

IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (C) No. 3270 of 2020

IN THE MATTER OF:

Court on its own motion.

Versus

1. Government of NCT of Delhi
2. North Delhi Municipal Corporation
3. East Delhi Municipal Corporation
4. South Delhi Municipal Corporation.

ORDER
28.05.2020

1. Today's newspapers, Delhi Edition, have reported:
 - a) that inside the COVID-19 Mortuary of Lok Nayak Hospital in Delhi, there are 108 bodies; all 80 storage racks are full and there are 28 bodies on the floor, piled on top of each other;
 - b) Lok Nayak Hospital is the largest dedicated COVID – 19 hospital in the city and its mortuary is the repository of bodies of those who died of the corona virus disease or are suspected to have died of it;
 - c) on 26.05.2020, eight bodies were returned from Nigam Bodh Ghat, CNG Crematorium because the facility was not in a position to accept more bodies, as only two of the six furnaces were working;

- d) bodies of those who died 5 days ago, are yet to be cremated;
- e) the backlog in disposal of bodies has been caused owing to non-functioning of CNG furnaces at Nigam Bodh and Punjabi Bagh crematoriums;
- f) owing to the CNG furnaces not functioning, wood based cremation, which earlier was not deemed safe, has been permitted; inspite of the same being permitted, the personnel operating the said crematoriums are refusing to take part in wood based cremations;
- g) there is unrest at the Nigam Bodh Ghat; the staff and priests working there have stopped functioning.

2. We, as citizens of Delhi are pained at the aforesaid state of affairs and as judges find the situation as reported and if true, to be highly dissatisfactory and violative of the rights of the dead.

3. Supreme Court, as far back as in ***Pt. Parmanand Katara, Advocate vs. Union of India***, (1995) 3 SCC 248, held that right to dignity and fair treatment under Article 21 of the Constitution of India is not only available to a living man but also to his body, after his death. Right to decent burial or cremation was also emphasised in ***Ashray Adhikar Abhiyan vs. Union of India*** (2002) 2 SCC 27. The Division Bench of the Chief Justice of High Court of Bombay, recently vide judgment dated 22.05.2020 in a Public Interest Litigation titled as ***Pradeep Gandhi vs. State of Maharashtra***, has also emphasised the same.

4. We thus take suo moto cognizance of the aforesaid violations of human rights and by this order bring the same to the notice of Hon'ble the Chief Justice, to take up the aforesaid matter in public interest, for issuing requisite directions.

5. Copy of this order be placed forthwith before the Hon'ble the Chief Justice.

6. A copy of this order be also forwarded to Mr. Ramesh Singh Senior Standing Counsel Government of NCT of Delhi as well as to the Standing Counsels of North Delhi Municipal Corporation, South Delhi Municipal Corporation and East Delhi Municipal Corporation, who are entrusted of various Cremation and burial grounds in Delhi, to enable them to obtain instructions and present the facts before this Court.

7. Subject to the orders of Hon'ble the Chief justice, list tomorrow i.e. 29.05.2020.

RAJIV SAHAI ENDLAW, J.

ASHA MENON, J.

MAY 28, 2020

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