

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
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

31st 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. C.S. Rawat, learned Chief Standing Counsel for the State of Uttarakhand.

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

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

1. In pursuance of the order dated 24.03.2021, both Mr. Om Prakash, the learned Chief Secretary, State of Uttarakhand, and Mr. Shiv Bhatt, the learned counsel for the petitioner in Writ Petition (PIL) No. 58 of 2020, have submitted their respective reports. The same shall be taken on record.

2. A bare perusal of both the reports clearly reveals that both Mr. Om Prakash, the learned Chief

Secretary, State of Uttarakhand, and Mr. Shiv Bhatt, have noticed certain common shortcomings in the entire Kumbh Mela area. According to both the reports, there is absence of sanitization dispensers, manual dispensers, inadequate number of changing rooms and washrooms, lack of drinking water facilities, lack of testing kiosks for carrying out COVID-19 test, lack of CCTV cameras, and at many places the roads, leading to the Ghats, have yet to be constructed completely.

3. Mr. Om Prakash, the learned Chief Secretary, State of Uttarakhand, informs this Court that, after inspecting the Kumbh Mela area, he has issued necessary directions for completing the construction works, and for filling up the lacunae left by the concerned authorities.

4. One of the areas, that still continue to be of grave concern both for the learned Chief Secretary and for this Court, is the poor condition of the Hospitals spread throughout the Kumbh Mela area. According to the reports, the S.P.S. Hospital (150 bedded hospital facility at Rishikesh) does not have the basic equipment such as Ultrasound facility, does not have clean

bathrooms or washrooms, and does not have proper drinking water facilities. Moreover, even the four lifts, installed in the said Hospital, are out of order. Furthermore, despite the onslaught of the COVID-19 pandemic, there is lack of thermal scanning, and lack of availability of hand sanitizers at the entrance of the Hospitals. Furthermore, the public has complained that some of the Doctors, who are working at the said Hospitals, prefer to send the patients to their own private clinics. Even the C.M.O. of the Hospitals prefers to send the patients to his/her nursing home.

5. Likewise, the condition of the Doodadhari Hospital (550 bedded hospital facility at Haridwar) is not up to the mark. Surprisingly, even the ventilators have yet to be installed. There are no kiosks for Doctors and nurses, who are required to take the rapid antigen test. Despite the fact that the said Hospital happens to be a three-storey high building, there are no lifts, and no ramps for taking the patients to the upper floors of the Hospital. Of course, the learned Chief Secretary has instructed to install two hydraulic chairs for the patients so as to facilitate their going up to the upper floor(s) of the building of the Hospital.

But it is unclear whether the said directions have been implemented or not.

6. Even the 50 bedded Sector Hospital facility at Bairagi Camp does not have a power backup system, does not have a drinking water facility, and does not have a COVID-19 testing kiosk. Similar findings have also been given by the learned Chief Secretary in his report. Therefore, it is imperative that the Hospitals should be upgraded and should be given the required facilities so as to be able to tackle the re-emergence of the COVID-19 pandemic. Already the media reports are indicating that COVID-19 is skyrocketing throughout the country in general, and even in the city of Haridwar, in particular. Considering the fact that a large population is about to visit the cities of Haridwar and Rishikesh, the strengthening of the Hospitals should be the top priority of the State Government.

7. The report submitted by Mr. Shiv Bhatt further points out that there is lack of Jal Police in the towers constructed around the Ghats. Considering the fact that almost all pilgrims coming to Haridwar and Rishikesh are coming for the purpose of taking a bath

in the holy Ganges, it is imperative that sufficient number of Jal Police should be deployed by the State Government so as to protect people from the possibility of drowning, or being washed away by the rapid currents of the river.

8. According to the report prepared by Mr. Shiv Bhatt, there is inadequate number of night shelters. Even the places where night shelters do exist, they do not have working washrooms and urinals, and most of the night shelters do not even have a provision for drinking water. Since large number of people, who are coming to Haridwar and Rishikesh area, would require accommodation, it is essential that night shelters should not only be constructed and readied, but also be provided with mobile washrooms and urinals, and with drinking water facilities.

9. The report prepared by Mr. Shiv Bhatt, learned counsel, has already been provided to Mr. Om Prakash, the learned Chief Secretary and Mr. Deepak Rawat, the learned Mela Adhikari. This Court directs the State Government to closely study the said report,

and to take the necessary steps for filling up the lacunae pointed out in the said report.

10. Mr. Deepak Rawat, the learned Mela Adhikari, informs this Court that the budget for the Kumbh Mela area, sanctioned by the Central and the State Government, is to the tune of Rs. 803 crores. Out of this amount, Rs. 375 crores have been disbursed by the Central Government; the remaining amount of about Rs. 425 crores have been granted by the State Government. Moreover, according to him, most of the work in the Kumbh Mela area has been completed. Out of the remaining areas, where work needs to be completed are the six Ghats for which funds have already been disbursed by the State Government. These six Ghats are (i) Ved Niketan Ghat (ii) Laxmi Narayan Ghat (iii) Sadhu Samaj Ghat (iv) Swarg Ashram Ghat (v) Tirumala Ghat, and (vi) Bombay Ghat. According to him, these six Ghats need to be repaired, as the chain system still needs to be installed in these Ghats, and tiles work needs to be completed. For the purpose of installing of chains, an amount of Rs. 19.62 lakhs has been released by the State Government; for the purpose of repairing of the tiles, an amount of Rs.

15.00 lakhs has been disbursed by the State Government. According to Mr. Deepak Rawat, the learned Mela Adhikari, it will still require four days' time to complete the repair works at these six Ghats.

11. Moreover, the State Government has also granted Rs. 3.33 crores for the purpose of repairing the road that goes to Neelkanth Mahadev. According to Mr. Deepak Rawat, while the patch work on the said road would be completed immediately, the repair and re-construction of the said road will be carried out even beyond the Kumbh Mela period.

12. He further informs this Court that, as far as the Rishikesh area is concerned, 101 toilets have been installed; in Muni-Ki-Reti area, 112 toilets have been installed; and in Swarg Ashram area, 96 toilets have been installed.

13. Furthermore, according to him, seven locations have been identified for checking the pilgrims, who are coming in, to see whether they suffer from COVID-19 virus or not. In order to tackle the large number of persons coming in, and in order to strengthen the medical and health care system, 220

Doctors are presently available. As and when the requirement arises, Mr. Deepak Rawat assures this Court that the services of larger number of Doctors will be engaged.

14. Mr. Deepak Rawat, further informs this Court that in order to deal with the huge amount of wastage, which would be generated by the influx of ten lakh to fifty lakh persons, 9000 sanitary workers have been employed. Out of these 9000 sanitary workers, 6000 workers will be deployed in Haridwar, in eight hourly shifts. Moreover, forty-eight dustbins of 1100 liters capacity have been installed, 5000 dustbins having sixty liters twin-bins have been installed, fifty-eight e-rickshaws have been employed, forty-two tippers have been employed, and three refuse compactors are being utilized. Moreover, there is a treatment plant, which is working just outside Haridwar at a place called Sarai. The garbage will be collected and would be transported to the Sarai area. Lastly, he submits that, besides Haridwar Municipal Corporation, there are other local bodies, such as Shivalik Nagar, Muni-Ki-Reti and Swarg Ashram in Rishikesh, which would be working around the clock to ensure that trash/garbage does not

accumulate, and does not create health hazard for the large population that would be going in and out of the Haridwar-Rishikesh area.

15. Mr. Shiv Bhatt, the learned counsel, submits that, although the Mela Authority has done an excellent work in many of the places of Haridwar, the work still needs to be a continued one so as to get rid of the deficiencies pointed out both by Mr. Om Prakash, the learned Chief Secretary, and by Mr. Shiv Bhatt, the learned counsel for the petitioner, himself.

16. Mr. Shiv Bhatt, the learned counsel for the petitioner, further submits that, by order dated 24.03.2021, this Court had directed that vaccination centers should be established throughout the Kumbh Mela area. However, the learned counsel submits that there seems to be some doubt whether those, who have taken their first dose of vaccination, would be permitted to enter the Kumbh Mela area or not. It is hereby clarified that those, who have taken their first dose of the vaccination, and are certified to be COVID-19 negative, shall be permitted to enter the Kumbh Mela area. The State Government is further directed to encourage those, who are coming to the Kumbh Mela,

to take their first or second dose of the vaccine at the designated vaccination centres throughout the Kumbh Mela area. Preparations should also be made and facilities should also be created to place such persons under observation for a period of half an hour to forty-five minutes, and also to ensure that, in case there is any person with a reaction to the vaccine, he/she is immediately given the required medical treatment.

17. Needless to say that the organizing of Maha Kumbh Mela is a gargantuan logistical problem. Both the Municipal Corporation of Haridwar and other areas, and the Mela Authority have to tackle a huge population ranging from ten lakhs to fifty lakhs on the special days. Since reports have already started pouring in, from different parts of the country, with regard to the resurgence of the COVID-19 pandemic, and since even the Central Government is deeply concerned about the possibility of the spread of COVID-19, it is imperative that the State Government must work overtime to ensure that COVID-19 does not start spreading its wings from Haridwar and Rishikesh area. Therefore, this Court directs the respondents to ensure

that the S.O.Ps. issued by the Central and the State Government must be adhered to strictly.

18. Secondly, this Court is informed that about 5000 persons are being tested for COVID-19. However, the Central Government has emphasized the fact that in Haridwar area the testing must be increased to 50,000 persons per day, if not more. Until and unless a larger section of the population is tested for the presence of COVID-19 virus, it would be impossible to detect the spread of the disease through a large population. Therefore, this Court directs the State Government to increase the number of daily testing to atleast 50,000 persons per day. The State Government is further directed to publish the data on internet with regard to the number of persons found to be COVID-19 positive, and with regard to any death caused by COVID-19. The said data should also include the age group of persons, who are found to be COVID-19 positive, and those, who may unfortunately expire due to the said virus. The said data shall be published by the State Government on a daily basis.

19. Lastly, this Court directs the respondents to submit their report with regard to the steps being taken

by the respondents for getting rid of the deficiencies pointed out in both the reports submitted by Mr. Om Prakash, the learned Chief Secretary, State of Uttarakhand, and Mr. Shiv Bhatt, the learned counsel. The said report shall be submitted to this Court on or before 13.04.2021.

20. Both 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 the District Magistrate, Haridwar are directed to appear before this Court through *Video Conferencing* on the next date.

21. Let a certified copy of this order be supplied to the learned counsel for the parties, on payment of the prescribed charges, today itself.

22. List this case on 15.04.2021.

RAGHVENDRA SINGH CHAUHAN, C.J.

ALOK KUMAR VERMA, J.

Dt: 31st March, 2021
JKJ/Pant