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**IN THE HIGH COURT OF UTTARAKHAND**

**AT NAINITAL**

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

**WRIT PETITION (PIL) NO. 58 OF 2020**

**WITH**

**WRIT PETITION (PIL) NO. 50 OF 2020**

**WRIT PETITION (PIL) NO. 51 OF 2020**

**WRIT PETITION (PIL) NO. 67 OF 2020**

**WRIT PETITION (PIL) NO. 70 OF 2020**

**24<sup>TH</sup> MARCH, 2021**

Mr. Shiv Bhatt, learned counsel for the petitioner in WPIL No. 58 of 2020.

Mr. Dushyant Mainali, learned counsel for the petitioner in WPIL No.50 of 2020.

Mr. Piyush Garg, learned counsel for the petitioner in WPIL No.51 of 2020.

Mr. S.N. Babulkar, learned Advocate General assisted by Mr. C.S. Rawat, learned Chief Standing Counsel for the State.

Mr. V.K. Kaparuwan, learned Standing Counsel for the Union of India.

**COMMON ORDER:** (per Hon'ble The Chief Justice Sri Raghvendra Singh Chauhan)

In compliance of the order dated 05.03.2021, Mr. Om Prakash, the learned Chief Secretary, State of Uttarakhand, Mr. Amit Negi, the learned Secretary, Medical Health and Family Welfare, Mr. Deepak Rawat, the learned Mela Adhikari, and Mr. Sanjay Gunjyal, the learned Inspector General of Police for the Kumbh Mela, are present before this Court.

2. Mr. Deepak Rawat, the learned Mela Adhikari, has submitted an affidavit, which shall be taken on record. Likewise, Mr. Shiv Bhatt, the learned counsel for the petitioner, and Ms. Shivani Pasbola, Secretary, District Legal

Services Authority, Haridwar, have submitted their respective reports. These reports shall also be taken on record.

3. A bare perusal of the report submitted by Mr. Shiv Bhatt, the learned counsel for the petitioner, reveals a very objective assessment and inspection of the Kumbh Mela area. While the report commends the excellent work being carried out by the Mela Adhikari and his team at Har-ki-Pauri and in other parts of Haridwar, the report also highlights some of the shortcomings in the arrangements and facilities being provided in the Kumbh Mela area.

4. According to the report, the entire Kumbh Mela area is divided into four districts i.e., Haridwar, Dehradun (Rishikesh Kumbh area), Tehri Garhwal (Muni-ki-Reti and Tapovan Kumbh Mela area), and Pauri Garhwal (Nine Ghats of Swarg Ashram/Jonk Kumbh Mela area).

5. According to the report, while the facilities being provided at Haridwar are at their best, the facilities being provided in Rishikesh Kumbh area, Tehri Garhwal, and Pauri Garhwal are rather poor. Therefore, there is a dire need to improve the facilities being provided in these three different districts, which cover the Kumbh Mela area.

6. The report further states that there are certain common shortcomings which are prevalent in the entire Kumbh Mela area that has been inspected by the team:-

i. The facilities which are required for implementing the Standard Operating Procedure ('the SOP' for short) issued by the Central Government, and the SOP issued by the State Government are singularly missing. There is no facility for providing sanitizers, or for using thermal guns for checking those pilgrims, who are entering the ghat areas.

ii. There are no kiosks, which can accommodate the Doctors and Nurses, who will be required to medically check the pilgrims.

iii. There is a lack of deployment of police personnel, especially, in the area of Mahila ghat. Such lack of deployment permits the voyeurist from recording the women who are taking baths at the ghat.

iv. There is a lack of changing rooms for women even at Har-ki-Pauri, which is the centre of the Kumbh Mela.

v. In the three districts of Dehradun, Tehri Garhwal and Pauri Garhwal, there is lack of mobile urinals, and washrooms. Even at the Mahila ghat, the condition of washrooms and toilets is highly deplorable.

vi. The condition of 550 bedded hospital, which has been created for the purpose of Kumbh mela, is not upto the mark. Despite the fact that the hospital happens to be a three storied high building, there are no lifts, or ramps for taking the patient to the second and third floor. There is a lack of

medical staff, as forty doctors are yet to join. The oxygen cylinders have not been fitted with the beds. The ventilators have not been installed. There is no kiosk for carrying out the Rapid Antigen Test. Moreover, at the hospital, young men and women who are not trained in medical science, are being hired as staff members.

vii. The roads, leading to the ghats, are encroached by the shopkeepers. Moreover, the condition of the connecting roads to the main road is in deplorable condition.

viii. Some of the ghats of Tapovan area have neither been repaired, nor renovated so far. According to the competent authority working in Dehradun, Tehri Garhwal and Pauri Garhwal districts, the required notification has not been issued by the State. Moreover, the required fund has not been released for these three districts to carry out the repair/renovation work at the ghats.

ix. The Tapovan, Swarg Ashram, and Muni-ki-Reti areas require immediate renovation and repair work. Moreover, mobile toilets, washrooms and changing rooms need to be created in these areas for the benefit of pilgrims, who would be congregating in this area.

7. According to the report, night shelters for 1,500 people have been provided. According to Mr. Deepak Rawat, the learned Mela Adhikari, another set of night shelters are

under construction that will provide sufficient accommodation for 3,500 people.

8. Mr. Om Prakash, the learned Chief Secretary, gives an undertaking before this Court that the SOPs issued by the Central Government, and the State Government will be strictly complied with. He further informs this Court that the State Government will insist that pilgrims coming from every corner of the country, would be required to bring a medical certificate clearly indicating therein that they are not COVID-19 positive. The said medical certificate shall be valid only for seventy-two hours. Therefore, the certificates carried by the pilgrims/visitors would have to be issued within seventy-two hours prior to their arrival in the State.

9. Moreover, Mr. Om Prakash, the learned Chief Secretary, State of Uttarakhand, assures this Court that he will station himself for three days at Haridwar; he will personally inspect the Kumbh Mela area in order to ensure that the shortcomings pointed out in the report submitted by Mr. Shiv Bhatt are fulfilled to the best capacity of the State Government.

10. This Court also has the benefit of having Mr. Sanjay Gunjyal, the learned Inspector General for Kumbh Mela. He informs this Court that about 2,600 police personnel will be deployed during the Kumbh mela. Moreover, 1,500 personnel from the Companies will be deployed, 3,000 personnel will be

deployed from CRPF, about 1,000 personnel will be deployed from the UPPAC; about 2,000 personnel will be deployed from the Kranti Raksha Dal; 3,200 personnel from the Home Guards, and approximately, 700 to 1000 NCC cadets will be deployed. According to Mr. Gunjyal, about 10,000 personnel will be deployed for controlling and supervising the crowd, which would gather in Haridwar and Rishikesh area, and will take bath at different ghats.

11. He further informs this Court that, about 132 Ambulances will be deployed in Haridwar, out of which 36 Ambulances have Advanced Life Support system and remaining are regular Ambulances. According to Mr. Gunjyal, 132 Ambulances are sufficient to cater to the need of patients and medically ill persons.

12. Having gone through the two reports submitted by Mr. Shiv Bhatt, the learned counsel for the petitioner and Ms. Shivani Pasbola, Secretary, District Legal Services Authority, Haridwar, and the affidavit filed by Mr. Deepak Rawat, the learned Meal Adhikari, this Court issues the following directions as under:-

i. Mr. Om Prakash, the learned Chief Secretary, is directed to convene a meeting of the District Magistrates of Haridwar, Dehradun, Tehri Garhwal and Pauri Garhwal districts along with Mr. Amit Negi, the learned Secretary, Medical Health and Family Welfare, Mr. Deepak Rawat,

the learned Mela Adhikari, Mr. Sanjay Gunjyal, the Inspector General for the Kumbh Mela, and other necessary officers in order to discuss the difficulties faced by the other districts which include Kumbh Mela area. He is further directed to ensure that necessary instructions for repair and renovation of the areas are issued to the concerned persons. Furthermore, he is directed to ensure that the funds, necessary for carrying out the repairs and renovations and installations of urinals, toilets, washrooms and changing rooms, are immediately furnished to the concerned authority.

ii. Considering the fact that about ten lakh people will reach Haridwar on regular Kumbh Mela days and about fifty lakhs people are expected on special days during the Kumbh Mela, the State Government is directed to increase the number of night shelters being constructing, both in Haridwar and in Rishikesh Kumbh Mela area. If necessary, night shelter should also be constructed in the Kumbh Mela area falling within Tehri Garhwal and Pauri Garhwal districts.

iii. Mr. Sanjay Gunjyal, the learned Inspector General of Kumbh Mela, is directed to ensure that the Mahila ghats are supervised and controlled by women police personnel, both in plain clothes and in uniform. Further, men police personnel shall be deployed in order

to create a buffer zone between the area where the women would take bath and where men would be permitted to stand. Strict action shall be taken against any person who tries to photograph or to videotape women while their bathing in the river Ganges.

iv. Sufficient number of changing rooms shall be created in the Mahila ghat. Moreover, sufficient number of urinals, toilets should be provided in all the ghats so as to cater to the personal needs of the pilgrims. These urinals, toilets should also be user-friendly for the physically challenged pilgrims/visitors. The urinals and toilets should be kept clean and hygienic throughout the Kumbh Mela period.

v. The Kumbh Mela Authority shall ensure that people are deputed at the entry point of each ghat who will use thermal guns for checking the temperature of pilgrims/visitors who are entering the ghat and to ensure that sufficient sanitizers are used for those who are coming to and going from the ghat. Such persons shall also ensure that every pilgrim/visitor is wearing a mask while moving above the ghats.

vi. Wherever necessary, the roads, ghats should be repaired as expeditiously as possible. Moreover, rubble lying on the sides of the roads should be removed by the Civil Administration as soon as possible.



vii. The ghats of Tapovan, Swarg Ashram and Muni-ki-Reti areas should be repaired as soon as possible.

viii. At strategic places near the ghats, or in the Kumbh Mela area, sufficient number of kiosk should be created for accommodating the doctors, and the nurses. Furthermore, the facilities for vaccinating the pilgrims/visitors should be created, so that, if necessary, the senior citizens can be vaccinated while they are visiting Kumbh mela.

ix. Mr. Amit Negi, the learned Secretary, Medical Health and Family Welfare, is directed to inspect the hospitals which are going to be used for the benefit of pilgrims/visitors during the Kumbh Mela. He is directed to ensure that the deficiencies pointed out in the report are fulfilled and the recommendations made by the doctors of All India Institute of Medical Science, Rishikesh, are implemented as far as possible.

x. The State Government should ensure that the SOP issued by the Central Government and by the State Government is strictly adhered to and implemented both in letter and spirit. Moreover, the State must insist that no pilgrim/visitor would be allowed to enter Haridwar, Rishikesh Kumbh Mela area or to enter the State, until and unless, the person carries a medical certificate

clearly indicating that he/she is not a COVID-19 positive patient. [WWW.LIVELAW.IN](http://WWW.LIVELAW.IN)

13. Since Mr. Om Prakash, the learned Chief Secretary, Government of Uttarakhand, has volunteered to visit Haridwar and the Kumbh Mela area for three days and to supervise the work being carried out in the said areas, this Court directs Mr. Amit Negi, the learned Secretary, Medical Health and Family Welfare, Mr. Deepak Rawat, the learned Mela Adhikari, Mr. Sanjay Gunjyal, the learned Inspector General for the Kumbh Mela and Mr. Shiv Bhatt, the learned counsel for the petitioner, to inspect the Kumbh Mela areas.

14. It is hoped that the presence of senior civil servants would inspire the civil administration and will motivate the civil administration to complete as much of the remaining work as possible.

15. Already alarm bells are being rung in some parts of the country, especially from the Southern, that COVID-19 pandemic is again raising its head. Therefore, pandemic continues to be a cause of concern for all of us. Some of the Southern and Northern States, like Rajasthan, have started imposing partial lockdown. This is a clear indication that we are again entering the phase where the country will face the COVID-19 pandemic. Therefore, the State Government is expected to be vigilant and to ensure that the Mahakumbh mela does not turn into the breeding ground for the spread of

COVID-19 pandemic. Therefore, this Court directs the State Government to ensure that the SOPs issued by the Central Government and the State Government are implemented in the strictest sense, both in letter and spirit.

16. The presence of Mr. Om Prakash, the learned Chief Secretary and Mr. Amit Negi, the learned Secretary, Medical Health and Family Welfare, is dispensed with for the next date. However, Mr. Deepak Rawat, the learned Mela Adhikari, and Mr. Sanjay Gunjyal, the learned Inspector General, are directed to be present before this Court through *video conferencing*.

17. List this case on 31.03.2021.

**(RAGHVENDRA SINGH CHAUHAN, C.J.)**

**(ALOK KUMAR VERMA, J.)**

Dated: 24<sup>th</sup> March, 2021

NISHANT