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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3245/2020 & CM APPL. 11317/2020

GRAM SUDHAR SAMITI (REGD) & ANRPetitioners

Through: Mr. Anand Yadav, Advocate.

versus

NORTH DELHI MUNICIPAL CORPORATIONRespondent

Through: Mr. Mukesh Gupta, Standing Counsel with
Mr. R.K. Jain, AE Rohini Project, North
MCD.

Mr. Naushad Ahmed Khan, ASC for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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10.06.2020

1. The hearing was conducted through video conferencing.
2. In terms of this Court's previous order dated 26.05.2020, the GNCTD was impleaded as respondent no. 2. The learned counsel named above enters appearance on behalf of respondent no. 2. Let an Amended Memo of Parties be filed before the next date.
3. The North MCD seeks and is granted time to file a Counter Affidavit with better particulars. Photographs have been annexed to the petition showing two newly constructed temporary platform for cremations. The construction is evidently incomplete and rudimentary. There is no provision of cover from the elements to those joining the aggrieved in the cremations. If a maximum of 20 persons as allowed to attend a cremation -- during the current pandemic safety precaution, then for

two simultaneous cremations the numbers of mourners would be at least 40. Adding the medical, police and clergymen/pundits, etc. the figure could be 50. But the tin-sheds do not provide any shade or shelter even for 10 persons from the scorching summer sun nor will it provide any shelter from the monsoons that would follow. Also, keeping in mind that these 50 people will need to maintain social distance of at least 6 feet from each other, the Visitors'/Mourners' Shed will have to be fairly large. The North MCD has not complied with this court's previous order either in letter or spirit. Therefore, the Corporation shall forthwith take corrective measures to install appropriate shed(s) near the cremation platforms, keeping in mind the requisite health safety parameters. Furthermore, the said cover shall be of a different height so that the pyre-smoke can escape naturally without causing inconvenience to those attending the cremation. The installation of an appropriate exhaust system/exhaust fan, may be considered and duly installed.

4. Mr. Naushad Ahmed Khan, the learned ASC for GNCTD, submits that since there is an acute shortage of crematoria, especially in the view of the increase of mortality due to the current pandemic, the availability of at least the minimum facilities for two cremation platforms is imperative and the same should be immediately made put in place and operationalised by the respondent - Corporation.
5. In another case, this court has expressed its concern at the delayed cremation of the mortal remains of pandemic related demises. Surely, more cremation infrastructure is needed urgently. The Corporation had already been granted over a week's time to put in place the

requisite facility which it had demolished. A request, it is granted further time till this Saturday i.e. 13.06.2020 to operationalise, at least, two cremation platforms. All other materials and facilities, which are requisite for performance of cremations, such as provision of wood, water, additional shed, toilets, etc shall be ensured by the North MCD so that cremations can be carried out from Sunday i.e. from 14.06.2020 onwards. Affidavits of due compliance shall be filed alongwith photographs before the next date.

6. List on 16.06.2020.
7. Interim orders to continue.
8. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

JUNE 10, 2020_{/AB}