

WPPIL No.58 of 2020

with

WPPIL No.50 of 2020

WPPIL No.51 of 2020

WPPIL No.67 of 2020

WPPIL No.70 of 2020

Hon'ble Ravi Malimath, A.C.J.

Hon'ble Alok Kumar Verma, J.

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

Shri C.S. Rawat, learned chief standing counsel for the State of Uttarakhand.

Heard learned counsels.

We have considered the affidavits filed by the Secretary, Health, the Secretary, Urban Development and Secretary, Disaster Management. They have narrated various steps that have been taken for efficient and safe conduct of the Kumbh Mela,2021.

We have considered the same. Certain objections have been raised by the writ-petitioner with regard to the civil constructions.

They have reiterated the earlier order passed by this Court where an assurance was given with regard to completion of all civil works.

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The submissions by the learned chief standing counsel on the earlier date as well as today is with reference to the civil work pertaining to the construction activities related to the Kumbh.

The contentions of the petitioner's counsel is with regard to the unfinished civil works pertaining to the general development in the State of Uttarakhand which may also indirectly assist in the Kumbh Mela, for example, the unfinished flyovers and matters of the like nature. The submission is that so far as the construction of highways and flyovers is concerned, it is not within the jurisdiction of the State Government but it comes within the National Highways Authority of India and other centralized agencies, who are responsible for such construction. Additionally, the said construction would also assist the pilgrims and other people visiting the Kumbh.

Therefore, the undertaking given by the chief standing counsel was not with reference to the completion of all civil works pertaining to State of Uttarakhand, but civil works pertaining to the Kumbh only.

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It is further contended in the affidavits that a new SOP is being formulated which will guide in the day to day functioning of various volunteers and other agencies involved in controlling the crowds coming to the Kumbh. The same is taken on record.

The learned chief standing counsel's submission is placed on record. The new SOP and all the new guidelines and other material are to be used by the State for the purpose of the Kumbh.

The DMC at Haridwar have also submitted their report. Various suggestions have been given by them.

The learned chief standing counsel submits that the suggestions would be taken into account and the needful would be done. The chief standing counsel further assures the Court as well as the public through his submission that every effort is being made by the State to ensure that every pilgrim that attends the Kumbh would be safely taken care of.

Call on 06.01.2021 to consider further progress in the matter.

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We have considered the affidavits of the DMC of Dehradun and Mussoorie with respect to the control of the tourists in the weekends and on other holidays.

We have considered the reports filed by the D.M.C. at Dehradun. They have given various suggestions. It is indeed very painful to notice that almost seven practicing advocates had succumbed to COVID-19 and three advocates are critically ill. They have suggested that political activity must be restricted. Strict compliance regarding gathering of people in events must be followed. Heavy penalties are being imposed at most of the public places, etc. Shri C.S. Rawat, the learned chief standing counsel submits that the suggestions made by the committee will be looked into seriously and necessary action will be taken. That the government has already taken necessary steps. That so far as thermal screening is concerned, the same is being done regularly and even the amount of penalties has been increased.

We have also considered the affidavit filed by the D.M.C. Nainital. They have suggested that adequate police force should be deployed at the Tibetan Market and Pant Park, Nainital. Action should

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be initiated against shop keepers for violating COVID-19 guidelines. The board at Nainital displaying "I Love Nainital" should be removed or covered till the pandemic is over because tourists gather there in huge numbers for taking photographs and consequently, social distancing is difficult to be maintained. They have also given suggestions regarding the closure on Christmas Day and new year eve.

Shri C.S. Rawat, learned chief standing counsel submits that the suggestions will be considered by the State and all effective measures will be taken.

It is brought to our notice by the learned chief standing counsel that various efforts have been made to control the COVID-19 situation as well as to help the public at large. The learned chief standing counsel assured us that the State will take a very serious decision with regard to allowing the national from the United Kingdom into the State of Uttarakhand as well as to deal with the tourists from the United Kingdom who are already in Uttarakhand. That a decision to this effect will be taken shortly.

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It is further assured that necessary protocol will be observed by the State on the days of the high influx of the tourists namely on Christmas eve and new year eve. That all necessary measures, such as extra police force, etc. will all be put into force to ensure that no harm be caused to any of the people in Uttarakhand.

To consider the subsequent reports to be prepared by the D.M.Cs, call on 24.02.2021.

(Alok Kumar Verma, J.)

23.12.2020

JKJ/SK

(Ravi Malimath)

A.C.J.

23.12.2020