

PETITIONER:
SPECIAL REFERENCE NO. 1. OF 1993

Vs.

RESPONDENT:

DATE OF JUDGMENT 21/09/1993

BENCH:
VENKATACHALLIAH, M.N.(CJ)
BENCH:
VENKATACHALLIAH, M.N.(CJ)
BHARUCHA S.P. (J)
AHMADI, A.M. (J)
VERMA, JAGDISH SARAN (J)
RAY, G.N. (J)

CITATION:
1993 SCC (1) 680 1993 SCALE (4) 582

ACT:

HEADNOTE:

JUDGMENT:
ORDER

I. A. Nos. 7, 14, 15 and 16 of 1993

1. By these applications the applicants seek certain directions from the Court to the Government of India and the authorised persons to make proper arrangements for preserving and conserving the archaeological objects in the possession of the authorities related to the disputed structure and further to direct the authorities to carry out certain scientific tests to determine their age and other incidents said to be relevant to controversy in the Reference.

2. Having regard to the present stage of the proceedings and the yet undecided preliminary issue as to the very maintainability of the reference itself, it appears to us appropriate that while we grant the first prayer as to preservation of the objects, however, the consideration of the second prayer should be deferred till an appropriate later stage.

3. Accordingly, these interlocutory applications are disposed of with a direction to the Union Government, the State of Uttar Pradesh and authorised persons to make proper arrangements for preserving and conserving the archaeological objects in their possession, allegedly relating to the disputed structure, in an appropriate manner. The preservation shall be made according to the accepted scientific standards relating to such objects and, if necessary, in consultation with the Archaeological Survey of India.

4. We also direct that 'estampages' of the inscriptions of these articles may be taken and preserved by the authorities in consultation with the Archaeological Survey of India in a manner acceptable to and approved by the Archaeological Survey of India. One set of 'estampages' so obtained shall

be preserved in a sealed cover. If the process of obtaining the ' estampages', in the opinion of the experts of Archaeological Survey of India, is likely to disfigure or damage the articles, the authorities in their discretion may abstain from such estampages of such objects.

5. So far as the second aspect of the prayer is concerned, the submission is that these objects should be subjected to Radio-Carbon-Dating and Thermo-Luminiscence procedures so as to determine the age and other particulars of these objects. This prayer will not be granted at this stage. After the preliminary issue is decided and depending upon the finding, the question whether the prayers should be granted or not, or whether they survive or not will be taken up for consideration if raised at an appropriate stage.

6. The interlocutory applications are disposed of accordingly.

Court Master

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