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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(CRL) 566/2020

RAHUL ROY Petitioner

Through: Ms. Suroor Mander, Advocate.

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents

Through: Mr. Rahul Mehra, Standing Counsel
for Delhi Police.

Mr. Sanjay Ghose, Standing Counsel
for GNCTD.

Mr. Tushar Mehta, ASG.

Mr. Praveer Ranjan, Special
Commissioner of Police.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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26.02.2020

1. The Court is informed by Ms. Suroor Mander, counsel for the Petitioner that pursuant to the order passed early this morning, the injured riot victims at the Al Hind Hospital were able to be taken to the Government Hospitals and are being given treatment. She states that the order has had a positive effect in general in being able to rescue many more injured victims and ensuring their treatment.

2. Mr. Rahul Mehra, learned Standing Counsel for the Delhi Police and Mr. Sanjay Ghose, learned Standing Counsel for GNCTD have highlighted

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certain issues that require immediate attention.

3. Before proceeding to issue directions on these issues, the Court would like to place on record its appreciation of the promptness with which Delhi Police responded to the distress call of the Petitioner through this petition which has resulted in a critical situation being tackled with the cooperation of everyone. The Court is confident that the Delhi Police will continue to respond that the same alacrity in any situation that may hereafter arise which would require such action.

4. The first issue that requires to be highlighted is that of safe passage for the bodies of the unfortunate victims who have died in the riots with proper information being given to their relatives and friends to facilitate the collection of the bodies and for ensuring that their burial/ cremation takes place with utmost dignity, with the necessary security and without any hindrance. We leave it to the police to work out the modalities in consultation with the relatives who in turn will extend their full co-operation to the police.

5. The second issue is regarding the setting-up of help lines and help desks. Mr. Rahul Mehra points out that in view of the spurt in the calls being made, the response time pursuant to a call made to No.112 has increased considerably. Mr. Praveer Ranjan, Special Commissioner of Police (Spl CP), who is present in Court, assures this Court that he will immediately look into this aspect and ensure that there are adequate number of help desks and help-lines set-up and publicity given to the numbers which can be reached

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by the victims. Mr. Ranjan says that he will explore the possibilities of seeking assistance of Civil Defence Volunteers/Home Guards for this task.

6. The third issue is regarding the fire services and ambulances reaching the spots in time. Apart from ensuring that there is safe passage for both the fire engines as well as to ambulances, the police will also requisition adequate number of private ambulances from private hospitals and other charitable organisations. These steps shall be taken by the police in co-ordination with the Director of Fire Services and the Secretary (Health), GNCTD.

7. The next issue that has been highlighted before the Court is that of the victims who have been displaced from their homes by the riots. Many of them have to leave their dwellings and are afraid to return till the situation is effectively under control and some kind of assurance is given that they would be safe in their homes. If there are not enough *rainbaseras* (shelters), GNCTD will on war footing, ensure that adequate number of such shelters are set-up to provide rehabilitation to such displaced victims. The GNCTD will facilitate the victims accessing such places, without too much documentation/paper work. In these shelters the availability of basic amenities including bedding, blankets, medicines, food, sanitation and clean drinking water shall be ensured. The existing users of the shelters would obviously not be displaced to accommodate riots victims. Additional shelters will be constructed wherever necessary.

8. A concern has been expressed about the medico-legal certificates and post-mortem reports being prepared and copies having to be provided to the

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victims. Mr.Mehra states that all efforts will be made to ensure that this is done strictly in accordance with law; and relevant documents are provided to the kin of the dead or the injured as the case may be. In any event, the Court proposes to appoint an *Amicus Curiae* ('AC') to act as a Nodal Officer of the Court to co-ordinate between the victims and the various agencies to ensure that prompt action is taken and help is provided where needed.

9. The Court has been requested that designated 'Night Magistrates' should be available between sunset and till the regular opening hours of the Court to address the urgent needs of the times. Mr.Ranjan Spl CP informs the Court that the police will make a formal application to each of the District Judges/Incharge for this purpose and request that Night Magistrates be designated initially for a period of 2 weeks on a continuous basis from tomorrow.

10. The Court appoints Ms.Zubeda Begum, Advocate as the AC to co-ordinate between the victims and the various agencies mentioned hereinabove, whose assistance may be required. A dedicated mobile number will be provided to the AC forthwith by the GNCTD. It is open to Ms. Begum to take the assistance of staff as such she may require, which the AC may requisition by contacting the Principal Secretary (Home), GNCTD. The dedicated number of the AC be given adequate publicity in the print, electronic and social media to facilitate access to the AC, which is open to everyone.

11. Mr.Tushar Mehta, learned Solicitor General of India and Mr.Mehra,

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learned Standing Counsel for Delhi Police state that being conscious of the measures that need to be put in place to give an assurance to the affected people, all necessary steps will be taken by the Union of India and the GNCTD respectively.

12. The Court also directs the various Secretaries of the District Legal Services Authorities ('DLSAs') to ensure that their help lines work 24x7 for the next 2 weeks, with a roster being prepared of advocates who would immediately attend such calls and cater to the legal-aid requirements of the victims. The telephone numbers of the DLSAs will also be given adequate publicity in the print, electronic and social media.

13. The Director, Institute of Human Behaviour and Allied Sciences ('IHBAS') will also provide sufficient number of qualified professionals, to cater to the riots victims suffering from post-traumatic stress disorder and any other needs that may arise.

14. List on 28th February, 2020 at 2.15 pm.

15. Copy of the order be given 'dasti' under the signatures of the Court Master.

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S. MURALIDHAR, J.

FEBRUARY 26, 2020/tr

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ANUP JAIRAM BHAMBHANI, J.

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