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**WPA 7051 of 2020
with
IA no: CAN 1 of 2020
(via video conference)
Lakshmikanta Lagar & Ors.
-vs-
The State of West Bengal & Ors.**

Mr. Pingal Bhattacharyya
... for the petitioners

Mr. Tapan Kumar Mukherjee, Ld. AGP
Mr. Somnath Naskar
... for the State

Read the order dated 12.01.2021 and the earlier orders including order dated 28.09.2020.

Mr. Tapan Kumar Mukherjee, Learned Additional Government Pleader submits that appropriate steps from different officers of the Government, Zilla Parishad and Gram Panchayat is being worked out. We think that disposal of dead bodies is a matter on which there cannot be a long drawn process of policy making because one of the surest things on Earth is that one who is born will definitely die. Disposal of dead bodies, in the ultimate situation of such dead bodies not being cared for by the near and dear ones, is the constitutional and statutory responsibility of the Government or the local self-government in accordance with the Acts and Rules.

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Therefore, we do not appreciate the delay in the matter notwithstanding the detailed order issued on 12.01.2021 and the order dated 28.09.2020. It is also unfortunate that requisite inputs have not come from the appropriate end.

We direct the District Magistrate and the officials who are among the respondents to place the final decision in the matter relating to the installation of the *electric chulli* for the utility of the people, majority of whom are economically and socially marginalised, though economical and social criteria could never be an identifiable indicia to differentially treat human beings once they turn to be human remains.

We hope and trust that the respondents and the District Magistrate will do the needful and have the issues resolved without fail within a period of a fortnight from today.

List the matter on 16.03.2021.

The directions imposed as per order dated 28.09.2020 will continue to run in the meanwhile.

(Thottathil B. Radhakrishnan, CJ.)

(Arijit Banerjee, J.)

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We have heard learned counsel for the petitioners and Shri Tapan Kumar Mukherjee, learned AGP for the State Government.

We have gone through the material papers and are of the view that providing an electric *chulli* for the area in question is absolutely essential having regard to the larger interest of managing right to life and connected issues particularly, decent disposal of human remains. We have noted that there is a proposal of the administration to have an electric *chulli* in the area. We also see that the area is mostly inhabited by people who are socially or economically marginalized. Of course, there can be no classification on the basis of caste, creed, colour, sex or economic status in the matter of enjoying the last fundamental right available on earth as part of right to life, that is

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to say decent disposal of one's human remains or dead body. In answer to our query raised earlier, learned counsel for the State submits that the electric *chulli* could be put up, if work is carried out on a war footing, within a period of six weeks subject, of course, to timely administrative sanction and financial sanction from the concerned department of the Government. We are sure that no department would delay grant of such sanctions as are required and also provide funds for the inexcusable need for human existence since the Government cannot fix any timeframe for the continued existence of any human being. The State officials will have to take prompt steps to ensure that the electric *chulli*, as proposed, is installed within an outer limit of six weeks from now and report to this Court shall be filed on the next date of hearing.

List the matter on 02.3.2021.

Mr. Mukherjee, learned AGP shall forthwith communicate this order to the concerned officials in the administration. The interim order that is in subsistence shall continue till the end of March 2021 or until further orders, whichever is earlier.

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(Thottathil B. Radhakrishnan, CJ.)

(Arijit Banerjee, J.)