

CIVIL WRIT PETITION NO. OF 2021

IN THE MATTER OF PUBLIC INTEREST LITIGATION

IN THE MATTER OF:

Distress Management Collective

...Petitioner

Versus

Govt. of NCT of Delhi

...Respondent

SYNOPSIS AND LIST OF DATES

This Civil Writ Petition filed by the Petitioner is in the nature of Public Interest litigation for a direction to the Respondent to regulate the ongoing practice of overcharging for cremation and ambulance services since the onset of the second wave in Delhi and NCR by unscrupulous people who seeing the crisis period as an opportunity to extract money.

The Petitioner herein is a Non-Governmental Organization (NGO), based in Delhi-NCR providing support and humanitarian aid to anyone in distress across borders. Petitioner [Distress Management Collective (DMC)] is an organization which has been touching the lives of people affected by varied health, mental and financial issues.

The Petitioner herein prefers the instant Writ petition on seeing the plight of many who had to recently cremate or bury their beloved ones who lost their lives due to the ongoing pandemic.

The Petitioner organization wishes to bring to the kind notice of this Hon'ble Court the practice of charging unreasonable amount for cremations. The said issue has also been reported in media of how unscrupulous caretakers at the cremation and cemetery allocated for those who succumbed to Covid-19 are overcharging the relatives of the deceased.

It is submitted that there is a dire need for a policy to regulate the charges levied for cremation and burials during these difficult COVID times. It is seen that due to the lack of such policy, the caretakers and other private parties involved with the functioning of the crematoriums and burial spots specifically assigned for COVID deaths, are charging for cremations and burials as per their own whims and fancies. It is distressful to note that the charges levied are manifold times for more than what was levied for cremations and burials during normal times.

This Petitioner through this Petition would also like to bring to the kind notice of this Hon'ble Court, the unjustified fare charged by the ambulance service providers across Delhi for even a short distance. It is pertinent to mention that recently an IPS officer named Mr. Arun Bothra, shared the shocking rental of Rs. 10,000/- charged by an Ambulance service provider in Delhi for a distance of 4kms.

The growing incidents of extorting money from hapless people by many essential service providers in Delhi and the sudden spike in matter of days indicate that there is a need for stringent measures to control the charges and bring it back to the times pre-covid times.

There is an urgent need of regulating the elements that are seeing these exceptional times as times for profiteering. There is a dire need for the Government to come forward and prescribe rates for cremations/burials and ambulance services in Delhi NCR at the earliest.

The Petitioner organization had also submitted representation to the Hon'ble L.G. and Hon'ble CM seeking their intervention on the issue of profiteering and overcharging at crematoriums and burial grounds, as well as by ambulance service providers on 01.05.2021 and 02.05.2021 respectively.

The issue herein is of extreme significance and it is only if a direction is passed by this Hon'ble Court that an urgent decision will be passed by the Respondent.

Hence the present Petition.

16.04.2021	Delhi becomes the worst hit city in the country in this 2 nd wave of corona virus pandemic.
29.04.2021	News published by Scroll on the condition of

	crematoriums in Delhi. The report also mentions about overcharging at the crematorium.
29.04.2021	Report titled Ambulance drivers charging 10 times more during Covid-19.
01.05.2021	Representation sent by the Petitioner to the Hon'ble L.G. seeking intervention to regulate overcharging for cremations and burials in Delhi.
02.05.2021	Representation sent by the Petitioner to the Hon'ble CM for regulating overcharging at crematoriums/burial grounds and also to prescribe rates to ambulance service providers who at present are charging manifold times more than pre-covid times.
02.05.2021	The representation was acknowledged by the office of Hon'ble CM.
04.05.2021	This writ petition is filed

IN THE HIGH COURT OF DELHI AT NEW DELHI
CIVIL ORIGINAL JURISDICTION
CIVIL WRIT PETITION NO. OF 2021
IN THE MATTER OF PUBLIC INTEREST LITIGATION

IN THE MATTER OF:

Distress Management Collective

...Petitioner

Versus

Govt. Of NCT of Delhi
Through its Chief Secretary
Delhi Secretariat, IP Estate,
New Delhi-110002

...Respondent

**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION
OF INDIA, INTER-ALIA SEEKING A WRIT OF MANDAMUS TO
DIRECT THE RESPONDENT TO REGULATE THE RATES FOR
CREMATIONS/BURIALS OF THOSE WHO DIED DUE TO COVID-
19 AND ALSO A DISTANCE BASED FARE FOR AMBULANCE
SERVICE PROVIDERS, ALTERNATIVELY, CONSIDER THE
REPRESENTATION DT. 01.05.2021 OF THE PETITIONER.**

To

The Hon'ble Chief Justice and
His Companion Justices of the
Hon'ble High Court of Delhi at New Delhi

The humble petition of the
Petitioner above named

MOST RESPECTFULLY SHOWETH:

This writ petition is being filed by the petitioner in public interest to pass a Writ in the nature of Mandamus seeking a writ of mandamus to direct the respondent to prescribe rates for cremations/burials of those who died due to covid-19 and also a distance based fare for ambulance service providers, alternatively, consider the representation dt. 01.05.2021 of the petitioner.

Facts of the case:

1. The Petitioner herein is a Trust, based in Delhi-NCR. Distress Management Collective (DMC) which operates to support and provide humanitarian aid to anyone in distress across borders. DMC is an organization which has been touching the lives of people affected by varied health, mental and financial issues. The Petitioner has no personal interest in the litigation and that the petition is not guided by self-gain or for gain of any other person/institution/body and that there is no motive other than of public interest in filing the writ petition. So the petitioner herein has preferred the present petition. The present petition is filed by the Petitioner Trust through its Secretary. A true copy of the Resolution authorizing the Secretary of the

petitioner to file the present case on its behalf is marked as **ANNEXURE P-1** and annexed herewith at Page No. **20**

2. The issue raised in the petition is based on recent news reports and information received from volunteers of the petitioner organization who have been witness to cremations and burials in the last few days in Delhi.
3. The petition intends to benefit people residing in Delhi. The issue is of wide benefit and is also of significance in the present pandemic scenario.
4. It is submitted that the relief sought in the petition is for a direction to the respondent arrayed as party in the petition and is not against any specific institution /person/body.
5. It is again re-iterated that the petitioner is an NGO Trust, based in Delhi-NCR. Distress Management Collective (DMC) operates to support and provide humanitarian aid to anyone in distress across borders. DMC is an organization which has been touching the lives of people affected by varied health, mental and financial issues
6. The Petitioner herein had submitted a representation on 01.05.2021, to the Hon'ble L.G. of Delhi and the Hon'ble CM of Delhi on 02.05.2021 seeking the relief prayed in the petition. The representation mail as usual was just forwarded to an

officer of the respondent for action. It is submitted that this is an office generated standard reply of the respondent.

7. The City of Delhi today is worst hit by this ongoing 2nd wave of the pandemic. The positivity rate is increasing with the passage of each day and with that the casualty or death toll too is increasing. The issue of shortage of oxygen in Hospitals in the Capital of the country has caught the eye of the world. The other concerns that is getting suppressed in the middle of this major news of oxygen shortage is that of black marketing and excessive profiteering. It is been reported in sections of media, and numerous complaints have also been made by ordinary citizens on social media with regard to overcharging by some unscrupulous caretakers and private players for conducting cremations and burials of those who died of Covid-19.
8. That it is submitted the issue of overcharging at crematoriums in Delhi was most recently reported by popular online news group named Scroll. A true copy of the report published by Scroll on 29-04-2021 is marked as **ANNEXURE P-2** and annexed herewith at Page Nos. **21** to **27**.
9. That it is submitted that there is also a need to prescribe rates to ambulance service providers in the Capital. This need has become a pressing one due to the increasing complaints about unjustified and unreasonable charges levied by ambulance

service providers. In regard to this issue it is stated that recently an IPS officer had tweeted about an instance wherein for a distance of 4km a sum of Rs. 10,000/- was charged.

10. That the above issue of undue profiteering by ambulance service providers in Delhi NCR has been reported on 29.04.2021 by DNA. A true copy of the report published by the DNA on 29-04-2021 is marked as **ANNEXURE P-3** and annexed herewith at Page No. **28**.
11. That there is a need to pass a direction to the Respondent to prescribe rates for cremations/burials of those who died due to covid-19 and also a distance based fare for ambulance service providers.
12. That the Respondents must also ensure that the nodal officers pass their standing instructions to the caretakers and managing committees of crematoriums and burial areas to desist from overcharging. The same strict stance needs to be taken by the Government against the ambulance service providers who are seeing this crisis period as an opportunity to extract money.
13. The Petitioner herein had submitted a representation on 01.05.2021, to the Hon'ble Lt. Governor of Delhi requesting for intervention to end the present situation of overcharging for cremating and burying those who have died of Covid-19. A true

copy of the Representation dt.01.05.2021 is marked as **ANNEXURE P-4** and annexed herewith at Page Nos. **29** to **30**.

14. The Petitioner had also submitted a representation to the Hon'ble CM of Delhi on 02.05.2021, seeking for urgent intervention on the above stated issue as well as for prescribing rates to ambulance service providers in order to stop the ongoing practice of extracting money in these difficult times. A true copy of the Representation dt.01.05.2021 is marked as **ANNEXURE P-5** and annexed herewith at Page No. **31** to **32**. The office of the CM of Delhi as usual forwarded the representation to an officer of the respondent for action. It is submitted that this is an office generated standard reply of the respondent.
15. The Petitioner has previously not filed any Public Interest Litigation before this Hon'ble Court or any other Court in India.
16. Hence this Public Interest Litigation.

GROUND

- (i) FOR THE REASON that Delhi is the worst hit by the ongoing 2nd wave of Covid pandemic and the death toll of Delhi shows that.

- (ii) FOR THE REASON that since the death toll is on rise, corrupt practice of extracting money in these extraordinary times by unscrupulous persons has also increased.
- (iii) FOR THE REASON that there are various reports in media regarding overcharging for cremation and burials of those who died of Covid-19.
- (iv) FOR THE REASON that there are media reports that some ambulance service providers also are indulging in malpractise of excess profiteering in these difficult times.
- (v) FOR THE REASON that there is a dire need for prescribing a fare in order to control extortion of money by some insensitive and greedy people.
- (vi) FOR THE REASON that this petition has been filed in order to deter those who are seeing these extremely difficult pandemic times as an opportunity to gain unjustified profits.
- (vii) FOR THE REASON that a layman who is already under financial stress due to the pangs of the pandemic is subjected to further misery and agony due to undue profiteering in a pandemic.
- (viii) FOR THE REASON That The Supreme Court has expanded the scope of Right to Life and Liberty and included the Right to Livelihood a part of Article 21.
- (ix) FOR THE REASON that the malpractise of undue profiteering in these difficult time aggravates the financial

burden of the ordinary citizen and thereby hinders his right to livelihood.

(x) FOR THE REASON that the inaction on the part of the Respondent is illegal, and arbitrary, thus violating the fundamental rights of the Petitioner guaranteed under the Constitution of India.

(xi) Any other grounds that may be urged at the time of hearing with the permission of the Hon'ble Court.

17. That the present petitioner has not filed any other petition in any High Court or the Supreme Court of India on the subject matter of the present petition.

18. That the respondent herein is an instrumentality of state and are functioning with instruction from Delhi hence this Hon'ble Court is having the jurisdiction to entertain the present petition.

PRAYER

In the premises aforesaid, it is humbly and respectfully prayed that this Hon'ble Court may be pleased to issue:

(a) A writ of mandamus to direct the Respondent to regulate the rates charged by the crematoriums and burial lands allocated for those who have died of covid-19, and;

- (b) A writ of mandamus to direct the Respondent to prescribe a distance-based rate for the ambulance service providers for transport of patients in Delhi and;
- (c) Alternatively, direct the Respondents to take necessary action on representation dt. 02.05.2021 of the petitioner.

PETITIONER

FILED THROUGH:

Robin Raju
M.P. Srivignesh
Deepa Joseph

New Delhi,
04.05.2021