

2 (D/L)
13-01-2021
debajyoti/kole

Through Video Conference
(Later At 4 P.M.)

WPA (P) 23 of 2020

Ajay Kumar De
Vs.
The State of West Bengal & Ors.

Mr. Bikash Ranjan Bhattacharyya, Sr. Adv.
Mr. Sabyasachi Chatterjee,
Mr. A. Mukherjee,
Mr. Pintu Karar,
Mr. S. Dey

... For the Petitioner.

Mr. Kishore Dutta, learned Advocate General,
Mr. Sayan Sinha

... For the State.

Mr. Y. J. Dastoor, learned ASG,
Mr. Bipul Kundalia

..... For Union of India.

1. Read the order that we minuted earlier today.

2. A report in the form of affidavit has been filed by the Director of Health Services, Health and Family Welfare Department, Government of West Bengal (in short 'DHS'). In paragraphs no. 5 and 6 of the said report it is stated as follows:

" 5. Pursuant to the said direction of the Hon'ble Division Bench of this Hon'ble Court dated 13th January, 2021, I beg to state that the risk of Covid-19 transmission through bathing in flowing water like a river or saline water in a sea is extremely

low. However, as a measure of abundant precaution, pilgrims are allowed to go for a dip in a staggered manner maintaining safe distance between one another. Foot marking for maintaining social distance has been done at the beach and also at the Temple, bus bays & stations. Crowd control is specially ensured at the beach. In addition to routine measures, volunteers have also been placed at the beach to keep watch on the pilgrims and to ensure Covid appropriate behavior. Public address system in the Mela is also being intensively utilized to make the visitors aware of such behaviour.

6. It is pertinent to mention here that from 25th December, 2020 to till 12th January, 2021 1.65 lakhs people have visited Ganga Sagar which is much lesser than last year when approx. 12.5 lakhs people visited the Mela till 12th January, 2020."

3. The only area of concern that was troubling us was the issue of physical dip by the pilgrims in water. We had expressed our concern in this regard in the order dated January 8, 2021, and in particular, in paragraphs 6, 7, 8 and 9 thereof. However, in view of the report of the DHS filed today, our apprehension stands mitigated to a large extent.

4. However, needless to say that the State Administration shall continue to make all endeavours to dissuade the pilgrims for going for a holy dip and opt for E-snan.

5. To a query from the Bench, Learned Advocate General submitted that the packaged holy water that is distributed at the venue of

the Gangasagar Mela for E-snan is free of cost. However, a small charge is levied for delivery of such packaged holy water at doorsteps of people who want it at their homes.

6. List the matter on January 18, 2021, when we hope and expect that the parties will be able to apprise us that the Gangasagar Mela is progressing under controlled conditions.

(Thottathil B. Radhakrishnan, C.J.)

(Arijit Banerjee, J.)