

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2054/2016

(Nagari Hakka Saurakshan Manch vs. Nagpur Municipal Corporation and 4 others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Mr. A.R.Ingole, Advocate for petitioner
Mr. S.M.Puranik, Adv.for Respondent no. 1
Mr. A.M.Quazi, Adv. For respondent no.2
Mr U.P Dable, Adv.for respondent no.5.

**CORAM : B.R.GAVAI &
Mrs. SWAPNA JOSHI, JJ.
DATED : 5th April, 2016.**

COURT'S ORDER: (PER B.R.GAVAI, J.)

1. The present petition has been filed by the petitioner who claims to be a social worker and carrying out the work of social awareness, seeking a direction to the respondents to either cancel the programme to be held on 7th April, 2016 by the respondent no.1-Nagpur Municipal Corporation for chanting of 'Hanuman Chalisa' under the garb of AIDS awareness programme or, in the alternate, to delete the programme of chanting of *Hanuman Chalisa* from the programme to be held on 7th April, 2016 by the respondent no.1-Nagpur Municipal Corporation.

2. We had issued notice to the respondents on 31st March 2016. After the notice was issued, the matter was listed on 2nd April, 2016, however it could

not be heard on the said date since some of the respondents were unserved.

3. Accordingly, today the matter is listed after service is complete.

4. It is the contention of the petitioner that Nagpur Municipal Corporation is organizing a programme by spending an amount of Rs. 50 lakhs of taxpayers money for chanting of *Hanuman Chalisa* under the garb of awareness of AIDS. Though the petitioner admits that it is the duty of the respondent no. 1-Nagpur Municipal Corporation to create awareness about the hazards of AIDS, the respondent no.1 being an organ of the State cannot be permitted to organise the programme for chanting of *Hanuman Chalisa*.

5. The matter was heard by us in the morning session as well as afternoon session and lastly at 4.45 p.m.

6. Undisputedly, the event on the part of the Corporation in organising the programme for awareness of the AIDS hazards is a laudable one. However, the Corporation being an organ of the State, cannot be permitted to link the said programme with one religion. It is not as if that the persons belonging to one religion either suffer from the disease of AIDS or prone to the said disease. A person belonging to any religion may be suffering from AIDS or may face the risk of getting the said infection.

7. No doubt, in our country wherein we follow a secular pattern every religion is entitled to hold programmes for propagating its religious beliefs, however when an organ of the State holds a programme for a noble purpose

of spreading awareness about the hazards of the AIDS, it cannot be permitted to be aligned with a religious function of one religion. Undisputedly, the leaders of all the religions are free to hold programmes for the persons believing in their religion and in such a programme they can invite experts in the field to propagate about the hazards with disease like AIDS may cause. However, in our considered view, in a secular set up an official programme organised by an organ of the State, cannot be directly linked with one religion.

8. When the matter was listed in the morning session, Shri S.M. Puranik, learned counsel for respondent no.1 after pointing out the submissions made in the affidavit filed by the Commissioner submitted that if only AIDS awareness programme would have been held, the number of attendees would have been much less and since thereafter the chanting of *Hanuman Chalisa* is being held, a large number of people are attracted to the said function. However, it appears that the Corporation has forgotten that if by doing so it is attracting large number of persons from one religion it is dissuading the persons who follow different religions, from attending the said function.

9. In this situation, we had asked Shri Puranik, learned counsel for the Corporation to take instructions from the Commissioner as to whether the Municipal Corporation was willing to completely disassociate with the chanting of *Hanuman Chalisa* function. We had also asked Shri Dable, learned counsel to take instruction from respondent no.5 as to whether the respondent no.5 was willing to hold the programme of chanting of *Hanuman Chalisa* independently

without it being projected as an event of the Corporation.

10. At the outset, we would like to clarify that we do not wish to hurt the sentiments of any religion. However, at the cost of repetition, no official function can be projected in such a manner that it is being held for the persons belonging to a particular religion.

11. In pursuance to what felt from the Court, in the second sessions, Shri Puranik has taken instructions from the Commissioner and states that the Corporation will completely disassociate itself from chanting of *Hanuman Chalisa* programme and would also give a wide publicity that it has nothing to do with the chanting of *Hanuman Chalisa* programme.

12. Shri Dable, learned counsel for respondent no.5 states that the the programme of chanting of *Hanuman Chalisa* would be independently conducted under the auspices of Poddareshwar Ram Mandir, without the same being projected as a Corporation event. Shri Dable, learned counsel, on further instructions from respondent no.5 states that since the facilities which are provided would be common, the sponsors of the chanting of *Hanuman Chalisa* function would bear the costs of the said facility on *pro rata* basis.

13. S/Shri Puranik and Dable further states that in order to effectively establish the segregation of these two functions, there would be a gap of one hour between the official function organised by the Nagpur Municipal

Corporation and the Maharashtra State Aids Control Society and the programme of chanting of *Hunuman Chalisa*. We, therefore, dispose of the petition by accepting the statements made on behalf of respondent no.1 and 5 as under :

- a) that the Nagpur Municipal Corporation will totally disassociate itself with the programme of chanting of Hanuman Chalisa and will only hold the programme of AIDS awareness between and would also give a wide publicity regarding the same.
- b) that the respondent no.5 has stated that the function of chanting of *Hanuman Chalisa* would be held under the auspices of sponsor-Poddareshwar Ram Mandir and would also give wide publicity that the Nagpur Municipal Corporation and the Maharashtra State Aids control Society is not concerned with the function of chanting of *Hanuman Chalisa*.
- c) that the sponsor -Poddareshwar Ram Mandir would bear the costs of their function and would deposit the amount of their share as determined by the Corporation.
- d) the respondent nos.1 and 5 shall ensure that there is gap of minimum one hour between two functions.
- e) The respondent nos. 1 and 5 would also ensure that when an official function of the Corporation is being held, there would be no banners on the dais regarding the *Hanuman Chalisa* function. Vice versa, in the second function, the respondent no.5 would ensure that there are no banners of Nagpur Municipal

Corporation on the dais.

With the above directions Writ Petition is disposed of.

JUDGE

JUDGE

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