Fire Services
- Central & State Government officials on emergency duty
- Telecom services
- Petrol pumps
- Electronic Media identified by Commissionerate/ District Police
- Water Supply, sanitation and sewerage workers
- Electricity supply and distribution
- Movement of goods and good carriers, whether loaded or unloaded
- Industrial establishments, factories and construction activities
- Service sector industries, including IT/ ITeS, Hotel & Hospitality units
- Movement of rail and air transport
- Road transport on highways, road movement of transiting vehicles
- Movement of Public Transport, private vehicles and taxis (including cabs by aggregators like Ola, Uber, etc.) to and from airports, railway station and bus terminals/ stands/ stops, for facilitating movement of passengers by air, rail and road.
- Marriages and Funerals, with permission of local authority

8. Based on their assessment of the situation, District Collectors/ Municipal Commissioners may impose area specific additional restrictions on activities outside the Containment zones, or impose such restrictions as deemed necessary for containing the spread of COVID-19.

9. Quarantine Policy

The quarantine period for returnee(s) to the State will be limited to 14 days. This shall be implemented by local authorities i.e., District Collectors/ Municipal Commissioners.

Returnee(s) in rural areas will undergo 7 days of mandatory institutional quarantine, post which asymptomatic returnee(s) shall be discharged to undergo home quarantine for a further period of 7 days. If the local authorities find it necessary for reasons related to containment of COVID-19 and to prevent spread of infection, they may extend the period of institutional quarantine of the returnee(s). In case the quarantine develops symptoms requiring medical attention, he/ she may be shifted to COVID Care Centre/ COVID Hospital.

In urban areas, the returnee(s) shall have to compulsorily stay in home quarantine for a period of 14 days, observing guidelines issued by H&FW Dept., Govt. of Odisha. If the returnee does not have proper quarantine facility at home, he/ she shall undergo institutional/ paid quarantine for a duration as

directed by the local authorities.

Individuals travelling to the State by regular train and air services will have to undergo mandatory quarantine, as prescribed above.

The following categories of travelers shall be exempt from mandatory quarantine in the State, upon arrival in Odisha:

- a. Govt. officials, Professionals, businessmen or any other person travelling to Odisha on work and intending to exit the State by rail, road or air within 72 hrs
- b. Govt. officials, Professionals, businessmen or any other person who have travelled from Odisha on work and are returning to the State within 72 hrs of departure from Odisha

10.Safety and Protection of vulnerable persons

Outdoor movement of the following category of people is prohibited, except for essential and health purposes till 31st August, 2020.

- a. Persons above 65 years of age
- b. persons with co-morbidities
- c. pregnant women
- d. children below the age of 10 years

11.Use of Aarogya Setu

- (i) *Aarogya Setu* enables early identification of potential risk of infection, and thus acts as a shield for individuals and the community.
- (ii) With a view to ensuring safety in offices and work places, employers on best effort basis should ensure that Aarogya Setu is installed by all employees having compatible mobile phones.
- (iii) District authorities may advise individuals to install the Aarogya Setu application on compatible mobile phones and regularly update their health status on the app. This will facilitate timely provision of medical attention to those individuals who are at risk.

12.Strict enforcement of the guidelines


- (i) These guidelines issued under the Disaster Management Act, 2005, shall not be diluted in any manner.
- (ii) All the District Magistrates/ Municipal Commissioners/ Commissioner of Police, Bhubaneswar-Cuttack shall strictly enforce the above measures.

13.Penal provisions

Any person violating these measures will be liable to be proceeded against as

per the provisions of Section 51 to 60 of the Disaster Management Act, 2005, besides legal action under Section 188 of the IPC, and other legal provisions as applicable. Extracts of these penal provisions are at **Annexure I**.

By order of the Governor


1/06/2020

Chief Secretary, Odisha

Memo No. 3058/R&DM(DM) Date: 01.06.2020

Copy forwarded to the Private Secretary to Hon'ble Chief Minister/ Private Secretary to all Ministers/ Chief Secretary/ Development Commissioner/ Agriculture Production Commissioner for kind information.


1.06.2020

Special Relief Commissioner &
Additional Chief Secretary to Govt.
(Disaster Management)

Memo No. 3059/R&DM(DM) Date: 01.06.2020

Copy forwarded to the Addl. Chief Secretary/ Principal Secretary/ Commissioner-cum-Secretary of all Departments/ Director General of Police/ Director General of Police Fire Services/Police Commissioner, Bhubaneswar-Cuttack/ All RDCs/ All Collectors/ Superintendents of Police/ All Municipal Commissioners for kind information and immediate necessary action.


1.06.2020

Special Relief Commissioner &
Additional Chief Secretary to Govt.
(Disaster Management)

Memo No. 3060/R&DM(DM) Date: 01.06.2020

Copy forwarded to the Joint Secretary (Disaster Management), Ministry of Home Affairs (Disaster Management Division), Government of India for kind information.


1.06.2020

Special Relief Commissioner &
Additional Chief Secretary to Govt.
(Disaster Management)

Annexure I**Offences and Penalties for Violation of Lockdown Measures****A. Section 51 to 60 of the Disaster Management Act, 2005**

51. Punishment for obstruction, etc.: Whoever, without reasonable cause:

(a) obstructs any officer or employee of the Central Government or the State Government, or a person authorised by the National Authority or State Authority or District Authority in the discharge of his functions under this Act; or

(b) refuses to comply with any direction given by or on behalf of the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act,

shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall on conviction be punishable with imprisonment for a term which may extend to two years.

52. Punishment for false claim: Whoever, knowingly makes a claim which he knows or has reason to believe to be false for obtaining any relief, assistance, repair, reconstruction or other benefits consequent to disaster from any officer of the Central Government, the State Government, the National Authority, the State Authority or the District Authority, shall, on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

53. Punishment for misappropriation of money or materials, etc.: Whoever, being entrusted with any money or materials, or otherwise being, in custody of, or dominion over, any money or goods, meant for providing relief in any threatening disaster situation or disaster, misappropriates or appropriates for his own use or disposes of such money or materials or any part thereof or wilfully compels any other person so to do, shall on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

54. Punishment for false warning: Whoever makes or circulates a false alarm or warning as to disaster or its severity or magnitude, leading to panic, shall on conviction, be punishable with imprisonment which may extend to one year or with fine.

55. Offences by Departments of the Government:

(1) Where an offence under this Act has been committed by any Department of the Government, the head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished

accordingly unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the head of the Department, such officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

56. Failure of officer in duty or his connivance at the contravention of the provisions of this Act.—Any officer, on whom any duty has been imposed by or under this Act and who ceases or refuses to perform or withdraws himself from the duties of his office shall, unless he has obtained the express written permission of his official superior or has other lawful excuse for so doing, be punishable with imprisonment for a term which may extend to one year or with fine.

57. Penalty for contravention of any order regarding requisitioning.—If any person contravenes any order made under section 65, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

58. Offence by companies.—(1) Where an offence under this Act has been committed by a company or body corporate, every person who at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also, be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section—

(a) "company" means anybody corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

59. Previous sanction for prosecution.—No prosecution for offences punishable under sections 55 and 56 shall be instituted except with the previous sanction of the Central Government or the State Government, as the case may be, or of any officer authorised in this behalf, by general or special order, by such Government.

60. Cognizance of offences.—No court shall take cognizance of an offence under this Act except on a complaint made by—

(a) the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised in this behalf by that Authority or Government, as the case may be; or

(b) any person who has given notice of not less than thirty days in the manner prescribed, of the alleged offence and his intention to make a complaint to the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised as aforesaid.

B. Section 188 in the Indian Penal Code, 1860

188. Disobedience to order duly promulgated by public servant.—Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both; and if such disobedience causes or trends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Explanation.—It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.

Illustration

An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.

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(RR)



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Next 21 days crucial for Odisha in coronavirus war

In terms of slowing down the infection rate, Odisha has been ahead of other states as it took 37 days to reach the 2000th case from 100 mark.



Published: 03rd June 2020 10:08 AM | Last Updated: 03rd June 2020 10:08 AM

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Cases	246628
Deaths	6929
Recovered	119293

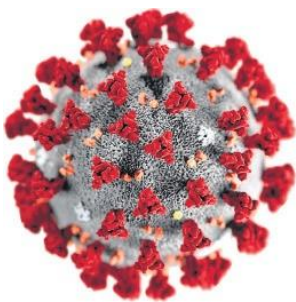
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A Health worker testing for COVID-19. (Photo | EPS)

By Express News Service

BHUBANESWAR: Odisha has reported over 2,000 positive cases in last one month and will closely watch the next 21 days, which the State Government on Tuesday said is going to be the most crucial phase in its coronavirus battle. On Monday, the State had imposed stronger weekend lockdown in 11 districts besides a prolonged night curfew going against the national current of unlocking activities in various sectors.



With the onset of monsoon, severe acute respiratory infection (SARI) as well as influenza like illness (ILI) will spike and the Government expects the next three weeks to be critical in these districts which account for 90 per cent of the cases. The cases have surged after return of the migrant workers from outside states. So far, 4.26 lakh migrant workers have

returned but the inflow is on the decline. As the number of State-bound trains and buses has dropped significantly, the number is likely to plateau at 5 lakh by month-end. Ninety-five per cent of the positive cases of Odisha have come in from the quarantine centres.

Over next three weeks, incubation period of most of the quarantined migrant workers would be complete too. This window would give a clear picture going forward. "We are aware of the fact that the whole country is taking another direction but we would like to endure to a bit longer. The strategy behind

COVID 19 ✕
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weekend lockdowns and longer night curfew is to cut infection peak during this 21-day phase,” Secretary 5T V Karthikeyan Pandian explained during an interaction with Editors of mediahouses here.



In terms of slowing down the infection rate, Odisha has been ahead of other states as it took 37 days to reach the 2000th case from 100 mark. It is only behind Karnataka and Andhra Pradesh so far as number of tests (1,55,690) are concerned for first 2000 positive cases in the country. To understand the overall situation, he said, the Government has analysed the mortality rate of last three years and found that there has been no spike during the lockdown period even after factoring in the road accident casualties. “We have also tied up with major research organisations to study why in some cases carriers from major hotspots of the country did not infect their immediate contacts despite close association over a prolonged period,” Pandian informed.

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The image is a collage. On the left, there's a portrait of Michael Moore with a red beret and glasses. In the center, a man with a grey beard and mustache is looking to the side. On the right, there's a box with COVID-19 statistics for India. The background includes a sign that says 'Michael Moore' and another that says 'THE TER'.

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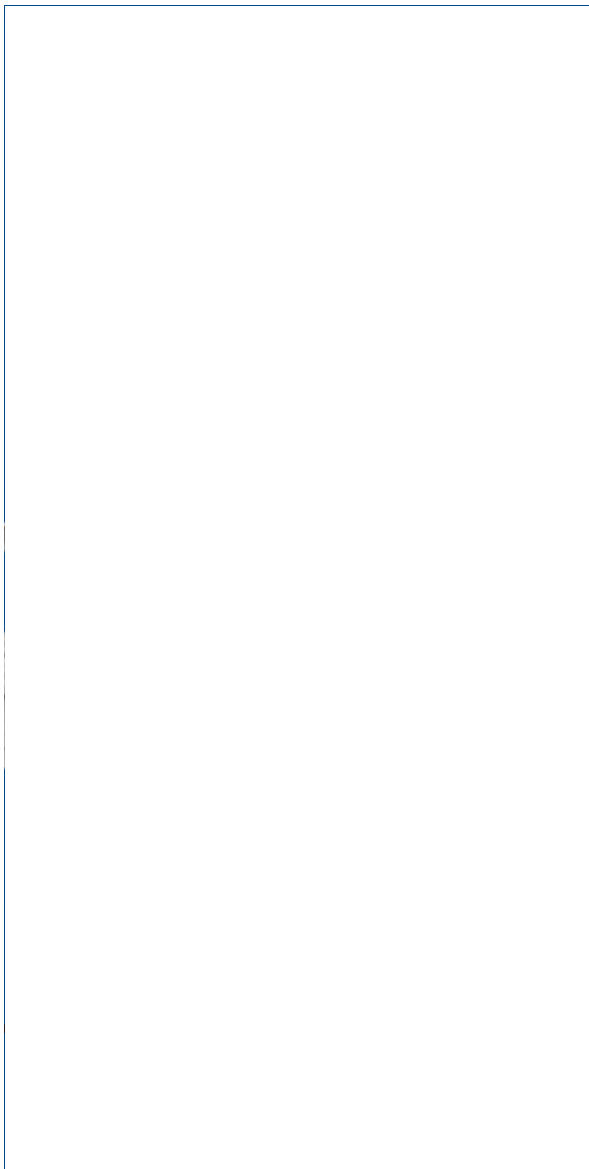




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Last Updated: 5th June, 2020 07:16 IST

'June Crucial For Odisha To Fight COVID-19, Need To Be Cautious In Monsoon': CM Patnaik

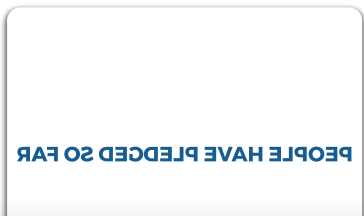
CM Naveen Patnaik while addressing the people of Odisha on Thurs said that the month of June is very crucial for the state in view of its fight against COVID-19

Written By Jay Pandya



CM Naveen Patnaik while addressing the people of Odisha on Thursday said that the month of June is very crucial for the state in view of its fight against the COVID-19 pandemic. He also asked people to practice self-restraint by following the guidelines.

"Relaxation in lockdown does not mean that there is no threat of coronavirus; don't make this mistake, as I had said earlier that this month of June is very crucial for all of us," the Odisha Chief Minister said.



'We need to be extra cautious'

"Coming 25 days are very critical for us due to the return of the around 5 lakh people to home from outside the State, and the advent of monsoon, which is very prone to cold, cough and flu so we need to be extra cautious, and the spread of the disease will depend on how efficiently people follow the guidelines related to the COVID-19 during this month" Patnaik added.

Patnaik stated that state government has announced weekend shut down in 11 districts to reduce the frequency of people coming out of home in the month of June. This means the people will be restricted from coronavirus as they will be at their homes for 8 days in the month of June.

Odisha imposes 'weekend shutdown'

"Similarly 10 hours night curfew from 7 pm to 5 am will restrain the people for 300 hours in a month, it means both lockdown and night curfew will restrict the people indoors for 17 days in a month, which will help to check COVID-19 spread to great extent," the CM noted.

The state government had earlier imposed 'weekend shutdown' in the month of June in the districts of Ganjam, Puri, Nayagarh, Khorda, Cuttack, Jagatsinghpur, Kendrapada, Jajpur, Bhadrak, Balasore and Balangir with relaxation only for emergency and public services. All schools, colleges, educational institutions, training institutions/coaching centres shall remain closed till July 31 in the view of the coronavirus outbreak.

READ | Odisha's Keonjhar becomes first district to provide minimum wages to all MGNREGA workers

As many as 90 people tested positive for COVID-19 in Odisha on Thursday, taking the total number of cases in the coastal state to 2,478, a health department official said. Of the total 2,478 cases, there are 988 active COVID-19 cases in Odisha, the official said. As many as 1,481 people have recovered from the deadly disease and seven died. Two other coronavirus patients died of pre-existing ailments, the official said.

READ | Odisha imposes weekend shutdown in 11 districts; allows exclusive time for elders in parks

READ | 90 test positive for COVID-19 in Odisha, total count 2,478

(With agency inputs)

First Published: 5th June, 2020 07:16 IST

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Government of Odisha
Office of Special Relief Commissioner

No. 3255 /R&DM(DM), Dt.07-06-2020
RDM-RLF-MISC-0034-2020

ORDER

Whereas, Ministry of Home Affairs, Government of India vide order No.40-3/2020-DM-I(A) dated 30.05.2020 have extended the lockdown in Containment Zones up to 30.06.2020;

And Whereas, in the said order, the States/ UTs, based on their assessment of the situation, are authorized to prohibit certain activities outside the Containment Zones, or to impose such restrictions as deemed necessary from time to time.

And Whereas, in pursuance of the above orders issued by the Government of India, the Government of Odisha, on assessment of the situation, vide Orders No.3057/&R&DM(DM) dated 01-06-2020 and No.3211/R&DM(DM) dated 04-06-2020 had extended the lockdown till midnight of 30.06.2020 and directed specifically that:

- All Religious Places/ Places of Worship for Public will continue to remain closed till 30th June, 2020.
- All Shopping Malls will continue to remain closed till 30th June, 2020.
- Restaurants and Hotels will be permitted for home delivery/ takeaways of food including home delivery of food by aggregators such as Zomato, Swiggy, etc.

Now, on further assessment of the situation, the State Government do hereby reiterate that the above activities shall remain closed till 30.06.2020. The other aspects of the guidelines remain valid till 30th June, 2020 as well.

The above order issued by the State Government shall be strictly implemented in the interest of public health.

By order of the Governor

Asit Japaty
Chief Secretary, Odisha 7/06

Memo No. 3256 /R&DM(DM) Date: 07.06.2020

Copy forwarded to the Private Secretary to Hon'ble Chief Minister/ Private Secretary to all Ministers/ Chief Secretary/ Development Commissioner/ Agriculture Production Commissioner for kind information.


7/6/2020
Special Relief Commissioner &
Additional Chief Secretary to Govt.
(Disaster Management)

Memo No. 3257 /R&DM(DM) Date: 07.06.2020

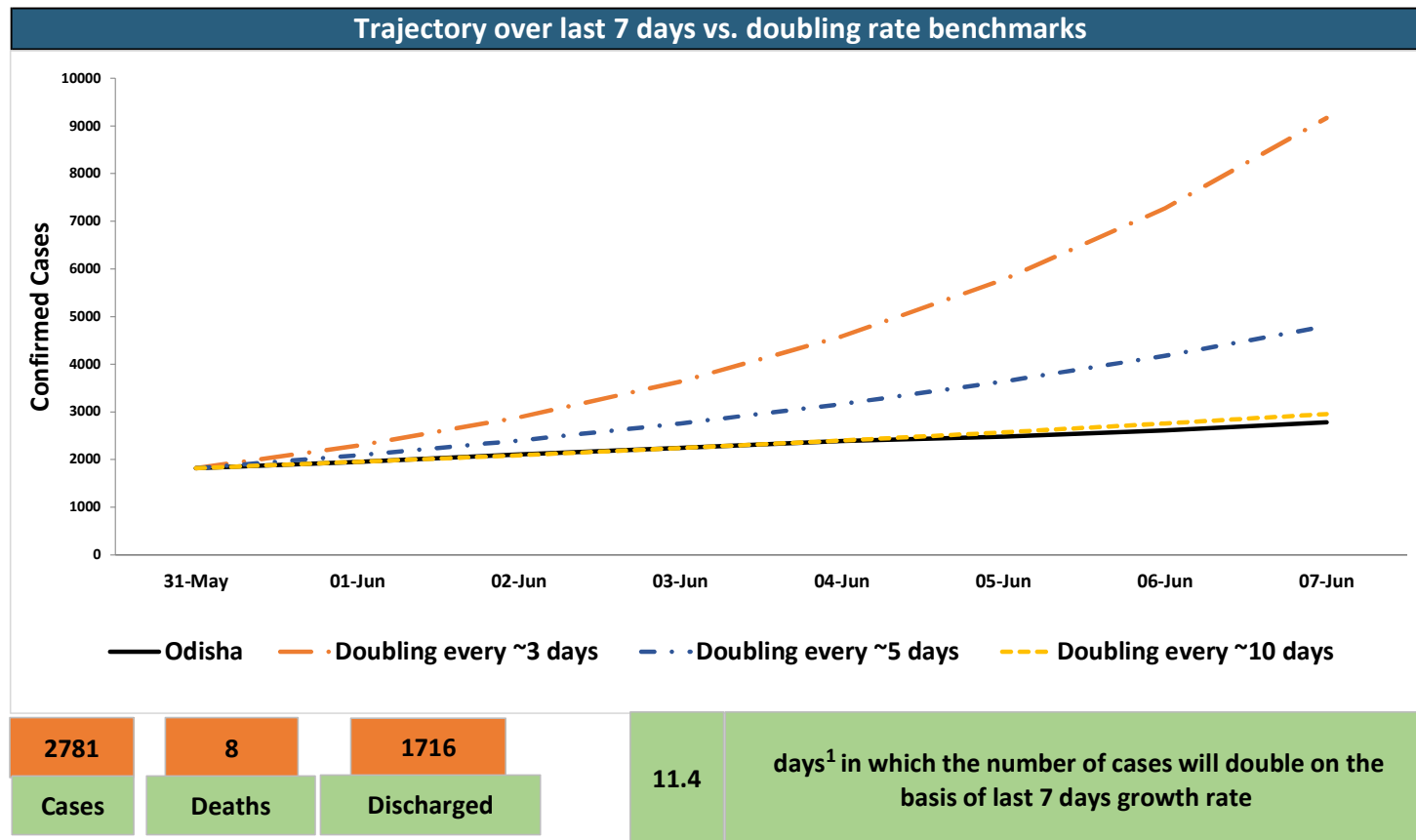
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7/6/2020
Special Relief Commissioner &
Additional Chief Secretary to Govt.
(Disaster Management)

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(RR)**

Odisha

01 - Patient Assesment



Source: MoHFW website records as on 07 June 2020

Next steps -> [Cluster containment plan](http://pbhealth.gov.in/Notification%20to%20Containment%20plan.pdf) (http://pbhealth.gov.in/Notification%20to%20Containment%20plan.pdf)

[Local containment micro -plan](http://www.mohfw.gov.in/pdf/ModelMicroplanforcontainmentoflocaltransmissionofCOVID19.pdf) (http://www.mohfw.gov.in/pdf/ModelMicroplanforcontainmentoflocaltransmissionofCOVID19.pdf)

1. If less than 10 cases were reported 7 days earlier or if cases have remained same for past 7 days, then doubling rate was not calculated

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(RR)

IN THE SUPREME COURT OF INDIA
ORIGINAL CIVIL JURISDICTION

I.A. NO. _____ OF 2020
IN
WRIT PETITION (C) NO. _____ OF 2020

IN THE MATTER OF:

ODISHA VIKAS PARISHAD,PETITIONER

-VERSUS-

UNION OF INDIA & ORS.RESPONDENTS

APPLICATION FOR AD-INTERIM EX-PARTE ORDER

TO,
THE HON'BLE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUDGES OF
THE SUPREME COURT OF INDIA.

THE HUMBLE APPLICATION OF
THE APPLICANT ABOVENAMED:

MOST RESPECTFULLY SHOWETH:

1. The Petitioner have filed the accompanying Writ Petition under Article 32 of the Constitution of India praying for a direction in the nature of mandamus from this Hon'ble Court to the Respondents to not to grant any permission for holding he Rath

Yatra festival which is scheduled to be held on 23.06.2020 in Puri District, Odisha.

2. That the facts and circumstances leading to the filing of the Writ Petition have been detailed in the Writ Petition and for the sake of brevity the same are not being repeated in this application and the Petitioner/ Applicant crave the leave of this Hon'ble Court to refer to and rely upon the same for the purposes of the present application.
3. That the grounds taken in the Writ Petition may be read as a part and parcel of this application.
4. That the public interest involved in the present petition stems from the imminent danger of likely spread of COVID-19 amongst the members of general public who are likely to gather for Lord Shri Jagannath's Rath Yatra (Car Festival) which is one of the biggest annual religious congregations in the country. This year the Rath Yatra is scheduled to be held on 23rd June, 2020 and the same will continue for a period of 10 to 12 days.
5. That Rath Yatra is a world renowned festival which is attended by the lakhs of devotees. Presently, the entire nation including the

State of Odisha is facing an unprecedented situation in the form of 'COVID-19' wherein the lives of the common people are at a huge risk. There is no vaccine available to treat COVID-19 and the only recognized way to contain the said virus is to ensure Social Distancing among the citizens and isolation of the suspected cases along with declaring highly affected areas as containment zones in order to contain the spread.

6. That on 07.06.2020, there are 2856 number of positive COVID-19 cases. More particularly, on 03rd April, 2020, the number of reported positive cases was 1 in the Puri district. For the entire month of April, 2020, there was only was 1 positive case in Puri. In view of such low number of cases, the district of Puri was categorized as 'Green Zone' by the State Government. However, during the month of May, 2020, 85 positive cases were reported from the Puri District alone and as on today i.e on 08.06.2020, the total number of reported positive cases has risen to 108. Due to such a sharp spike in the positive cases, the Puri district has been treated as a 'high risk zone' by the State Government.
7. That the alarming situation currently in the State of Odisha is evident from the fact that as per the projections by the Ministry of

Health and Family Welfare Department, Government of India, Respondent No.2 the number of COVID -19 positive cases will reach around 10,718 by 09.07.2020 in Odisha. As on today, as per the analysis made by the Ministry of Health and Family Welfare department, Government of India, which has been published in its website, it has been predicted on the basis of last 7 days growth rate of the positive cases that the number of COVID-19 cases will double in every 11.4 days in the State of Odisha.

8. That it is humbly submitted that this being the state of affairs, if the Rath Yatra is allowed to happen on 23.06.2020, despite State Government's prohibition on holding religious gathering or congregations, lakhs and lakhs of devotees are going to gather for '*darshan*' of Lord Shri Jagannath. If such a massive gathering takes place members of the crowd will not be able to maintain adequate distance, which will make them all vulnerable to contracting COVID-19 infection. Every year devotees from all over India come to Puri and attend the Rath Yatra and if the Rath Yatra happens on 23.06.2020, people from all across the country will come to participate, which can lead to spread of infection amongst the attendees and the general public in large numbers.

9. That a religious congregation of such nature which has been specifically prohibited by the State Government vide its guidelines dated 01.06.2020 & 07.06.2020 and the Ministry of Home Affairs, Government of India vide its guideline dated 30.05.2020, if allowed, will lead to catastrophic results and it will be very difficult on the part of the authorities to control the spread of virus thereafter. Thus, keeping in mind the interests of the general public at large, it would be apposite to postpone the Rath Yatra festival which is scheduled to commence on 23.06.2020 and further continue for a period of 10-12 days thereafter.
10. That the present application is *bonafide* and in interest of justice, and if the same is not allowed grave injury would be caused to the Petitioner and the general public at large who will attend the aforesaid festival.

PRAYERS:

It is therefore most respectfully prayed that this Hon'ble Court may be pleased to:

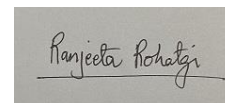
- a) Grant an ad-interim ex-parte order directing the stay of holding of the Rath Yatra festival which is scheduled to commence on

23.06.2020 at Puri, Odisha till the disposal of the accompanying writ petition; and/or

- b) Grant an ad-interim ex-parte order directing the Respondents to not to grant any permission for holding the Rath Yatra which is scheduled to be held on 23.06.2020 at Puri, Odisha till the disposal of the accompanying writ petition; and/or
- c) Pass such other order / further orders, as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

AND FOR THIS ACT OF KINDNESS, THE APPLICANT/PETITIONER SHALL AS IN DUTY BOUND EVER PRAY.

FILED BY:



RANJEETA ROHATGI
(Advocate for the Petitioner)

Drawn on: 09.06.2020

Place: New Delhi

Filed on:10.06.2020

this Hon'ble Court to refer to and rely upon the same for the purposes of the present application.

3. By way of the present Application, the Petitioner is seeking Exemption from filing the duly attested and notarized Affidavit alongwith the Writ Petition (PIL), inasmuch as the Petitioner is incapacitated and cannot send the requisite attested and notarized Affidavit due to the nationwide lockdown on account of the Corona Virus outbreak. The Petitioner undertakes to file the same as and when directed by this Hon'ble Court once the present lockdown is lifted.
4. The present Application is made *bonafide* and in the interest of justice.

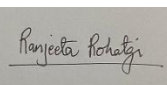
PRAYERS

In the circumstances, it is therefore most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a) Allow the present Application and exempt the Applicant/Petitioner from filing the duly attested and notarized Affidavit alongwith the accompanying Writ Petition (PIL) for the time being; AND/OR
- b) Pass any other order this Hon'ble Court may deem fit and necessary, in the interest of justice and good faith.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER SHALL DUTY BOUND PRAY.

FILED BY



RANJEETA ROHATGI
(Advocate for the Petitioner)

NEW DELHI
FILED ON: 10.06.2020

(RANJEETA ROHATGI)
(Advocate-on-Record)

A-207, LGF, DEFENCE COLONY, NEW DELHI-110024

Email: rohtagi.ranjeeta@gmail.com

DATED: 12/06/2020

LETTER

To,
The Ld. Registrar,
Hon'ble Supreme Court of India,
New Delhi.

**SUBJECT: WRIT PETITION (CIVIL) DIARY NO. 12648 / 2020
ODISHA VIKASH PARISHAD vs. UNION OF INDIA**

Respected Sir,

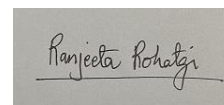
1. With respect to defect serial no.1, it is submitted that the correct Index has been filed today i.e., on 12.06.2020 through E-Filing Mode.
2. With respect to defect serial no.2, it is submitted that an Application seeking Exemption from filing duly Attested and Notarized Affidavit, has been filed today i.e., on 12.06.2020 through E-Filing Mode.
3. With respect to defect serial no.3, it is submitted that the correct Vakalatnama duly signed by the AOR, has been filed today i.e., on 12.06.2020 through E-Filing Mode.
4. With respect to defect serial no.4, it is submitted that a copy of the Registered Trust Deed with Registration Certificate of the Petitioner Trust, has been filed today i.e., on 12.06.2020 through E-Filing Mode.
5. With respect to defect serial no.5, it is clarified that the Petitioner is the President of the Trust and the Writ Petition (PIL) has been filed by the Petitioner in the capacity as the President of the Trust and therefore, no letter of authorization is required. However, the

Petitioner undertakes to file the same as and when directed by the Hon'ble Court at the time of hearing of the matter.

6. With respect to defect serial no.6, it is clarified that prayer clauses (A) and (B) of the Writ Petition are not contradictory to each other. It is hereby clarified that under prayer (A) of the Writ Petition, the Petitioner prays for Writ /order/direction to stay the Yatra Festival which is scheduled to be held on 23.06.2020. Likewise, under prayer (B) of the Writ Petition, it is prayed that the Hon'ble Court to direct the Respondent authorities not to grant permission for holding the Yatra Festival.
7. With respect to defect serial no's. 7 & 8, it is submitted that the correct Affidavit with complete and full declaration with respect to any personal gain ,interest/ private motive/oblique reasons etc., has been filed today i.e., on 12.06.2020 through E-Filing Mode.
8. Lastly, with respect to defect serial no.8, it is clarified that the Deficit Court fee of Rs. 230/- has been paid today i.e., on 12.06.2020 through online-payment mode.

It is submitted that all the defects have been duly cured and therefore, it is requested that this Writ Petition (PIL) may be listed at the earliest, before the Hon'ble Court, at my risk.

Thanking You,
Your's Sincerely,



[RANJEETA ROHATGI]
(AOR for Petitioner)

MATTER NOT LISTED WITHIN 5 DAYS NEED NOT BE CIRCULATED

URGENT

File No. _____.

SECTION : PIL .**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
IN****SPECIAL LEAVE PETITION (CIVIL) DIARY NO. 12648 OF 2020****IN THE MATTER OF :-**

ODISHA VIKAS PARISHAD

...Petitioner(s)

.....

...Appellant(s)

...Applicant(s)

-Versus-

UNION OF INDIA & ORS

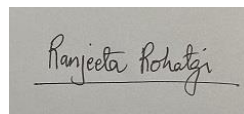
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...Respondents

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Filed by:


Dated : 10/06/2020.

(Ms. Ranjeeta Rohatgi)
 (Advocate for the Petitioner No. 2)
 112, Lawyers Chamber,
 Supreme Court Compound,
 New Delhi
 AOR Code No. 1723

IN THE SUPREME COURT OF INDIA, NEW DELHI
ORIGINAL JURISDICTION
WRIT PETITION (C). NO.....OF 2020

IN THE MATTER OF:-

Odisha Vikash Parishad	Petitioner
Versus		
Union of India and Ors	Respondents

VAKALATNAMA

I/We Odisha Vikash Parishad, Petitioner in the above W.P./Appeal / Petition Reference do hereby appoint and return Ms. RANJEETA ROHATGI, Advocate, Supreme Court of India, to act and appear for me/us in the above W.P./Appeal/Petition/Reference and on my/our behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or Order passed therein, including proceedings, taxation and application for review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the W.P./Appeal/ Reference and in application for review to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/we agree to ratify all acts done by the aforesaid Advocate in pursuance of the authority.

Dated this the09.....day ofjune.....2020

Accept & Identified, Certified

Sisanta Kumar Padhi
President
PLAINTIFF(S)/APPPELLANT(S) PETITIONER(S) DEFENDANT(S)
OPPOSITE PARTY, INTERVENER, NO..... RESPONDENT
Odisha Vikash Parishad

(RANJEETA ROHATGI).....
Advocate

MEMO OF APPEARANCE

To
The Registrar
Supreme Court of India
New Delhi

Sir,

Please enter my appearance on behalf of the Petitioner(s)/Appellant(s)/
Intervenor(s)/Respondent(s) No.....in the matter above mentioned dated this 10th day of
June, 2020

Ranjeeta Rohatgi

(RANJEETA ROHATGI)
Advocate for the Petitioner/Respondent
112, Lawyer Chamber, Supreme Court Compound,
New Delhi
Mobile No. 9810933276

DATED: 10.06.2020

108/303143

85-10

भारतीय गैर न्यायिक
भारत INDIA

₹. 500

FIVE HUNDRED
RUPEES



सत्यमेव जयते

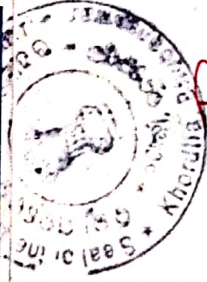
पाँच सौ रुपये

Rs. 500

INDIA NON JUDICIAL

Pan no - AXRPP111D
Susanta Kumar Padhi

उड़ीसा ORISSA



D 935086

Handwritten notes in red and green ink, including numbers like 500, 101, 270, 87, and 18/02/2013.

Susanta Kumar Padhi
17/02
Susanta Kumar Padhi
18/02/2013

DEED OF TRUST

THIS INDENTURE OF TRUST made at Bhubaneswar this 18th day of February two thousand thirteen.

BY

Sri Susanta Kumar Padhi, President, aged about 35 years S/o Dharanidhar Padhi resident of Village/Post- Khanpur, Via- Rambag, District- Jajpur, Odisha, presently residing at SCR-5, Bhouma Nagar, Unit- IV, Bhubaneswar, District- Khordha, Odisha herein called AUTHOR (which expression shall unless repugnant to the context or meaning thereof mean and include its successors and assigns)

Signature of Susanta Kumar Padhi
18/02/2013

7/10
90/4

14.2.18

86

adisha kash pouda
Bhupendra


NIRANJAN NANDI
STAMP VENDOR
BHUPENDRA COURT
REGD. L. NO. 3/92

SIGNATURE OF PURCHASER..... *Rajendra Kumar*
Sacanta Kumar Pouda





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20AA 159970

WHEREAS:

- A. There is a necessity to facilitate the sustainable development process through a multi-sectoral and multi-level approach for ensuring a quality life to every individual. This effort can be effectively implemented by ensuring the process of qualitative Natural Resource Management and Human Resources Development.
- B. The authors of the Trust desires strategic intervention so as to ensure qualitative Natural Resource Management and Human Resources Development through multifarious action resource programmes and with that end in view has decided to form a charitable Trust called ODISHA VIKASH PARISHAD as an Institution for carrying out charitable activities set out in these presents.
- C. The authors of the Trust being absolutely seized and possessed of a sum of Rs 5001/- (Rupees five thousand one only) in cash, set apart by them for charitable purposes hereinafter mentioned, is desirous to settling the said sum of Rs 5001/- (Rupees five thousand one only) as the initial corpus for the said Trust subject to the powers and provisions hereinafter declared and contained concerning the same.
- D. The authors of the Trust have this day handed over to the Trustees the said sum of Rs.5001/- (Rupees five thousand one only) in cash.
- E. The said Trustees have concerted to act as the first Trustees of the said Trust and the parties hereto are desirous of recording the purposes, objects and uses of the Trust as also the terms and conditions of the said Trust.

Now THIS INDENTURE WITNESSETH and it is hereby agreed and declared by and between the parties here so as follows that:

No 9096

14.2.13

19

Odisha High Court
Bhubaneswar

NIRANJAN NANDI
STAMP VENDOR
BHUVANESWAR COURT
REG. C. NO. 3102

SIGNATURE OF PURCHASER.....

Susanta Kumar Padhi

Kaxana Anant Henbran

Endorsement of the certificate of admissibility

Admissible under rule 25: duly stamped under the Indian stamp (Orissa Amendment act 1 of 2008) Act 1899, Schedule 1-A No. Fees Paid : A18(x) & A(1)-601 ,, User Charges-270 ,Total 871

Date: 18/02/2013

Signature of Registering officer

Endorsement under section 52

Presented for registration in the office of the Sub-Registrar KHURDA(BBSR) between the hours of 10:30 AM and 02:30 PM on the 18/02/2013 by SUSANTA KUMAR PADHI, son/wife of DHARANIDHAR PADHI, of AT- SCR-5, BHOUMA NAGAR, UNIT-IV, BBSR, DIST-KHURDA, by caste General, profession Others and finger prints affixed.

Susanta Kumar Padhi



Signature of Presenter / Date: 18/02/2013

Signature of Registering officer

Endorsement under section 58

Execution is admitted by :

Name	Photo	Thumb Impression	Signature	Date of Admission of Execution
SUSANTA KUMAR PADHI			Susanta Kumar Padhi	18-Feb-2013

INTERPRETATION

In this Deed whenever and wherever the context so requires or admits, the following expression shall have the following meanings namely

- a. "The Trust" shall mean the **ODISHA VIKASH PARISHAD**, the Charitable Trust constituted by this Deed as hereinafter provided and any deeds modifying the same.
- b. "The Trustees" shall mean the First Trustees and the survivor/s of them and the successor/s in office, additional or New Trustee/s appointed pursuant to the provisions here or:
- c. The **Board of Trustees** shall mean the Governing Body of the Trust with all the trustees as its member from whom one will be the **President** who will be empowered to act as the Head and another will be the **Secretary** who will be empowered as the Chief Executive to manage and administer the Trust constituted under these present subject to overall superintendence of the Board of trustees. As resolved by all members of the Board of Trustees, Sri Susanta Kumar Padhi will be the first President of this Trust and Sri Manmath Rout will be the first Secretary of this Trust.
- d. "The Trust Property" shall mean
 - i. The said sums of Rs.5001/- (Rupees five thousand one only),
 - ii. All further sums of money, investments and other properties, including movable or immovable properties which may hereafter be paid, transferred or donated to or otherwise vested in the Trustee/s or so as to be under their control for the purpose of carrying out the said charitable purposes, by any person/s whatsoever or which may at any time hereafter in any other manner accrue to as the corpus of the Trust property,
 - iii. All such accumulations of income as are hereinafter directed to be held as addition to the corpus of the Trust Property,
 - iv. All moneys borrowed by the Board of Trustees for the purposes of or in the administration of the Trust,
 - v. All moneys, invests and other properties, from time to time representing such sum of moneys, additions, accumulations and accretions and any part/s thereof/ and
 - vi. Any money received by the Trust towards invests rent and other income.
- e. "President" means the President of the Trust Board, "Secretary" means the Secretary of the Trust Board and the **ODISHA VIKASH PARISHAD**.
- f. The Registered Office of the Trust shall be situated **At-SCR-5, Bhouma Nagar, Unit- IV, Bhubaneswar, District- Khordha, Odisha**, at present and may be changed by resolution in the meeting of the Board of Trustees as and when required.
- g. "Year" means the financial Year commencing on the 1st of April and terminating on the 31st of March of each calendar year.

Susanta Kumar Padhi

Piyusha Ranjan Das

Pranav Kumar Das

Constitution of
ODISHA VIKASH PARISHAD

SCR- 5, Bhouma Nagar, Unit- IV, Bhubaneswar, District- Khordha, Odisha

1. Name of The Trust

ODISHA VIKASH PARISHAD

2. Interpretation

These Rules shall be interpreted in pursuance with the provisions laid down here under & in case of disputes, shall be interpreted as per the provisions of the Indian Trust Act of 1882.

3. Operational Area

The trust shall operate throughout the territory of Odisha State with its headquarters at Bhubaneswar, in Odisha state.

4. Objectives

The Trust without prejudice to the provisions laid down in the Indian Trusts Act 1882 shall have the following objectives:

- i) To develop a Trust for conducting programmes of welfare and development of commons with emphasis on socially deprived categories including Scheduled Castes and Tribes, OBC, Women, Children, Aged, Minority Communities and Persons with Disabilities (PWDs), both in rural and urban sectors and encourage participation of people, Panchayati Raj Institutions and allied social service agencies as well as establishment of homes for special need groups including children, women, aged and PWDs, social defense service and human rights programmes etc.
- ii) To promote holistic health through ayurveda, yoga & naturopathy, unani, siddha and homoeopathy and establishment of hospitals, medical technology and diagnostic centres, mobile dispensaries and clinics, de-addiction centres, geriatric care, disability rehabilitation workshops, therapeutic centres, and promotion of water and sanitation, traditional and alternative medicine, physical education, yoga and yogic therapies, sports medicine, herbal plantation and medicine, alternative nutrition and immunization, family life education, reproductive child health and control of epidemics & killer diseases including AIDS, TB, cancer and malaria etc.
- iii) To establish, acquire, take over, run, maintain and support schools, colleges, universities, institutes, ITIs, training centres, research, application and development centres, study circles, and any other kind of educational institutions, residential or non-residential, for imparting education in modern science, applied science, business and commerce, vocational, medical & paramedical education, tourism, media studies, engineering, aviation & marine engineering, rehabilitation sciences, social & life sciences, information sciences, management, labour studies, industrial safety & security, cultural, population studies, fashion technology & Vedic studies, agro-horticulture, forestry and rural technology, social work and development studies, ecology, biotechnology, law, art, architecture, administration, teacher training courses, computer science yoga teachers training courses or any other disciplines.
- iv) To take up programmes of natural resources management through community capacity building, common property resource management, rural development, establishment of renewable energy units, sustainable agriculture, SALT, bio-fertilizer and integrated pest management, horticulture, social forestry, value addition to non-timber forest produces, Krushi Bigyan Kendras, agriculture research and extension centre, animal husbandry,

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animal care and protection, disaster management, mitigation & preparedness, campaign against pollution & global warming, ecology management including biosphere reserves, mangroves etc.

- v) To establish and run training-cum-Production units, food processing & technology centres & units, Khadi & Village Industries Co-operatives, self-help groups, micro-credit and micro-enterprise, marketing up linkages & setups, cottages and small scale industries, architectural and constructional activities, rural banking, business facilitator/ correspondent of Nationalized/ Scheduled banks including SBI/ HDFC/ ICICI etc., insurance companies etc. and such other socio-economic activities with the sole motive of brining fulfillment of the object of the Trust without profiteering.
- vi) To spread the Unified Field Based Integrated System of Education (UFBISE) through meditation and modern education and utilize the methodology of modern science for measuring the validating the development of consciousness of the practice of Yoga (meditation) and other similar tools, and function as a resource base for advocacy, networking & governance, application of ICT (Information & Communication Technology) for poverty reduction & sustainable, campaign for promotion of people's rights, support for judicial & legal aid services and to initiate strategy/ process for intellectual capital development of individuals, communities and institutions.
- vii) To promote Indian and Vedic culture through various forms of arts, architecture, literature, performing and fine arts, music, indigenous, folk and tribal art, craft and culture promotion, preservation and value addition, national integration and international brotherhood, traditional and modern sports, sports & Cultural Centres, martial arts including Chhau, Paika Akhada, Danda Nacha, Ranapa etc., and literary activities, establish centres of cultural excellence, museums etc.
- viii) To undertake programmes in the sectors of Culture, Literature, Tourism, Sports, Arts & Crafts and Social Processes for Protection, Preservation, Promotion, Value addition and popularization through education research, training, performances, recognitions, publications and exchanges etc. in Local, National and International Levels.
- ix) Preserve, protect and defend cultural heritage of India with focus on Eastern India & Odisha, monuments, manuscripts, languages and literatures including Oriya, Sambalpuri & tribal dialects, Bhagabat Tungies, Puranic & spiritual learning centres, traditional and modern festivals etc; celebration of birth & death anniversaries of legendary poets, singers, dancers, musicians, social activists, freedom fighters, national heroes, and other eminent personalities.
- x) To conduct programmes in sectors of classical, folk & traditional dances including Odissi, Sambalpuri & tribal dances etc; drama, vocal & instrumental music, performing & fine arts; socio-cultural exchanges; cultural, religious & eco tourism; and promote folk traditions of India including Odisha's Palla, Daskathia, Ghoda & Naga dances, Prahallad Natak, Gotipua, Raja Nata, Sahijata, Akhada etc. and modern yatra; imparting training in Champu, Chhanda, Bhajan, Janana, Chautisha, Astapadi, Gita Govind of Sri Jayadev; great & rich traditional of ecclesiastical songs of Odia poets and popularization of literatures & poetic works of traditional & modern authors of Odisha.
- xi) To take up projects/ programmes on action research, publications and documentation on culture, welfare and development and to edit, print, publish and exhibit books, journals, articles and research reports etc. and maintain mobile and static print/ electronic media libraries, information centres auditoriums, audio/ video recording units and allied mass communication centres.

Susanta Kumar Pachhi

Pujyusha Karmajit Das
Pranava Kumar Das

- xii) To take up the projects/ programmes of culture, welfare and development and other spheres in collaboration with individuals and agencies of local, national and international spheres at government, non government, corporate and local bodies and to give assistance in forms of grants, donations, loans, technology transfer etc. for the advancement of its objectives.
- xiii) To award and receive fellowships, sponsorships, scholarships, stipendiums, prizes, medals etc. and to confer honorary awards or other distinctions to persons who have proven excellence in different walks of life. To assist, subscribe, cooperate, interact and affiliate with any other agencies and networks of repute for furtherance of its objectives and to operate issue based networks and forums.
- xiv) To undertake, sponsor, establish, execute and trust, society, institutions, foundations, endowments and/or funds that may be inductive to any or all of the objects of the Trust. To subscribe, contribute and/or donate to any public fund or institution established for promotion of charitable purposes with such conditions, as the trustees shall think fit.
- xv) To accept any donations, gifts, grant-in-aids and other transfers to the Trust of any immovable or movable properties or other assets which would assist in the implementation of or the furtherance of any of the objects and purposes of the Trust or carrying out any such objects or purposes.

5. Number of Trustees

The total number of Trustees at any time shall not be less than three or more than twenty five. The Trustees other than founder Trustees shall be appointed for a period of two years with re-election passed by the Trust Board and Trusteeship of appointed Trustees shall be terminated on removal/completion of period of appointment.

6. First Trustees

1. Sri Susanta Kumar Padhi, President, aged about 35 years S/o Dharanidhar Padhi resident of Village/ Post- Khanrpur, Via- Rambag, District- Jajpur, Odisha
2. Debashis Dev, Vice President, aged about 29 years S/o Raja Nrusingha Dev resident of Village- Kaijanga (uasha), Po.- Kishornagar, District- Cuttack, Odisha
3. Manmath Rout, Secretary, aged about 35 years S/o Brundaban Rout, resident of (C/S), Old Station area, Bhubaneswar, District- Khordha, Odisha
4. Arun Kumar Panda, aged about 32 years S/o Brajabasi Panda, resident of Balu Bhandari Street, Baldyanathpur, Berhampur, District- Ganjam, Odisha
5. Sakuntala Routray, aged about 34 years, C/o Simanchal Routray, resident of Village/ Post- Patasundarpur, District- Cuttack, Odisha
6. Ranjan Kumar Sethy, aged about 38 years, S/o of Sura Sethy, resident of S.C.R - 5, Shree Nagar, Unit- IV, Bhubaneswar, District- Khordha, Odisha
7. Satya Sundar Samal, aged about 27 years, S/o Kanhu Charan Samal, resident of Pka No. 257/6, Unit - IV, Bhubaneswar, District- Khordha, Odisha
8. Debadatta Barik, aged about 30 years, S/o Sudhakar Barik, resident of Pka No. 269, Shree Nagar, Unit- IV, Bhubaneswar, District- Khordha, Odisha

7. President and Secretary

Sri Susanta Kumar Padhi shall be the 1st President of the Trust and Sri Manmath Rout shall be the 1st Secretary and they shall continue to run their respective offices for a period of three years or until the election of the new officers to those respective offices provided they continue to be the trustees.

8. Vacancy in Office of President & Secretary

In the even of there arising any vacancy in either the office of the President of the Trust or the Secretary of the Trust, such vacancy shall be filled in from amongst the other Trustees by election or by majority decision of the Trustees and the person so elected or appointed shall hold office for a period of three years from the date of the assumption of such office by him or her until the election of the new officers to such officers.

9. Powers of President

- i. Preside over the meetings of the Board of the Trustees;
- ii. Have the powers of supervision and suggestion over all affairs of the Trust;
- iii. Be one of the signatory at the bank to operate the funds of Trust;
- iv. Be competent to take disciplinary measures on the employees of the Trust except removal;
- v. Be competent to carry on correspondence under his/her signature;

10. Powers of Secretary

Subject to the Rules & Regulations the Secretary shall have the power to manage and administer the Trust constituted under these present and shall be entitled to exercise such powers and the Trustees vest authorities as in him from time to time.

- i) Act as the Executive Officer of the Trust and co-ordinate & supervise different activities of the Trust;
- ii) Shall convene the meetings of the Trust Board and the Advisory Council and record the minutes of the Proceedings;
- iii) Prepare the annual report regarding the activities and audited accounts and Balance Sheet of the Trust;
- iv) Operate an impressed cash as may be decided by the Trust Board from time to time to meet the urgent and unforeseen expenditure of the Trust;
- v) Represent the Trust in all civil and criminal proceedings and to sue and to be sued on behalf of the Trust;
- vi) Be in charge of each records and documents of the Trust;
- vii) Execute and sign agreements, documents, borrow and invest on behalf of the Trust as first signatory for grants, loans from financial institutions/banks and endowments etc.
- viii) Be in charge of the funds of the Trust; Collect annual subscriptions from the members, grants, donations etc. against proper receipts and deposit all amounts in the account(s) of the Trust by opening account(s) in Nationalized/ Scheduled Bank(s) under his/joint signature with any other Trustee as may be resolved.
- ix) Prepare the annual budget of the Trust for presentation to the Trust Board; Place the financial position of the Trust before the President, Secretary and the Trust Board as and when required;

11. Vacation of Office by Trustees

The office of the Trustee shall be vacated -

- i) If he or she dies or becomes of unsound mind.
- ii) If he or she files a petition for being adjudicated as an insolvent or adjudged as an insolvent, or if he or she compounds with creditors.
- iii) If without the consent of the Trustees he or she remain absent from three consecutive meetings or
- iv) If he or she resigns the office or the trustee by office in writing under his or her hand left at the principal office of the Trust.

Susanta Kumar Padhe

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12. Filling up Vacancies in Office of Trustees

The remaining Trustee/s may fill up any vacancy in the office of the Trustees by cooperation

13. Re-comp rent of Expenses

The Trustees shall not be entitled to receive any salary or other remuneration for their services but shall be entitled to be recouped out of the Trust property or income thereof, all out of pocket expenses actually incurred by them respectively in performing their duties as Trustees including all reasonable traveling and hotel expenses incurred in attending meetings of the Trustees or incurred in connection with the carrying on of the objects of the Trust.

14. Meetings

- i) The Trustees shall transact their business in meetings, which shall be convened from time to time as and when necessary and as directed by the majority of the Trustees.
- ii) In case of urgency any business can be transacted by a written circular to be issued by or at the instance of the Secretary and circulated among he Trustees for recording the opinion in writing as to the matters under consideration. The opinion may also be obtained over the telephone or by way of telecommunication. The note of majority shall prevail at their meeting or on a voting by a circular as aforesaid.
- iii) 1/3rd of the total number or two of the Trustees whichever is higher, present at any meeting shall be the quorum and no business shall be transacted at any meeting unless a quorum be present.
- iv) All meeting shall be chaired by the President or in his absence by the Vice President so declared or in the absence of both, by any other Trustee senior most in age amongst those present. The President of the meetings shall also have a casting vote.

Susanta Kumar Pasha

15. Quorum

In case of any difference of opinion among the Trustees for the time being in any manner concerning the Trust including interpretations of the presents, the power of appointment of the Trustees or any other matter or queering relating to arising out of the Trust, the opinion of the majority shall be preferred and be binding and conclusive.

16. Validation

All resolutions and proceedings of any meeting of the Trustees and acts done in pursuance thereof shall not withstanding that it may be afterwards discovered that there was some defect in the appointment of any of the Trustees or persons acting as such or that they or any of them were not qualified or disqualified to be the trustees or had vacated office be as valid as if every such person/s has or have been duly appointed and was fit enough to be a trustee.

17. Power of Trustees**a) Power of Accumulation**

The Trustees shall have power to accumulate for a period as may be permissible in law the whole or any part/s of the income of the Trust property as the Trustees may in their discretion think fit by investing the same and the resulting income there of in any of the investments authorized by law including in particular the provisions of section 11, 13 and other provisions of the Income Tax Act, 1961 or any replacement or modification thereof for the time being in force with power to vary such investments of the time being representing the same shall be held for the purpose of this Trust and the powers and provisions as are under this Deed applicable to the corpus of the Trust property shall also apply to the same and treated as one fund.

Provided that the Trustees shall be at liberty to apply the whole or any part/s of such accumulation at any time as if the same had been income of the Trust property arising in the year in which the same shall be applied.

*Pujusha Rayan Das
Prame & Co. Domb*

b) To Make Investments, Loans & Lending Activities

All moneys forming part of the Trust property and ~~reserves~~ in or upon any of the securities authorized by ~~law~~ Make loan advances & lending activities on ~~liberally~~

c) To Accept Donations

The Trustees shall have power in their discretion to ~~accept~~ think fit any donations, contributions, from any ~~person~~ company, firm or persons whomsoever whether such ~~donations~~ money and/or any other property movable or immovable

PROVIDED ALWAYS:

- i. THAT the term upon which such donations or ~~contributions~~ in any way be inconsistent with or repugnant to the ~~objects~~ only be for the purpose of advancement of the ~~objects~~ these presents, to be utilized only in furtherance of such ~~objects~~
- ii. AND IT IS HEREBY AGREED AND DECLARED THAT ~~save as otherwise provided~~ the terms of the donations or contributions as ~~stipulated~~ absolute discretion be entitled to treat such donations or ~~contributions~~ as part of the corpus of the Trust property and to utilize such ~~contributions~~ any part thereof for the furtherance of fulfillments of the ~~objects~~ fulfillments of the objects of the Trust.

d) To Make Donations

The Trustees shall similarly have power to make donations of ~~property~~ Public Fund or Institutions set up for charitable purposes, ~~which have been~~ this Trust.

e) To Deal with Properties

- i) To let any immovable property forming part of the Trust property ~~from~~ or year to year or for any period or in perpetuity and to ~~let~~ immovable properties and to sell, exchange and ~~purchase~~ terms and conditions as they may, in their discretion, ~~think fit~~
- ii) To keep the movable and immovable properties forming part of the Trust ~~property~~ in good repair and condition and fully insured and in their discretion to ~~make~~ alternation and improvement to the immovable properties ~~forming part of the Trust~~ property and to develop the same from time to time in such ~~manner~~ discretion deem fit and property.
- iii) To keep the movable and immovable properties ~~forming part of the Trust~~ in good repair and condition and fully insured and in their discretion to ~~make~~ alternation and improvement to the immovable properties ~~forming part of the Trust~~ property and to develop the same from time to time in such ~~manner~~ discretion deem fit and property.
- iv) To sell or otherwise dispose of any part of the Trust property on ~~such~~ such terms as the trustees in their discretion may deem ~~fit~~ this Trust.
- v) To receive property by devise or bequest and ~~otherwise~~ movable or immovable whatsoever or wheresoever situated as they ~~shall~~ discretion deem fit.
- vi) To accept any property whether movable or immovable ~~before~~ transferable or payable.

vii) To secure, hold, improve, sell, lease, convey and dispose of any property & to exercise the rights powers & privileges of ownership.

viii) The Trustees shall manage all the properties of the Trust prudently and economically.

f) **To Borrow**

In their discretion to borrow or raise money by way of loans or deposits by private or public, appeals or in any manner on bilaterally agreed terms and conditions as permitted by law and to issue promissory notes, debentures, bonds or any other obligations or securities upon such terms and conditions as the Trustees shall in their discretion deems fit and proper from time to time and to mortgage the whole or nay part of the Trust property as security for the repayment of the loans borrowed for the purpose of the Trust.

g) **To Open and Operate Bank Accounts**

To open and maintain in the name of the Trust or in the name/s of any one or more of the Trustees any type of Bank account/s with any Nationalized or Scheduled Bank/s as they shall from time to time decide and all moneys shall be paid in to such account/s in such manner as the Trustees may decide or to authorize others to operate such account/s.

Provided that:

- i. All the funds of the Trust shall be paid into the account(s) of the Trust in Nationalized Bank(s) and shall not be withdrawn except through a cheque jointly signed by the Secretary and any one of the trustee of the Trust as decided from time to time.
- ii. The Trust may operate such other account(s) in different Bank(s) with such other signatories for operation of Project /Programme account(s) throughout the state of Odisha as may be decided by the Trust Board from time to time.
- iii. Funds include Subscriptions from the members; Grants made by Individuals, Governmental and Non- Governmental Bodies of Local, National and International level; Income from assets, interests on deposits and investments, commissions, programmes and publications etc. of the Trust; and Contributions including gifts, donations, beneficinations, bequests or other transfers.

h) **To Get the Accounts Audited Annually**

- i. The accounts of the Trust shall be internal and annually audited by the Comptroller of the Trust, who must be a qualified auditor/ chartered accountant. The comptroller has the right to demand production of books of accounts, vouchers and other records pertaining to accounts for inspection.
- ii. The Auditors appointed by different Govt. and Nongovernment Agencies shall have the right to audit the accounts of the Trust in case the concerned agencies release any grants in favour of the Trust

i) **To Deal with Trust Property**

To apportion the Trust property and to compromise or compound all actions, suits or other proceedings and all differences and demands and refer any such differences and demands to arbitration and to adjust, settle and approve all accounts relating to the Trust property and to execute releases and all document necessary in the premises and to do all other things relating there to respectively as fully as if they were absolutely entitled to the Trust property and without being answerable for the lose occasioned thereby.

Provided that:

- i. The properties of the Trust shall include its movable and immovable properties including land & building, furniture and equipment, machinery, funds and such other assets not enlisted herewith either acquired or to be acquired in future.

Susanta Kumar Padhi

Piyush Kumar Karjivan Das
Pranav Kumar Das

ii. Provided that all the assets shall be procured in the name of the Trust and the Secretary or any other officer shall represent all such purchases etc. specially authorized for the purpose.

ii) To Apply Trust Funds Through Other Charitable Institutions

Instead of themselves spending any sum for any purposes authorized by these presents or by law or by statute to any charitable educational or religious Trust or institutions without being bound to see to the application thereof.

Provided that every contribution by the Trustees to any other Trust, Society, or Institution having as its object all or any of the objects specified in clause 3 herein above shall be treated and deemed to be in furtherance and achievement of the objects of the Trust.

k) To Manage Trust Affairs

The affairs of the Trust shall be managed by the Trustees who shall determine the purposes, being charitable purposes within the objects of the Trust as herein before declared for which and the manner in which the Trust property shall be applied and these decisions as to any such application of the Trust within the terms of the said Trust shall be final and conclusive and not open to question by any person or body.

l) To Appoint and Employ Secretary & Other Officers

The Trustees shall not be bound in any case to act personally but shall be at full liberty to appoint person/s to be their Secretary and/or Secretaries and may also appoint any other proper officers, workers agents etc. to assist them in the administration and day to day management of the Trust and to transact all or any business of whatever nature required to be done in pursuance of the aim and objects of the Trust herein before declared including the receipt and payment of money and application of the Trust property. Any such appointments may be made for such terms and at such salaries or remunerations as may be arranged mutually. Trustees shall not be responsible for the default of any such Secretary officer, worker, agents etc. or any loss occasioned by his or her appointment.

In Santa Kaveri Pracha

m) To Make Rules & Regulations

The Trustees shall be entitled to make, amend or rescind Rules and Regulations including service rules for the management of the Trust and all matters concerning the Trust and the Trust Property and their management including the conduct of the meetings of the Trustees. Provided that such rules and regulations shall not be repugnant to the provisions or offend the objects or purposes of the Trust be inconsistent therewith.

n) To Engage Professionals and Staff

The Trustees shall be entitled at their discretion to employ or retain professionals like Chartered Accountants, Engineers, Solicitors, Advocates or Legal Advisors, Medical Practitioners, Vastuets, Agriculturists, Economists and others at any place or places as they may think necessary for carrying out the objects of the Trust or the management thereof and if and when they shall think fit to employ and pay out of the Trust property charges and remuneration and/or salary to any person/s so appointed to do any work.

o) To Give Valid Discharge

The receipt in writing of the Trustees on behalf of the Trust or of Secretary for any interest, dividend or income or any deed paper, writing documents or other moneys and effects payable or deliverable to the Trust shall be sufficient and effectual discharge for the same respectively or for so much thereof respectively are in such receipt/s shall be expressed or acknowledged to be or have been received and the person/s to whom or in whose favour the same shall be given his, her or their heirs, executors or administrators shall not afterwards be in any otherwise obliged or concerned to see to acknowledge to received or be answerable or accountable for the loss, misapplication or non application thereof.

*Piyusha Rajan Das
Shame of an Deer*

p) Power to Constitute and Appoint Committees

In the administration and management of the Trust and the Trust Affairs, the Trustees of the Secretary shall be entitled to appoint such committees of persons (including the Trustee) than Trustees to guide and advise the Trustees on the matters of the Trust and for any other purpose whatsoever.

4) Other Powers

- i) To empower the President, Secretary, or any other Trustee or any persons to participate in or any of the power of the Trust and to sign contracts, agreements etc. for and on behalf of the Trust.
- ii) To enter into, make, perform and carry out contracts of every kind and for any lawful purposes with any person, association, company or firm that may be deemed fit.
- iii) To pay or allow any debt or claims or any expenses which they may think fit to incur.
- iv) To accept any compensation or any security payable or receivable for any debt or any property due to or claimed by the Trust.
- v) To allow any time for payment of any debt.
- vi) To compromise, compound, abandon, submit to arbitration or otherwise settle any debt, account, claim or thing relating to the Trust and the Trustees shall to be liable for their acts done in good faith and shall not be liable for any loss to the Trust thereby incurred.
- vii) To enter into any indemnity in favour of any former Trustee or any other person in respect of any liability of any nature payable in respect of the Trust or otherwise in connection with this settlement and to charge or deposit the whole or any part of the assets of the Trust as security for such indemnity in such manner in all respects as they shall think fit.

Handwritten notes in right margin:
The Secretary
The Trustee
The Trustee
The Trustee

18. Administration of Trust Property

The Trust property shall be administered and managed in accordance with the provisions contained in these presents and the rules and regulations, which may from time to time be framed by the Trustees hereunder, provided however that such rules and regulations should not offend against the objects and purposes of these presents or be inconsistent therewith.

19. Trust Records

All records, minute books, title deeds, securities, account books, vouchers, papers and documents relating to the Trust shall remain in the custody of such persons and at such place/s as the Trustees may from time to time determine.

20. Indemnity

The Trustees shall be indemnified out of the assets of the Trust in Trust property from and against all suits, proceedings, cost charges, losses, damage and expenses, which they or any of them shall or may incur or sustain by reason/s of any act done or committed in or about the execution of the duty in their respective offices, except such of them as they shall or may incur or sustain by or through their own willful neglect or default (respectively) and in such event shall be answerable for the acts, receipts, neglect or defaults of any other Trustee or for solvency or honesty of any member or other persons with whom any moneys or effects belonging to the Trust may be lodged or deposited for safe custody or for investment or any security upon which any money of the Trust shall be invested or any other loss or damage due to any such cause as aforesaid or which may result from the execution of his office unless the same shall happen through the willful neglect or default of such Trustee.

Handwritten notes in right margin:
The Secretary
The Trustee
The Trustee
The Trustee

21. Loss of Property

The Trustees shall not be liable for any loss to the Trust property or Trust premises arising by reason of any investment made in good faith or for the negligence or fraud of any agent employed by them although the employment of such agent was not strictly necessary or expedient or by reason of any mistake or omission made in good faith by any Trust here of any

other matter or thing except that the Trustee shall be liable for willful and individual fraud or wrong doing on his own part.

22. Power to Amend

IT IS HEREBY EXPRESSLY AGREED AND DECLARED that Trustees shall have the power by an unanimous resolution in that behalf to alter, amend, modify or terminate any of the objects or purposes of these presents or any other power, provisions or discretion under these presents which are found contrary to the concept of public charitable purpose under the provision of the Income Tax Act 1961 or any Statutory modification or resenment thereof or the provisions of any other law relating to public charities in India, without however affecting in any way the general objects and purposes of the Trust or utilization the Trust property and the income for charitable purposes and not otherwise and on Trustees resolving to alter, amend, modify or terminate any particular object or purpose or nay particular power, provision or discretion as aforesaid, the same shall thereafter cease to be applicable but without prejudice to the rights of the Trustees by similar unanimous resolution to restore any such object or purpose, power or provision either in the original from or with such modification, thereto as the Trustees may consistently with the provisions of this clause determine.

23. Legal Action

The Secretary shall represent the Trust in all civil and criminal proceedings of the Trust and to sue and to be sued on behalf of the Trust.

24. Jurisdiction

All the legal matters and disputes pertaining to the Trust shall be dealt within the legal Jurisdiction of Bhubaneswar in the district of Khordha in Odisha State.

25. Termination of Trust

On the termination of the Trust and on an unanimous vote by the Trustees to revoke the Trust, no part of the Trust property shall be paid to or applied for the benefit of any private individual and all assets remaining after paying or adequately providing for the debits and obligations of the Trust shall be conveyed, transferred and assigned to such charities having aim and objects most nearly similar to the objects of the Trust, as the Trustees shall in their absolute discretion determine.

IN WITNESS WHEREOF THEIR AUTHOR OF THE TRUST AND THE TRUSTEES THEREOF have here unto set and subscribed their respective hands, the day, month and year first herein above written.

SIGNED BY THE WITHIN NAMED

Sri Susanta Kumar Padhi, President, aged about 35 years
S/o Dharanidhar Padhi resident of Village/ Post-
Khanpur, Via- Rambag, District- Jajpur, Odisha, at
present residing at SCR-5, Bhouma Nagar, Unit- IV,
Bhubaneswar, District- Khordha, Odisha

Susanta Kumar Padhi
18/02/2013

101 - Purush Ranjan Das
2/1 Dharan Ranjan Das
143, Wageswar Buzurg
Leeds Road, BBSR.



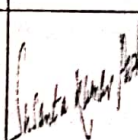
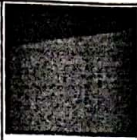
102 Pramo Ranu Deb
143 Baganbong
Leeds Road, BBSR

Drafters BBSR
13/02/13
ADN, 13/02/13

Registered Trust With Cash Deed

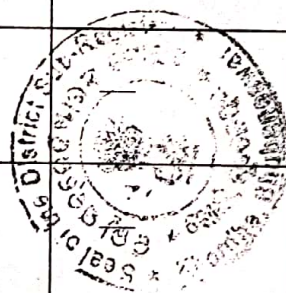
Nature of the Document : TRUST WITH CASH Volume Number : 66
 Date of Execution : 18/02/2013 Place of Execution : KHURDA(BBSR)
 Document Number : 41081303587 Registration Date : 27/02/2013

FIRST PARTY DETAILS

Name	Photo	Thumb Impression	Signature
SUSANTA KUMAR PADHI		 2284095	
ODISHA VIKASH PARISHAD		—	—

SECOND PARTY DETAILS

Name	Photo	Thumb Impression	Signature
DEBASHIS DEV	—	—	—
MANMATH ROUT	—	—	—
ARUN KUMAR PANDA	—	—	—
SAKUNTALA ROUSTRAY	—	—	—
RANJAN KUMAR SETHY	—	—	—
SATYA SUNDAR SAMAL	—	—	—
DEBADATTA BARIK	—	—	—



IDENTIFIER DETAILS

Name	Father's / Husband's Name	Identifier Address	Profession
PRAMOD KUMAR MALLICK		SAME PLACE	Others
Name	Photo	Thumb Impression	Signature
PRAMOD KUMAR MALLICK			



1377085

Pramod Kumar Mallick

REMARK DETAILS

Remark

ok

This is a Computer Generated Certificate

