

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

THE HON'BLE THE CHIEF JUSTICE SRI VIPIN SANGHI
AND
THE HON'BLE SRI JUSTICE RAKESH THAPLIYAL

WRIT PETITION (PIL) NO. 147 OF 2023

18TH SEPTEMBER, 2023

Suo Moto PIL : In the matter of
"Let The Children Play" by increasing
the facilities of sports Petitioner

Versus

Principal Secretary, Department of
Women Empowerment & Child
Development and others Respondents

Counsel for the petitioner : --

Counsel for the respondents : Mr. Rajeev Singh Bisht, Additional
Chief Standing Counsel with Mr.
Gajendra Tripathi, learned
Standing Counsel for the State /
respondents

: Mr. Lalit Sharma, learned Standing
Counsel for the Union of India

The Court made the following:

ORDER: (per Hon'ble The Chief Justice Sri Vipin Sanghi)

At the outset, we are of the view that it is necessary to implead the Union of India, through the Secretary, Ministry of Youth Affairs and Sports, as well as the Secretary, Urban Development, Government of Uttarakhand, and Secretary (Housing), Government of

Uttarakhand, as party respondents. We order accordingly.

2. We came across a social media post (a video) which has struck a chord with us, and we have, therefore, considered it appropriate to take up the cause exhibited in the said video in public interest, so as to understand – as to what is the policy that the State has formulated, and the policy that it may frame henceforth, to address the issue of deprivation of the rights of children to play in lawns, playgrounds and open areas, in their respective localities.

3. It is well recognized that outdoor physical sporting activities contribute greatly to the physical and mental well being of children. Sporting activities, when undertaken lead to development of the qualities of valor and camaraderie between the children; they learn to compete; they even learn how to accept defeat, and; strong and unforgettable childhood friendships develop amongst them. The children are innocent and, therefore, unmindful of whom to play with, and considerations of caste or creed do not come in their way, when they play with the other children, and bond with them.

4. The video graph that we come across - produced by Shri Ashit Ghelani and directed by Shri Siva Romero Iyer, shows that the well known Indian cricketer Mr. Virat Kohli responded to the grievance raised by a young boy to him, that the elders in the locality, where he resides, do not permit him, and other children, to play cricket. Mr. Virat Kohli is seen going to the locality, and asking for the boy. He then starts playing cricket with them in the locality. While batting, he hits the ball, which lands in the balcony of one of the flats in the locality. The children express dismay, that now the ball will not be returned to them. Mr. Kohli then approaches the flat where the ball has gone, and rings the bell. An elderly lady opens the door, and is pleasantly surprised to see Mr. Kohli, who is a well known cricketer. He requests the lady to return the ball, and also conveys a very important message, that if he had been stopped in his childhood from playing in the locality, he would not be there, where he is.

5. It is a hard reality, that it is the elders in our localities and colonies, who call the shots, and takes decisions - as to how the open space and area are managed.

6. Very often, we find that open spaces are turned into ornamental parks with trees planted all over, leaving hardly any space for any sporting activity. Right in the middle of the parks and lawns, fountains are erected - which rarely function. The parks are filled with benches for the elders and toddlers to sit, so they can spend their mornings and evenings. Unfortunately, there is hardly any consideration shown to the needs of the children and youth, to pursue outdoor sporting activities in their localities and colonies. Children are not permitted to play freely in open parks within their localities and colonies, least the games that they play - which often is cricket or football, results in the ball landing, either on somebody's roof - damaging the lights etc., or on car, or breaking the windshield, or a glass window. The elders are also uncomfortable sitting in such surroundings, with or without infants, fearing that they or the infants may be hit by the ball with which the children play.

7. The result of the aforesaid phenomenon - which is highly prevalent in our society, and we can take judicial notice of the same, since at some stage, we as children have also encountered such situations, is that

our children and youth are denied a very vital and fundamental right which they have, to enjoy their childhood, and grow in the most healthy way. They are denied a good environment, wherein they can pursue sports, which, as we have already noticed, greatly contributes to their physical and mental growth. That apart, such sporting activities also teach them social skills, which hold them in good stead in their future lives.

8. The result of children being denied the right to play outdoor sports in their own localities and colonies is that they get reduced to display screen addicts. They spend time watching television; computer screens; tablets, and mobile phones. They don't actually play sporting games which involve physical activity, but become good at playing virtual sports.

9. The Central Government has come up with the "*Khelo India*" scheme / policy. In our view, merely opening up the stadiums and large playgrounds - earmarked for sporting activities, for the public at large, may not be sufficient to address the issues raised in the video graph in question. This is because, most families would not have the resources, or the time, to drop and

pick up children from such stadia and parks, on a daily basis, preventing them to pursue their outdoor sporting activities. It is, therefore, necessary, that children should be free to play the outdoor sports which they wish to play, within their colonies and localities, under the gaze of their parents and caregivers from their own homes.

10. We wonder, whether the State has formulated any policy to address the issues taken note of hereinabove. If not, we are of the view that the State shall definitely look at the issues which arise from the video graph in question, and which we have taken note of hereinabove.

11. The respondents authorities are obliged to protect the rights and interests of children and youth – to play outdoor sports in their colonies, localities and surroundings, while also dealing with concerns of the grown ups, which we have noticed hereinabove.

12. To address the concerns of all sections and age groups, particularly, the elders - who consider younger children playing sports in the locality as a nuisance, the State could decide to provide and erect

nets / fencing on the exterior boundaries of the playing area, or provide such other facilities, as are considered necessary to prevent any inconvenience to anyone, when children and youth pursue their outdoor sporting activities. The State should also reconsider their policy of developing, or permitting the development of parks and lawns – in colonies / localities, and public parks, for ornamental purposes, at the cost of denying open spaces and playgrounds to children and youth for pursuing outdoor sporting activities.

13. Accordingly, we issue notice, and direct the Union of India, as well as the State, which are accepted by learned counsels present, to file their respective responses on the issues raised hereinabove, within two weeks.

14. List the matter on 09.10.2023.

VIPIN SANGHI, C.J.

RAKESH THAPLIYAL, J.

Dt: 18th SEPTEMBER, 2023
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