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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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

GRAM SUDHAR SAMITI (REGD) & ANR Petitioners

Through: Mr. Anand Yadav, Advocate.

versus

NORTH DELHI MUNICIPAL CORPORATION & Ors...

... Respondents

Through: Mr. Sudhir Nandrajog, Sr. Advocate
with Mr. Mukesh Gupta and Mr.
Mayank Ahuja, Advocates for
NDMC.

Mr. Naushad Ahmed Khan, ASC for
GNCTD.

Saroj Kumar Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **30.07.2020**

The hearing was conducted through video conferencing.

1. Photographs shared on-screen by the petitioner show that the previous orders have not been complied with, apropos the erection of an additional tent, as directed by order dated 10.06.2020 which reads, *inter alia*, as under:

“ ...

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 courts 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 escapes 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.

....”

2. Albeit, in the previous affidavit, the North Delhi Municipal Corporation ('NDMC') had stated that a *Shamiyana* has been put abutting the cremation area but the photographs shown by Mr. Anand Yadav, the learned counsel for the petitioners, show that there is no such *Shamiyana* set up. The NDMC is clearly in breach of this Court's order. The temporary *Shamiyana*, if any previously set up has, for some reason, been removed.
3. Furthermore, piles of the construction debris can be seen in front of the cremation platforms. The same should be removed, if not for the sake of aesthetics, then at least, in consideration of provision of basic convenience of the mourners who accompany a cremation. The

construction material, including bricks outside the *baradari hall*, should also be removed so that there is an unhindered and safe access to it for use by visitors. The walls of the *Baradari Hall* shall be repaired and spruced up for use by the visitors. The photographs further show that the area around that temporary toilets also is being used for construction. The said area needs to be cleared-up. Photographs of the toilet area, the Baradari area and the cremation area, shall be provided to the Court before the next date of hearing.

4. At joint request, renotify on 05.08.2020.
5. Interim orders to continue.
6. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the counsels through email.

NAJMI WAZIRI, J

JULY 30, 2020/AB