

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1509 of 2022

Petitioner :- Anant Sharma And Another

Respondent :- State Of U P And 3 Others

Counsel for Petitioner :- Anil Kumar Srivastava, Ashok Kumar Dwivedi, Ashok Kumar Gupta, Mayank, Pawan Kumar Singh, Rajat Goswami (In Person), Ranjeet Asthana, Sanjay Goswami, Shashwat Kishore Chaturvedi, Shiv Sagar Singh, Shreya Gupta, Sr. Advocate

Counsel for Respondent :- Amit Mahajan, Arvind Kumar Upadhyay, Aseem Chandra, Ashutosh Gupta, C.S.C., Dharmendra Singh Chauhan, R.P. Dwivedi, R.P. Mishra, Rajat Goswami (In Person), Rajeew Goswami, Saiful Islam Siddiqui, Shashi Kant Shukla, Shashi Shekhar Mishra, Tahira Kazmi, Utkarsh Birla

Hon'ble Siddhartha Varma, J.

Hon'ble Ram Manohar Narayan Mishra, J.

1. Heard learned counsel for the petitioners, Sri Ajay Kumar Misra, learned Advocate General, Shri Manish Goyal, learned Additional Advocate General assisted by Shri Kunal Ravi Singh, Chief Standing Counsel and Shri Ishan Mehta, learned Additional Chief Standing Counsel for the State.
2. Affidavit filed by the state and the Supplementary Affidavit filed by the petitioners be kept on record.
3. By an order of this Court in this Public Interest Litigation (PIL) on 8.11.2023, there were certain directions to the State Government. Due to certain unavoidable reasons, the State has not been able to, till date, comply with the directions of this Court. There was, however, an application filed by the State on 26.04.2024 for the modification of the order. When that application was taken up and when there were certain objections taken to it by certain private individuals, and when the same could not be decided, the Court was concerned with regard to the crowd management on the festival of Shree Krishna Janmasthanmi, and, therefore, on 5.8.2024, the Court had passed the following order :-

"A certain objection has been filed by one Gaurav Goswami. Whether it is to be considered in view of the order of the Supreme Court dated 30.4.2024

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would be considered at a later stage.

We find from the record that there are certain impleadment applications pending. Objections be filed by the State.

List this case on 8.8.2024 at 2:00 PM. On that date, learned counsel for the State may inform as to what are the immediate steps which the State proposes to take to manage the Janmashami crowd. The steps which the State proposes to take be brought on record by means of an affidavit. When the affidavit is being filed, a definite time schedule would be given within which the matter regarding crowding would be resolved by the State.

This order was passed in the presence of the learned Advocate General Sri Ajay Kumar Mishra, learned Additional Advocate General Sri Manish Goyal. They were assisted by the Chief Standing counsel Sri Kunal Ravi Singh. From the side of the intervener Sri Sanjay Goswami, Sri Sankalp Goswami, Ms. Shrey Gupta, Sri Utkarsh Birla, Aseem Chandra, Shivendra Bahadur and the other assisting counsel appeared."

4. In pursuance of the order of this Court, an affidavit has been filed by Sri Anmol Garg, who is an official of the State that proper arrangements would be made. The arrangement had been enumerated in paragraphs 6 to 21 of the affidavit. The entire scheme as has been brought out in the affidavit is being reproduced here as under:

" 6. That the immediate steps that are required to be taken in light of large crowd expected during the festival would require the following measures:

(i) Live streaming of the proceedings inside the temple by installing screens at strategic areas. These areas would be in places where crowd is expected to congregate. The live streaming would facilitate maximum no. of devotees getting a glimpse of the Deity even if they are unable to visit the temple during the darshan timings i.e. 7:45 AM till 12 Noon and thereafter 5:30 PM till 9:30 PM.

The installation of screens in and outside the temple would also be required as it would help in managing the devotees who are unable to glimpse the Deity inside the temple. This would help in controlling the rush of devotees who want to gain access inside the temple to visit the deity.

(ii) To manage the ingress and egress of devotees who are inside the temple, the flow of devotees has to be managed by installing barricading inside the temple. The barricading serves a dual purpose in the sense that it allows for managing the ingress of the devotees as the District Administration can ensure that only a specified no. of devotees are allowed at any given point of time to ensure that there is no overcrowding inside the premises. The egress of the devotees can be managed through the barricading also. The barricading further allows for preventing against untoward incident inside the temple. Ensuring that any untoward incident, as has happened in the past, should not happen again is the paramount concern for crowd management.

7. That apart from the above measures required for immediate action inside and outside the temple, the District Administration is also taking steps for management of the devotees who come to visit the Deity.

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8. That the festival of Shree Krishna Janmasthanmi will be celebrated in the night of 26/27.08.2024 and the Mangla Arti will be held between 1.45 A.M. to 2.00 A.M. on 27.08.2024 in the holy temple of Shree Thakur Bankey Bihiriji, Vrindavan. The District Administration has made arrangements pursuant to the above directions for peaceful celebration of Shree Krishna Janmasthanmi Festival to control the crowd of devotees and the management at the place of celebration.

9. That according to the decision taken by the Coordinate Committee in the year 2023, it is decided that only 600 devotees will be permitted to enter in the premises of holy temple Shree Thakur Bankey Bihiriji Mandir and till the conclusion of Mangala Arti the doors will be closed.

It is submitted that these 600 devotees which include the sevayats would only be permitted during the Mangala Arti. Apart from the sevayats certain devotees would also be allowed to witness the Mangala Arti. These devotees would only be allowed on first come first serve basis. The devotees would be stationed in a holding area near the temple to as to ensure that there is no overcrowding. It is submitted that the list of sevayats, who would be present during the Mangala Arti, should also be provided to the District Magistrate so that the total no. of persons does not exceed 600. The list would ensure that a head count of the devotees can be done for the remaining no. of persons out of 600.

10. That for arrangement of the crowd of devotees, during the day of Janmasthanmi and Mangala Arti, the entire place is divided in 3 zones, 10 Sectors and 208 duty points. The Additional District Magistrate/Superintendent of Police, ranked officer will be deployed at zone level and the Sub Divisional Magistrate/Deputy Superintendent of Police will be deployed at Sector Level.

11. That during the celebration of Janmasthanmi and Mangla Arti the duty of officers and subordinate staff will be organized in two shifts from 26.08.2024 to 28.08.2024. The first shift will start from morning 8.00 A.M. and it will conclude at 10.00 P.M. and the second shift will start from 10.00 P.M. and it will conclude at 8.00 A.M.

12. That during the period of Mangala Arti the entry gates of the Shree Thakur Bankey Bihiriji Mandir will be closed and the exit gate will open. After conclusion of the Mangala Arti, the devotees will be permitted to enter in the premises only after exit of the previously present devotees, who were permitted to remain present during the Mangala Arti.

13. That the entry of the devotees in the temple premises will be organized in proper manner for the Darshan of Lord Krishna, the devotees will not be permitted to stay in the temple premises and it will ensure that they will leave the premises after Darshan immediately. To ensure smooth flow of ingress and egress, it is necessary that barricading be permitted to be placed inside the temple just after the barrier which prevents the crowd from going into the Jagmohan.

14. That for the communication to the officers and staff on duty, arrangement of Loud Hailer and other communication modes are made and the necessary instruction will be communicated to them without any hurdle.

15. That the traffic arrangement will be done by arranging one way route and to ensure arrangement of one way route the barricaders will be installed on 40 places of the route. For arrangement of the crowd, 9 holding barriers will be installed on Vidyapeeth, Bhawana Sweets, Jaipuriya, Gate no. 3 Gali, Gate no.2 and 3, the Gali of Phalhari Baba, Jugal Ghat, Mota Ganesh and Gautampada. To ensure the proper entry the people will be permitted to

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proceed on the way to temple by stopping them time to time so that the excess crowd will not be gathered at the temple premises. A copy of the map showing the traffic movement is attached as ANNEXURE-4.

16. That to ensure the proper emergency medical arrangement, 6 ALS Ambulances will be available along with fully equipped medical team at Gate no. 1 and 4. The proper and sufficient quantity of medical supportive things such as O.R.S., Oxygen, B.P. and Sugar Testing Kits, are arranged. The arrangement of the Wheelchair will be done for the specially challenged persons at strategic locations. For any medical emergency, the proper arrangement of medical facility will be available at nearest hospital in which the 100 bed are available for the needy persons.

17. That it is relevant to mention here that an Addl. Control Room will be arranged for proper communication between the officers and staff on duty and will be adequately staffed. The arrangement of 101 C.C.T.V. Cameras are done to ensure the proper observations over the crowd of devotees in the temple premises, entry and exit gates, and on the way to temple by Control Room and proper instructions will be issued by wireless system and P.A. system.

18. That due arrangement has been made for 1300 bar coded E-Riksha at the designated parking places. For the proper arrangement of traffic, the 6 routes are decided on which only Barcoded 1300 E-Riksha are permitted to run.

19. That the District Administration has arranged 6 Suvidha Ghar for the pilgrims and devotees which are situated at Jadaun Parking, Jugal Ghat, Vidyapeeth, Hari Nikunj Chauraha, Gautampada and Sneh Bihari Mandir. The facility of R.O. water, sitting arrangement for old ages and disabled persons, wheelchair for handicapped persons, the arrangement for keeping the shoes by issuing the token will be available in every Suvidha Ghar.

20. That the arrangement of lost and found Centers will be organized on Chauki Bihariji and temple premises and the proper announcement will be done for the persons who are separated from their group and family.

21. That the proper parking will be available for 4700 vehicles in permanent parking and 3800 vehicles in temporary parking and it will be ensured that the Buses, Cars will be parked in the parking area only."

5. Since Sri Sankalp Goswami, Advocate had certain objections to the live streaming therefore, we provide that only the streaming of the proceedings inside the temple shall be shown by means of live streaming. The steps thus as were to be taken as per paragraph 6(i) of the affidavit be accordingly modified.

6. When the CCTV cameras are installed, the Civil Judge (Junior Division) shall be consulted. The District Magistrate shall abide by the directions of the Civil Judge (Junior Division) and shall ensure their compliance.

7. This order we are passing because we have been shown the scheme of administration dated 31.03.1939 for the Sevayats in which it has been stated in paragraph no.2 that the arrangements for the convenience of the worshipers and pilgrims shall be the

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responsibility of the management and also since in paragraph 21 of the scheme it has been stated that when the Management Committee is not duly constituted then the rights vested by the scheme in question shall be exercised by the Receiver appointed in the case subject to the directions of the Munsif, Mathura.

8. It has been agreed that the scheme of administration as was formulated by the Munsif, Mathura in 1939 still exists, though it has been challenged in some petition before this Court.

9. It is made clear that this arrangement is for the forthcoming Janmashtami festival to be held between the 25th to 29th August, 2024. Needless to mention that any unforeseen law and order problem shall be dealt with by the Administration in accordance with law.

10. List this case on 28.8.2024.

Order Date :- 14.8.2024

vkj

(R.M.N. Mishra, J.)

(Siddhartha Varma, J.)