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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
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

5th March, 2021

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

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

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

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

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

Mr. Rakesh Thapliyal, learned Assistant Solicitor General for the Union of India.

The Court made the following:

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

In compliance of the order dated 22.02.2021, Mr. Deepak Rawat, the learned Mela Adhikari, is present before this Court. Mr. Deepak Rawat, has filed a compliance affidavit dated 02.03.2021; the same shall be taken on record.

2. According to the affidavit 4,219 Swiss Tents, European Tents, Darbari tents, would be erected for housing the medical staff, police personnel, and other staff members during the Kumbh Mela. Out of 4,219 tents, 2,822 tents have already been erected. He assures this Court that by 30th March, 2021 the remaining number of the tents would be erected.

3. Mr. Deepak Rawat, further informs this Court, through the affidavit, that the number of Hotels, *Dharamshalas*, *Akhadas*, *Ashrams*, home stays and private accommodation would be able to accommodate about 5.53 Lakhs pilgrims.

4. Moreover, the Mela Authority is working overtime in order to ensure that the 11,807 temporary toilets, 1,670 bathrooms, 6,674 temporary urinals are installed in Haridwar, and 217 toilets and 57 urinals are installed in Rishikesh. According to the affidavit, already 389 toilets and 31 urinals are currently functional and are operative in the Haridwar Nagar Nigam area.

5. Likewise, 87 changing rooms have already been installed between Har-ki-Pauri and Gau-Ghat.

Moreover, Mahila-Ghat-Hallhas have been made functional wherein maximum of 50 women would be able to change in the changing rooms. Furthermore, so far 500 changing rooms have been installed in the Kumbh Mela area.

6. As far as this civil construction of bridges are concerned, while Singh Dwar Bridge would be fully operational by 05.03.2021, the service lanes on the Dudhadhaari Chowk Bridge are already functional. However, the bridge would be completed by the National Highway Authority by November, 2022.

7. Furthermore, according to the affidavit a total of 17 works of permanent nature is proposed for the construction, restoration and repairs of the Ghats in the Kumbh Mela Area. Out of these 17 works, 15 works have been completed. Moreover, the temporary works for the cleaning of the Ghats and of the river is going on, around the clock, so as to ensure that silt and algae do not accumulate in the river.

8. Mr. S.N. Babulkar, learned Advocate General and Mr. Pankaj Pandey, Secretary In-charge Medical Health, inform this Court that although, DRDO is not being requested to construct 1,000 beds in

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hospital, but NCDC has been requested to construct 500 beds hospital at Dhaula Dhari Ashram. Out of these 500 beds, 22 beds would be available in the ICU, and the remaining beds would be equipped with oxygen cylinders. Moreover, 50 beds have already been placed at Ramkrishna Mission. Furthermore, the requisite number of medical staff, that is from Doctors to Ward boys, have already been inoculated; they would be available for newly constructed hospitals by NCDC.

9. On the other hand, Mr. Shiv Bhatt, the learned counsel for the petitioner, has questioned the position being taken by Mr. Deepak Rawat. The learned counsel submits that in his counter-affidavit he has annexed a large numbers of photographs clearly revealing the unfinished work still left. According to him, even the main road leading to Har-Ki-Pauri is in shambles, and is nothing but lot of rouble is lying on the road. Likewise, the changing rooms continue to be incomplete and unfinished.

10. Furthermore, according to him, prior to the commencement of Maha Kumbh Mela, on 11.03.2021, "Mahashivratri" will be celebrated. About 50 lakh people will descend on Haridwar to take the holy dip

in the holy Ganges. However, as the SOPs issued both by the Central Government and State Government are applicable from 01.04.2021, the learned counsel submits that it is imperative that the said SOP should be made applicable on 11.03.2021 also.

11. Moreover, the learned counsel submits that there are two Shahi Snans (special days) falling on 12.04.2021 and 14.04.2021. These are special days to celebrate Maha Kumbh. The learned counsel apprehends that the people who are coming on 12.04.2021, (approximately 50 lakh per persons), may want to overstay till 14.04.2021. Therefore, according to the learned counsel, the population staying back in Haridwar, would cross 1 crore.

12. Lastly, the learned counsel submits that perhaps he should be permitted to inspect the Kumbh Mela area, and see the preparations being made in Haridwar along with Mr. Deepak Rawat, the learned Mela Adhikari so that a clearer picture can be presented before this Court on the next date.

13. Although the affidavit filed by Mr. Deepak Rawat, the learned Mela Adhikari, is encouraging, but it needs to be supplemented with photographs which

would clearly bring out the large construction work and the arrangements being carried out by the respondent-State.

14. Moreover, considering the concern voiced by the learned counsel for the petitioner, this Court directs the State Government to make ample preparation and to implement the SOPs issued by the Central and the State Government even on 11.03.2021. For, according to the media reports on *Magh Purnima*, 27.02.2021 about 7 lakh people had congregated at Har-ki-Pauri. With Shiv Ratri being celebrated on 11.03.2021, a great possibility does exist that a large number of people would gather in Haridwar to perform their religious rites. Therefore, all the preparations and the SOPs issued both by the Central and the State Government need to be strictly complied with on 11.03.2021.

15. Another concern expressed by the learned counsel for the petitioner is that the people may, indeed, over stay between 12.04.2021 and 14.04.2021. Thus, there is again a great possibility that the pilgrims may want to avail both the days for taking their holy dip in the Ganges. This Court hopes

that this great possibility would be kept in mind by the State Government while making the arrangements for the pilgrims, who would gather in Haridwar and Rishikesh for the Maha Kumbh Mela.

16. Already reports have started coming from media that the southern part of the country is facing another surge of Covid-19 pandemic. Already States like Maharashtra, Kerala, Karnataka and Telangana are beginning to again reel under the onslaught of the new wave. Undoubtedly, many pilgrims will come from South India to Haridwar. Even on 27.02.2021, when 26,000 people were tested for Covid-19 pandemic, 15 persons were discovered to be suffering from Corona Virus. Thus, it is imperative that strict vigilance is maintained during the Kumbh Mela and even prior thereto on 11.03.2021, so as to reduce the possibility of Haridwar emerging as a hot bed for the spread of Corona Virus infection.

17. Mr. Shiv Bhatt, the learned counsel for the petitioner, is keen that he and others to be permitted to join Mr. Deepak Rawat, the learned Mela Adhikari on 14.03.2021 at 10:30 a.m. Therefore, the learned counsel is directed to reach the office of Mr. Deepak

Rawat, the learned Mela Adhikari in order to carry out an inspection of the civil construction work and the arrangements being made in an around Kumbh Mela Area and in Haridwar. Therefore, Mr. Deepak Rawat, the learned Mela Adhikari, is directed to accompany to Mr. Shiv Bhatt, the learned counsel for the petitioner. The Member Secretary DLSA is also directed to accompany Mr. Deepak Rawat, while inspecting the areas. Mr. C.S. Rawat, the learned Chief Standing Counsel is also directed to accompany the inspection team along with Mr. Deepak Rawat, the learned Mela Adhikari.

18. Mr. Shiv Bhatt, the learned counsel for the petitioner and the Member Secretary DLSA are directed to submit their inspection report with regard to the construction and the arrangements being made in an around Kumbh Mela, and in the other parts of the city. The Member Secretary DLSA is further directed to submit a report with regard to the construction, renovation, and repairs being carried out by the Mela Authority, and to inform the Court about the accommodation, the conditions of the toilets, the urinals, the changing rooms and the conditions of the Ghats and the condition of the roads

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and bridges. The said report shall be submitted by the Member Secretary DLSA on or before 23.03.2021.

19. Mr. Deepak Rawat, learned Mela Adhikari, is directed to submit not just a more detailed report, but most importantly a report accompanied with photographs of all the major construction works, repairs, and renovation being carried out by the learned Kumbh Mela Authority on or before 23.03.2021.

20. The learned Chief Secretary, the learned Secretary for Health, the learned Mela Adhikari and the learned District Magistrate, Haridwar are directed to present before this Court through video conferencing on 24.03.2021.

21. List this case on 24.03.2021.

RAGHVENDRA SINGH CHAUHAN, C.J.

ALOK KUMAR VERMA, J.

Dt: 05th March, 2021 WWW.LIVELAW.IN
Pant/Neha