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**IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.353 of 2021**

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Shivani Kaushik

... .. Petitioner/s

Versus

Union of India & Ors.

... .. Respondent/s

With

Civil Writ Jurisdiction Case No.17398 of 2018

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Rohit Kumar

... .. Petitioner/s

Versus

The State of Bihar & Ors.

... .. Respondent/s

With

Civil Writ Jurisdiction Case No.9639 of 2021

=====

Gaurav Kumar Singh

... .. Petitioner/s

Versus

The Union of India & Ors.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 353 of 2021)

For the Petitioner/s	:	Ms. Shivani Kaushik (In Person) Mr. Mrigank Mauli, Amicus Curiae
For the UOI	:	Dr. K.N.Singh (ASG) Mr. Anshuman Singh, Advocate
For the Respondents	:	Ms. Kanak Verma, CGC Mr. Abhimanyu Singh, Advocate
For the State	:	Mr. Lalit Kishore, AG Mr. Anjani Kumar, AAG-4 Mr. S.D. Yadav, AAG-9 Mr. Alok Kumar Rahi, A.C. to AAG-4
For Respondent No. 5:		Mrs. Binita Singh, Advocate
For Respondent No. 6 :		Mr. Shivender Kishore, Sr. Advocate
For the Respondents	:	Mr. S.D. Sanjay, Sr. Advocate
For the PMCH	:	Mr. P. K. Shahi, Senior Advocate
For PMC	:	Mr. Prasoon Sinha, Advocate
For DMCH	:	Mr. Bindhyachal Rai, Advocate
For GMC	:	Mr. Rabindra Kr. Priyadarshi,
For the Intervener	:	Mr. Rajiv Kumar Singh, Advocate

(In Civil Writ Jurisdiction Case No. 17398 of 2018)

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate

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Ms. Parul Prasad (Amicus Curiae)
Mr. Rohit Kumar (In Person)
For the State : Mr. Anjani Kumar, AAG IV
Mr. Subhash Prasad Singh, GA-3
For Respondent No. 6 : Mr. Kumar Ravish, Advocate
For the Respondents : Mr. Shivendra Kishore, Sr. Advocate
Ms. Binita Singh, Advocate
(In Civil Writ Jurisdiction Case No. 9639 of 2021)
For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
Mr. Nikhil Singh, Advocate
For the UOI : Dr. K.N. Singh (ASG)
Mr. Anshuman Singh, CGC
For AIIMS, Patna : Mr. Binay Kumar Pandey, Advocate
For the State : Mr. Lalit Kishore, Advocate General.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

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(The Court proceedings are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their homes/offices.)

23 17-05-2021

Heard learned counsel for the parties

Dr. K. N. Singh, learned Additional Solicitor General informs that State's request for enhancement of oxygen (LMO) stands favourably considered by the appropriate authority/Central Government. Now the State is entitled to supply of 400 Metric Tonnes (MT) of oxygen (LMO). We appreciate the efforts put in by Dr. K. N. Singh in pursuing the matter at the appropriate level.

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Let an affidavit of the Principal Secretary, Health Department, Government of Bihar verifying such fact be filed within next two days. Equally, he shall inform the sufficiency or lack thereof, of the infrastructure for transporting the entire allocated quota of oxygen (LMO). Equally, he shall apprise the Court of the infrastructure for storage and transportation up to the point of end user.

We have perused the affidavit dated 16.05.2021 filed by the Chief Secretary, Government of Bihar as also the affidavit of the same date, filed by the Commissioner, Patna Division, under whose jurisdiction, Buxar District falls.

On the issue of dead bodies found flowing in River Ganges at Buxar, the Commissioner has elaborately dealt with and explained in paragraphs no. 5 and 6 of the affidavit. In Kaimur- District, no dead body was found as River Ganges does not flow through this District. In so far as District Buxar is concerned, on 15th May, 2021, the District Magistrate, Buxar sent a detailed report, both on the recovery and disposal of the dead bodies. In all 81 dead bodies were found flowing in River Ganges, 71 on 10.05.2021; 6 on 11.05.2021; and 4 on 12.05.2021. Immediately, postmortem of all the dead bodies was got conducted and DNA profiling carried out. After following

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the due procedure, last rites of all the dead bodies were performed. Some of the dead bodies were found to be in a mutilated condition. As per the deponent, the dead bodies had “come from Uttar Pradesh due to the upstream of river Ganga.” Further, all remedial measures were taken for avoiding pollution in the river Ganges and as such “Mahajal was put on the Boarder of U.P. and Bihar on 10.05.2021.” This fact stands taken with the authorities in the State of Uttar Pradesh.

Further, perusal of the affidavit of the Commissioner, Patna reveals a very disturbing fact as would be evident from paragraph-6 and chart Annexure-B appended thereto. Within ten days, i.e. 5th of May, 2021 to 14th of May, 2021, 789 persons were cremated only at one cremation ground, i.e. Muktidham Charitarban, Buxar which is evident from Annexure-B extracted hereunder:

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कार्यालय नगर परिषद, बक्सर

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(23)

मुक्तिधाम चरित्रवन, बक्सर श्मशान घाट पर मृत व्यक्तियों के दाह संस्कार पंजीकरण संबंधित प्रतिवेदन-

मुक्तिधाम चरित्रवन, बक्सर श्मशान घाट पर मृत व्यक्तियों के दाह संस्कार का अद्यतन प्रतिवेदन निम्न है-

क्र०सं०	दिनांक	पंजीकृत मृत व्यक्तियों की सं०
1	05-05-2021	102
2	06-05-2021	95
3	07-05-2021	89
4	08-05-2021	81
5	09-05-2021	64
6	10-05-2021	106
7	11-05-2021	72
8	12-05-2021	73
9	13-05-2021	55
10	14-05-2021	52

६८/-
कार्यपालक पदाधिकारी,
नगर परिषद, बक्सर।

ज्ञापांक: ...1057.../दिनांक: ...15/05/2021
प्रतिलिपि:-प्रभारी पदाधिकारी, आपदा शाखा बक्सर को सादर सूचनाएं समर्पित।
प्रतिलिपि:-जिला पदाधिकारी, बक्सर का सादर सूचनाएं समर्पित।

15/5/2021
कार्यपालक पदाधिकारी,
नगर परिषद, बक्सर।
15/5/21

Now, this document evidently contradicts the affidavit of the Chief Secretary, Government of Bihar in which as per Annexure-C the number of deaths reported since 1st March, 2021 in District-Buxar is only 6. Though to us, it appears to be a contradiction, but the learned Advocate General states that certain clarifications are required.

In Bihar, District Buxar has a huge population of 17 lakhs persons (approx.). If in ten days only in one crematorium, 789 persons were cremated, then what would be

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the position in the entire District and that too of persons belonging to all faith. Also it is not clear from both the affidavits as to whether the deaths occurred/persons cremated were suffering from Covid-19. It would also be important to ascertain the age group of these persons. All such facts needs to be clarified.

At this point in time, we do not comment anything further on these affidavits, save and except observe that all facts first must be verified from all sources and then only placed before us, else it will amount to filing of false/incomplete affidavit.

We notice that the official Website maintained by the State of Bihar for recording the births and the deaths has not yet been updated. We see no reason as to why the deaths, be it 6 or 789, would not have been updated on the official website. Equally, this would apply to all the Districts of Bihar.

Let an affidavit clarifying the issues be filed by both the deponents before Thursday, i.e. 20.05.2021, for which purpose, we list these matters on Friday, i.e. 21.05.2021 at 10:30 A.M.

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The Court Master is directed to send the copies of both the counter affidavits to all the learned counsel appearing in these proceedings so as to enable them to respond to the same.

We may point out that information furnished needs to be collated in a format which can be done by a technically qualified person. As such we direct the State to depute with the learned Advocate General at least two technically qualified persons having proficiency in computers for updating the data in the format.

List tomorrow, i.e. 18.05.2021, at 10.30 A.M. for consideration of the reports of the experts as also the learned *Amicus Curiae*.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit

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