

**IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISIDCTION  
WRIT PETITION (CIVIL) NO. \_\_\_\_\_ OF 2021  
(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)  
(PUBLIC INTEREST LITIGATION)**

**IN THE MATTER OF:**

YOUTH BAR ASSOCIATION OF INDIA ..PETITIONER

VERSUS

UNION OF INDIA AND OTHERS ...RESPONDENTS

PAPER BOOK

[KINDLY SEE INSIDE FOR THE INDEX]

**ADVOCATE FOR THE PETITIONER: MANJU JETLEY**

## INDEX

S. No.	Particulars	Pages		Remarks
		Part-I (Paper-book)	Part-II (File-alone)	
(i)	(ii)	(iii)	(iv)	(v)
	Court fee			
<b>1.</b>	Office Report on Limitation	<b>A</b>		
<b>2.</b>	Listing Proforma	<b>A1 – A2</b>		
<b>3.</b>	Cover page of Paper-book.		<b>A-3</b>	
<b>4.</b>	Index of records of proceedings		<b>A-4</b>	
<b>5.</b>	Limitation report prepared by registry.		<b>A-5</b>	
<b>6.</b>	Defect List		<b>A-6</b>	
<b>7.</b>	Note Sheet		<b>A-7</b>	
<b>8.</b>	Synopsis & List of Dates			
<b>9.</b>	Writ Petition along with the Affidavit			
<b>10.</b>	<b>APPENDIX</b> <b>Article 19, 21 and 32 of the Constitution of India</b>			
<b>11.</b>	<b>ANNEXURE P-1:</b> True copy of news items along with pictures of dead bodies floating in river			
<b>12.</b>	<b><u>F/M</u></b>			
<b>13.</b>	<b><u>V/A</u></b>			

**A**

**IN THE SUPREME COURT OF INDIA  
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YOUTH BAR ASSOCIATION OF INDIA  
...PETITIONER

VERSUS

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...RESPONDENTS

**OFFICE REPORT ON LIMITATION**

1. The petition is within time.
2. There is delay of \_\_\_\_\_ days in re-filing the petition and petition for condonation of **NA** days delay in refilling has been filed.

**BRANCH OFFICER**

New Delhi

Dated: 01-06-2021

**PROFORMA FOR FIRST LISTING**

The case pertains to:		SECTION: <u>PIL</u>	
	i.	Central Act	: Constitution of India
	ii.	Section	: Article 19 & 21 of COI
	iii.	Central Rule	: N.A
	iv.	Rule no(s).	: N.A
	v.	State Act	:
	vi.	Section	:
	vii.	State Rule	: N.A
	Viii	Rule No(s)	: N.A
	ix.	Date of Impugned Interim order	: N.A.
	x.	Date of Impugned final order/decrece	:
	xi.	Name of the High Court	:
	xii.	Names of Judges	:
	xiii	Name of the Tribunal/Authority	: N.A.
1.		Nature of matter	: Writ Petition (Civil)
2.	a)	Petitioner/appellant no.1	: Youth Bar Association of India
	b)	E-mail ID	: <a href="mailto:youthbarassociationofindia@gmail.com">youthbarassociationofindia@gmail.com</a>
	c)	Mobile phone number	: 9927000010
3.	a)	Respondent no.1	: Union of India
	b)	E-mail ID	: N.A.
	c)	Mobile phone number	: N.A.
4.	a)	Main category classification	: 08: Letter Petition and PIL matters
	b)	Sub classification	: 0812: Others
5.		Not to be listed before	: N.A.
6.		Similar/pending matter	: No similar matter

7.		CRIMINAL MATTER	:	N/A
	a)	Whether accused/convict has surrendered	:	
	(b)	FIR No. & Date	:	
	c)	Police station	:	
	(d)	Sentence awarded	:	
	(e)	Sentence Undergone	:	
8.		LAND ACQUISITION MATTERS	:	N.A
	a)	Date of section 4 notification	:	N.A
	(b)	Date of section 6 notification	:	N.A
	(c)	Date of section 17 notification	:	N.A
9.		TAX MATTERS	:	N.A
10		SPECIAL CATEGORY	:	N.A
	a)	Senior citizen	:	N.A
	(b)	SC/ST	:	N.A
	c)	Woman/child	:	N.A
	d)	Disabled	:	N.A
	(e)	Legal Aid Case	:	N.A
	(f)	In custody	:	N.A
11		Vehicle number (in case of Motor Accident Claim matters)	:	N.A

**MANJU JETLEY**

Advocate on Record  
Supreme Court of India

## **SYNOPSIS**

The instant writ petition under Article 32 of the Constitution of India is being preferred in the nature of Public Interest Litigation seeking a writ, order or direction, commanding the Respondents to take appropriate steps for removal of the dead bodies floating in the River Ganga and to ensure that no one can throw away the dead bodies in any river on account of any reason, so that no further environmental hazard is caused to the river water.

It is further prayed that a Standard Operating Procedure (SOP) be formulated to give immediate effect for the proper and dignified cremation of the dead bodies as per the rituals.

### **About Petitioner: -**

In nutshell, '*Youth Bar Association of India*' (hereinafter referred to as "YBAI") is an association of public spirited, young and vigilant advocates of India. The Petitioner-Association is registered under Society Registration Act, 1860 bearing registration no. 24/2013-2014 having its Head Office at B-3, LGF, Jangpura Extension, New Delhi-110014 and Registered Office at: 2<sup>nd</sup> Floor, Savitri City Centre, Jail Road, Haldwani, District Nainital, Uttarakhand. It may be mentioned here are various important matters concerning the welfare of public at large, in which the Petitioner had invoked the PIL jurisdiction of this Hon'ble Court and various High Courts. Recently, the Petitioner had also filed a Writ Petition being Diary No. 11897/2021 seeking door to door vaccination of

COVID-19 for the differently abled, ailing citizens and those who are unable to apply for online registration and cannot visit the vaccination centres. Petitioner has also been espousing the cause of board students, before this Hon'ble Court.

**Factual Resume: -**

India is going through the Second-wave of Covid-19 pandemic with a record of 4.14 lakhs cases on 7<sup>th</sup> May, 2021 which is highest single day tally by any country in the world. Thousands of people lost the battle of life, due to Covid-19. Amidst the spike in the cases of Covid-19 there has been reports that several dead bodies were found floating in the River Ganga.

River Ganga originates from Uttarakhand and flows down to Uttar Pradesh, Bihar and West Bengal. The horrific scene emerged around 10<sup>th</sup> May, 2021 which were covered by various news channel, print and social media wherein seven dead bodies were found floating in Uttar Pradesh's Varanasi District. Later, the same week a news of several bodies was found buried in two locations adjoining to River Ganga in Uttar Pradesh's Unnao District, there have been few unidentified bodies, suspected to be of Corona Virus deceased, were found floating in River Ganga in Uttar Pradesh's Ghazipur District but the panic rose around the residents, when bodies were found floating in the River Ganga in the District Buxar in Bihar. There has been reported cases of over 100 dead bodies found floating in River Ganga.

There is no denial that India is a '*Welfare State*', which believes in accepting its liability towards securing public welfare and to sub-serve the interest of all its citizens. It is the duty of the State to protect the rights of the deceased, which also includes the Right to Decent Burial/Cremation. Though, there is no specific law in India, which protects the Rights of dead person, but this Hon'ble Court in the case of **Pramanand Katara v. UOI** had recognised that the Right to life, fair treatment and dignity, derived from Article 21 of the Constitution of India also extends not only to a living person but also to the dead bodies.

Again, it was reiterated by this Hon'ble Court in the case of **Ashray Adhikar Abhiyan v. UOI**, that dignity of dead person must be maintained and respected. Moreover, it extended the Right to homeless deceased persons to have a decent cremation according to the religious customs they belonged to. This Hon'ble Court also established a corresponding duty on the State to ensure that decent cremation is served to the deceased person.

In the both natural and unnatural deaths, i.e., suicide, accident, homicide, etc. it is the State which is vested with the duty to protect the rights of the deceased and to prevent the crime over the dead bodies. It is also required that the State Governments and Union Government must prepare a SOP in the consultation with all the stakeholders so that dignity of the deceased is protected.



It would be apt to note here that the National Human Rights Commission (*in short NHRC*) on 14.05.2021 issued various significant recommendations, which read as under: -

1. *Temporary arrangements shall be made urgently in order to avoid undue delay in cremations.*
2. *The cremations/burial ground staff must be sensitised about the handling of dead bodies. Further, they need to be provided necessary equipment and facilities so that they may perform their duty efficiently without any fear or risk.*
3. *Religious rituals that do not require touching the dead body may be allowed. Examples include reading from religious scriptures, sprinkling holy water, etc.*
4. *In cases where family members or relatives are not there to perform last rites as they themselves may be infected or are not willing out of fear of getting infected etc., or where the repatriation of the body to the family may not be possible, the state/local administration may perform the last rites of the body, taking into account the religious/ cultural factors.*
5. *The use of electric crematoriums maybe encouraged in order to avoid the health hazards emerging from the emission of smoke from the emission of smoke from burning pyres in large numbers.*

6. *Piling of dead bodies during transportation or at any other place must not be allowed to happen.*
7. *Mass burial or cremation should not be allowed to take place as it is in violation of the right to dignity of the dead.*
8. *Accurate identification of the dead body must be aimed by using different criteria for identification and the state authorities must ensure proper handling of the information about the dead and missing person in disasters.*
9. *The prices of hearse or ambulance services should be regulated so that people are not exploited and do not face difficulties in the transportation of dead bodies.*
10. *The staff at crematoriums, burial grounds, mortuaries, etc must be paid fair wages to compensate for their hard work. Further, they should be vaccinated on a priority basis keeping in mind the risk they are exposed to.*

It is most respectfully submitted that the government must implement the aforesaid guidelines in the letter and spirit. The members of the petitioner-association were literally shocked to see the video clipping, which has gone viral on social networking sites on 30.05.2021. Later, the said video was also reported by NDTV News Channel, which can be seen by pressing ctrl+click at <https://www.youtube.com/watch?v=q3-g0ROtBG8>

ABP NEWS, had also reported the said matter, which can also be seen by pressing ctrl+click at [https://www.youtube.com/watch?v=Q00\\_DL2VvWU](https://www.youtube.com/watch?v=Q00_DL2VvWU)

It has been revealed from the said news reports that two persons, one wearing PPE kit, were throwing the dead body of since deceased Shri Premnath Mishra of Shohratghar of District Balrampur, Uttar Pradesh from the road bridge to the river. It is also revealed that after the video of the aforesaid incident gone viral in the social networking sites, the Police had registered a crime. But at the same time, it is also pious obligation of the Government to provide amenities for conduct of the cremation of such dead bodies, as these incidents are outcome of present pandemic days, where the people are suffering first for medical aid and if, they do not survive, then the family suffers for performing their last rites, for want of basic amenities. There have been several such incidents reported in the State of Uttar Pradesh and State of Bihar. The NHRC had in fact taken suo motu cognizance also and issued various directions, quoted herein above but it appears from the recent incident that the Government and its instrumentalities are quietus on this crucial and vital issue. If, such incidents are not stopped immediately, then it would be cause incurable hazards. These incidents can only be controlled effectively by providing basic amenities for performing the last rites/cremation, such as vehicle for transporting the dead bodies, PPE kit for the relatives, hygienic place in the grave yards, wood etc. etc. If, such basic amenities are not provided, then such incidents would continue to happen. Prevention is better than cure. It is high time, that due diligence be shown in this vital issue,

concerning the public at large and such the matter requires immediate indulgence of this Hon'ble Court.

As India has been badly hit by the second-wave of Covid 19, the cremation and burial grounds across the nation has been over-burdened with long queue of people waiting for their turn for performing rituals before cremation. As there is shortage for providing the decent burial to the deceased, the practice of floating the dead bodies in the rivers, particularly Holy River Ganga has become very prevalent and is clearly in violation of the guidelines of the National Mission for Clean Ganga project of the Ministry of Jal Shakti.

The people in our country believe River Ganga to be scared entity. There are people who are dependent on the water from the River Ganga. The people worship, River Ganga as Goddess, treats the holy water from it as 'Ganga Jal'. River Ganga is also recognised as 'Maa Ganga'. There is a religious belief that 'Ganga Jal' is a most scared water, which is also used in performing various religious activities in Hindu Religion.

But unfortunately, for time and reasons, various hazards are being caused to the River Ganga and other rivers. The recent hazard is due to the dead bodies and if, these bodies, which were found floating in the River Ganga or any other river in our country are those, which were infected with Covid-19; there are chances of some serious health hazard, which would lead to amp up the cases of Covid-19, resulting into adversarial effect on the human life in many ways.

In these emergent circumstances, the Petitioner is seeking direction from this Hon'ble Court may monitor this vital and most crucial issue and the Central Government and the State Governments be directed to take appropriate measures for ensuring the removal of the dead bodies, floating in the River Ganga and other rivers also. The Respondents be also directed to take immediate measure to ensure that no one should be permitted to throw away the dead bodies in the rivers for any reason whatsoever. It is also prayed the Respondents be directed to ensure through their District Magistrates that the last rites of these dead bodies must be performed in a dignified manner as per the rituals of the deceased. It is further prayed that till the Government legislates some law on this core issue, a Standard Operating Procedure (SOP) be formulated to give immediate effect for the proper and dignified cremation of the dead bodies as per the rituals.

Hence, the Petitioner is constrained to seek indulgence of Hon'ble Court by way of present writ petition under *Article 32 of the Constitution of India*.

### **LIST OF DATES**

----- The petitioner is Association of young advocates. The Petitioner had earlier also invoked the jurisdiction of this Hon'ble Court and various High Courts concerning the public interest. Few being '*uploading of FIR by the Police in their website*', '*raising of upper age limit of High Court Judges*', '*establishment of pre litigation mediation centres*', '*door to*

*door vaccination of covid-19 for differently abled and ailing citizens etc. ', were filed by the Petitioner-Association.*

10.05.2021 The dead bodies floating in the River Ganga was highlighted by news channel, print media and digital news websites creating alarming fear and turmoil amongst the citizens of the country amidst the ongoing pandemic. True pictures of the dead bodies and news items shared by the news channel dated NIL are annexed herewith as [**ANNEXURE P-1 at pages to\_\_\_\_\_**].

31.05.2021 The members of the petitioner-association were literally shocked to see the video clipping, which has gone viral on social networking sites. Later, the said video was also reported by NDTV News Channel & ABP NEWS. It has been revealed from the said news reports that two persons, one wearing PPE kit, were throwing the dead body of since deceased Shri Premnath Mishra of Shohratghar of District Balrampur, Uttar Pradesh from the road bridge to the river. It is also pious obligation of the Government to provide basic amenities for conduct of the burial and cremation of such dead bodies, to effectively deal with the present pandemic situation.

01.06.2021 Hence, this Writ Petition.

**IN THE SUPREME COURT OF INDIA**  
**CIVIL ORIGINAL JURISIDCTION**  
**WRIT PETITION (CIVIL) NO. \_\_\_\_\_ OF 2021**  
**(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)**  
**(PUBLIC INTEREST LITIGATION)**

**IN THE MATTER OF:**

Youth Bar Association of India (Regd.)

Through its National President - Sanpreet Singh Ajmani, Advocate

Head Office: B-3, LGF, Jangpura Extension, New Delhi-110014,

Registered Office at: 2<sup>nd</sup> Floor, Savitri City Center, Jail Road,

Haldwani, District- Nainital, Uttarakhand.

Email: youthbarassociationofindia@gmail.com, spsajmani@gmail.com

Mobile: 9927000010

...Petitioner

**Versus**

- 1- Union of India, Through its Secretary, Ministry of Health and Family Welfare, Government of India, Room No. 348, A-Wing, Nirman Bhawan, New Delhi - 110011  
Email – hfm@gov.in
- 2- Ministry of Jal Shakti, Through its Secretary, Department of Drinking Water & Sanitation, Government of India, Shram Shakti Bhawan, Rafi Marg, New Delhi - 110001  
Email – secydws@nic.in
- 2- State of Uttarakhand, Through its Chief Secretary, Government of Uttarakhand, Secretariat, Dehradun, Uttarakhand – 248001  
Email - cs-uttaranchal@nic.in
- 3- State of Uttar Pradesh, Through its Chief Secretary, Government of Uttar Pradesh, 101, Lok Bhawan, U.P. Civil Secretariat, Vidhan Sabha Marg, Lucknow, Uttar Pradesh - 226001  
Email – csup@nic.in

- 4- State of Bihar, Through its Chief Secretary, Secretariat, Vikas Bhawan,  
Bailey Road, Patna, Bihar – 800105  
Email - cs-bihar@nic.in
- 5- State of West Bengal, Through its Chief Secretary, Bikash Bhavan, Salt  
Lake City, Kolkata - 700091  
Email - cs-westbengal@nic.in

... Respondents

**WRIT PETITION UNDER ARTICLE 32 OF THE  
CONSTITUTION OF INDIA SEEKING WRIT, ORDER,  
DIRECTION TO THE RESPONDENT TO TAKE APPROPRIATE  
MEASURES FOR REMOVAL OF THE DEAD BODIES  
FLOATING IN THE RIVERS, SUCH AS RIVER GANGA AND  
ENSURE THAT THE DEAD BODIES MAY BE CREMATED IN A  
DIGNIFIED MANNER.**

TO,

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

THE HUMBLE PETITION OF  
THE ABOVE-NAMED PETITIONER.

**MOST RESPECTFULLY SHOWETH:**

1. That, instant Writ Petition (PIL) is being filed in the larger Public Interest under Article 32 of the Constitution of India seeking writ, order or direction to the respondent to implement the recommendation of NHRC



in letter and spirit and/or lay Standard Operating Procedure (SOP) to give immediate effect to this vital issue of burial and cremation of the dead bodies of the covid-19 infected deceased persons. It is further prayed that the Respondents may ensure that henceforth, no one should throw away the dead bodies in the Rivers, including River Ganga.

**1 A.** That, the petitioner '**Youth Bar Association of India**' is an association of public spirited, young and vigilant lawyers of India. There are various important matters concerning the welfare of public at large, in which the Petitioner had invoked the PIL jurisdiction of this Hon'ble Court and various High Courts. Few being '*uploading of FIR by the Police in their website*', '*raising of upper age limit of High Court Judges*', '*establishment of pre litigation mediation centres*', '*door to door vaccination of covid-19 for differently abled and ailing citizens etc.*', were filed by the Petitioner-Association. The Petitioner-Association is registered under Society Registration Act, 1860 bearing registration no. 24/2013-2014 having its Head Office at B-3, LGF, Jangpura Extension, New Delhi-110014 and Registered Office at: 2<sup>nd</sup> Floor, Savitri City Centre, Jail Road, Haldwani, District Nainital, Uttarakhand. The petition is being filed through its National President, Mr. Sanpreet Singh Ajmani, Advocate R/o- Ajmani Bhawan, Ambika Vihar, Haldwani, Nainital, Uttarakhand; the authority letter has been duly issued in his name on behalf of the society.

- 1 B.** That, the petitioner ‘Association’ approached the respondent, vide representation dated 31-05-2021 but since the matter is most emergent, the petitioner has filed the instant petition.
- 1 C.** That the petitioner ‘Association’ have no personal gain or interest, or private/oblique motive in filling the instant petition. There is no civil, criminal, revenue or any litigation involving the petitioner, which has or could have a legal nexus with the issues involved in the PIL.
- 1 D.** That, cause of action arose on 10-05-2021 and on 31.05.2021, when the Government/Respondents responsible for such tragic incident hardly took any actions, as the bodies have been washing upon the banks of River Ganga in the last few days due to impossibility of availability of proper funeral, then it arose when petitioner/association approached the Government/Respondents by submitting its representation dated 31-05-2021 and prayed to do the needful, in the larger public interest but no heed has been paid as yet. The cause of action is still continuing, as all the deceased has the right to decent burial and also that the rivers do not face any further hazards.
- 1 E.** That, the right to life is the fundamental right imbibed in the Part-III of the Constitution, per se under Article 21 which also includes right to die with dignity. Abrupt rise in cases due to second-wave of Covid 19 led to death of thousands of people every day which led to shortage of places for the cremation and burial of the deceased which led to floating of

corpses in the River Ganga, which is definitely causing various hazards, and the same is also in violation of the guidelines of National Mission for Clean Ganga Project of the Ministry of Jal Shakti, Department of Water resources, River Development & Ganga Rejuvenation.

**1 F.** That, the petitioner state that neither any other similar petition has been filed by the petitioner either before this Hon'ble Court or before any Court in India nor is pending.

**1 G.** That, all the documents annexed herewith are in public domain.

**2. FACTS OF THE CASE:**

1) That the new mutant of Covid 19 was witnessed as the second wave of Corona virus wherein the cases surged to 2,00,000 cases per day with death rate of more than 3,000 per day in mid-April, 2021. The new mutant of Covid-19 infection which is turning to be more infectious and widely communicable infecting almost more than 50% of the population and the cases rose in a similar manner in the first week of May with around 4.14 lakh cases on 7<sup>th</sup> May which is the highest single day tally across the world with thousands of deaths recorded per day.

2) That the ray of hope emerged in people when the first dose of Covid 19 vaccine was injected to frontline workers on 16<sup>th</sup> Jan. 2021 wherein the government ensured free vaccination to front line workers and citizens

above the age of 65 years which later included citizens who are above age of 45 years.

- 3) That however, the second wave of the Covid-19 pandemic has been heart-wrenching the nation has witnessed the horrific scenes of people dying due to lack of oxygen, hospital beds and so on. The mortality rate has spiked rampantly leading to lack of enough place for the dead in crematoriums and graveyards, nor enough wood for the pyres.
- 4) That, the Government let it guard down and became reluctant and declared 'Victory' against the virus too early, with very little regard to the scientific advises and without recourse to sufficient and accurate data. The virus hit back with the deadlier mutant which led to unimaginable number of deaths. This misfortune could have been avoided if a large number of gathering were not invited and appreciated for any religious and political rallies which led to flagrant injustice wherein immense suffering and loss of human life could have been prevented if only the people in power and positions of responsibility had acted and mandated to.
- 5) That, the whole nation has witnessed the major failure of government regarding its lack of preparedness for a foreseeable disease which was present round the corner which led to major setback of healthcare infrastructure of nation leading to large number of deaths and casualties creating a wave of sadness and sorrow all across the country. The people of the country running and rushing all around the hospitals for admission

of their loved ones but with hardly any availability of beds or oxygen Cylinder in the hospitals and lack of medicines and injections which were only needed when the patient is severely ill or infected.

- 6) That, on 10<sup>th</sup> May 2021 the cases of Corpses floating in banks of River Ganga in the state of Uttar Pradesh and Bihar was aired by different media houses i.e., news channels, print media, digital news websites, etc, speculating it to be dead bodies of people infected of Covid 19. As the situation of the country has been quite grim for the past few week with large number of deaths everyday with over-burdened crematoriums and graveyards with no place and sufficient woods for pyres which led to this gruesome act of throwing dead bodies in the river banks.
- 7) That, the public authorities have failed to make concentric efforts in educating the masses and checking the immersion of half-burnt or unburnt dead bodies into the river Ganga. The practice of disposal of dead bodies in the scared river ganga is clear violation of the guidelines of The River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016, which related to the measures for prevention, control and abatement of environmental pollution in the river Ganga, states that: “No person shall do any act or carry on any project or process or activity which has the effect of causing pollution in the river Ganga”. As there are speculation of the bodies recovered were of those who were infected with Covid-19. Hence the disposal of dead bodies in such manner will severely

and seriously infect and impact the people who are dependent on the river for their day-to-day activities.

- 8) That, the law strives to protect even the rights of the deceased and upholding the dignity of the dead, including the decent burial according to their respective religious customs and practices. Despite of the guidelines of the Supreme Court and various High Courts have highlighted the importance of decent burial to dead person amidst the pandemic, various disturbing media reports have been surfaced about the mismanagement and mishandling of Covid 19 infected dead bodies, thereby lowering their dignity of the deceased.
- 9) That, a 24x7 helpline portal shall be incorporated in the district of the states so that commutation of the deceased to the crematorium on the request of the families in both the cases of natural and unnatural deaths it is the duty of the state to protect the rights of the deceased and to prevent any crime over the dead body. It is high time that the state and union territories prepare an SOP in consultation with all the stakeholders comprising of the hospital administration, police, forensic medical personnel, district administration, municipal corporation, civil society group, etc. as well as citizens of the country, ensuring the dignity of the dead and protecting their rights.
- 10) That, the floating of dead bodies in the banks of river Gang is clear violation of guidelines of the National Mission for Clean Ganga project

of Ministry of Jal Shakti Department of Water resources causing various hazard to the river and also impacting living organisms and natural habitat. Various steps shall be taken for recovery and removal of corpses. Further the public authorities shall take concerted efforts in educating people and preventing the immersion of bodies into the Ganga. The Chief Secretary and the District Magistrate shall be directed to ensure that no body shall be recovered floating in river or buried near the river banks and stern actions shall be taken against the person/s found indulging in such act.

11) **Hence, this Writ Petition.**

3. **GROUND**S

- A. **BECAUSE** of the ongoing pandemic, hundreds of thousands of people have lost their lives which resulted in over burdening of the cremation grounds and burial places due to which temporary arrangements should be made to avoid undue delay in process of cremation.
- B. **BECAUSE** the piling of the dead bodies during transportation or other places shall not be allowed to be happened and mass cremation and burial should not be allowed as it is incorporating as mishandling of deceased and is violation of the right to dignity of the dead.
- C. **BECAUSE** the ongoing pandemic and with high mortality rate, the government shall encourage the use of electric crematoriums in order to avoid the health hazards emerging from the emission of smoke from

burning pyres in large numbers.

- D. BECAUSE** the cases of death due to Covid-19 shall be recorded so for such reasons the state shall maintain district-wise digital dataset of death cases and the data for both identified and unidentified bodies must be created and it must be the responsibility of the state to ensure protection of such data.
- E. BECAUSE** in such calamities or disaster leading to death of the person the government shall create a 24x7 helpline number to help the families of the deceased person for collection of the bodies and ensuring the transportation facilities available for the body of the deceased at the request of the family members.
- F. BECAUSE** the inhumane act of throwing or disposing the dead bodies in the river Ganga is the violation River Gang (Rejuvenation, Protection and Management) Authorities Act, 2016 as it has effect by causing pollution in the River Ganga.

#### **4. PRAYER:**

In view of the facts and circumstances stated aforesaid, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a) Issue the guidelines or formulate a Standard Operating Procedure (SOP) for performing the 'cremation and burial of the deceased, died due to Covid-19 in a dignified and proper manner'.



- b) Direct respondents to have a toll free 24x7 helpline number in every District of the State so that the deceased can be commuted to the crematoriums on the request of the family members;
- c) Direct the respondents to take immediate steps for the removal of the dead bodies from the rivers, so that no further hazard is caused to the river water; and
- d) Direct the Chief Secretaries and the District Magistrates to ensure that no dead body is allowed to be floated/thrown in any river on any ground and take stern action against the culprits.
- e) Direct the respondents to adhere and incorporate the recommendations of the National Human Rights Commission, India;
- f) Pass such other and further order/s by enlarging the scope of this petition, as this Hon'ble Court may deem just and proper in the facts and circumstances of the case.

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

**DRAWN BY**

Sanpreet Singh Ajmani  
Bably Singh  
Paranshu Kaushal & Bhavya Pratap Singh  
Advocates  
Place: New Delhi  
Drawn On: 31-05-2021  
Filed On: 01-06-2021

**FILED BY**

**MANJU JETLEY**  
(Advocate for the Petitioner)

**IN THE SUPREME COURT OF INDIA**

**CIVIL ORIGINAL JURISIDCTION**

**WRIT PETITION (CIVIL) NO. \_\_\_\_\_ OF 2021**

**(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)**

YOUTH BAR ASSOCIATION OF INDIA

...PETITIONER

VERSUS

UNION OF INDIA AND OTHERS

...RESPONDENTS

**AFFIDAVIT**

I, Sanpreet Singh Ajmani, S/o Sardar Bhupendra Singh, aged about 36 years, R/o- Ajmani Bhawan, Ambika Vihar, Haldwani, Uttarakhand, do hereby solemnly affirm and state on oath as under:

1. That I am National President of the petitioner-association in the aforesaid petition. I, being fully conversant with the facts and circumstances of the case and duly authorized by the organization, am competent to swear the instant affidavit.
2. That I have read the accompanying Writ Petition page no.\_\_\_\_ to \_\_ (para \_\_\_\_ to \_\_\_\_), Synopsis & List of dates (pages \_\_\_\_ to \_\_\_\_ ) & I.A.'s and have understood the same explained to me and affirm that same are true and correct to the best of my knowledge and belief.

3. That the annexure annexed to the petition are true, and correct copies of their respective originals formed part of the records of the forum below.

DEPONENT

### **VERIFICATION**

I, the deponent above named, do hereby verify that the contents of para 01 to 03 of the aforesaid affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed there from.

Affirmed on this 01<sup>st</sup> day of June, 2021 at Nainital, Uttarakhand.

DEPONENT