

SYNOPSIS

The petitioner is constrained to file the instant writ petition in the interest of public at large for the reason that the Samadhi of the Father of the Nation, Mahatma Gandhi, is not being kept up to the standards that is expected from the grateful nation.

The Petitioner is the Founder and President of the association named as '*Rashtirhit Gandhiwadi Manch*' situated in Bhopal, M.P.

The petitioner has been involved in several activities for spreading the teachings of Mahatma Gandhi. He had filed a public interest litigations in M.P. against the disregard to the National Anthem.

The petitioner is a devoted Gandhiwadi and tries to imbibe his teachings and philosophy in his own life and teach the people around him that way of life. He is also involved in various social activities of national interest.

Mahatma Gandhi said "Sanitation is more important than independence". He made cleanliness and sanitation an integral part of the Gandhian way of living. His dream was total sanitation for all.

Rajghat is a memorial to Mahatma Gandhi as it is the cremation site of Mahatma Gandhi. It is a black marble platform that marks the spot of Mahatma Gandhi's cremation on 31 January 1948. It is left open to the sky while an eternal flame burns perpetually at one end. The memorial has the epitaph '*Hē Ram*', believed to be the last words uttered by Mahatma Gandhi. It has been customary for foreign dignitaries, including Head of States, visiting India to pay their respects to Mahatma Gandhi at the Rajghat.

Rajghat Samadhi Committee (hereinafter referred to as 'RSC') i.e. respondent no. 1 has been entrusted to maintain the Rajghat Samadhi. It was decided that the cremation ground offered the most appropriate site for a monument in his honour. Thus the Samadhi was built in token of reverence for the Mahatma.

The affairs of the Samadhi are managed by respondent no. 1, an autonomous statutory body, under the Ministry of Urban Development, Government of India as provided by the Rajghat Samadhi Act, 1951 (hereinafter referred to as the 'Act'). The Statement of Objects and Reasons of the Act clearly state that the object of the Bill was to ensure proper maintenance, preservation and administration of the Rajghat Samadhi. It also states that the Committee should do all things reasonable and necessary to ensure that the Rajghat Samadhi is properly maintained, controlled and administered.

Rajghat Samadhi Rules, 1952 (hereinafter referred to as the 'Rules') were formulated under the Act. The Rule 1 provides for the creation of the Samadhi Fund and Rule 2 (1) provides that the Funds can be used to make payments for the maintenance or repairs or embellishment of the Samadhi.

The petitioner came to Delhi to visit Rajghat, in the month of November, 2014 to pay his respect to Mahatma Gandhi. He was very disturbed to find that the Samadhi was not at all being properly and cleanly maintained. The petitioner took pictures of the poorly maintained Rajghat Samadhi.

The petitioner in the month of September, 2015 again visited the Rajghat Samadhi. Again the petitioner observed that there was no progress or change in the status of the Samadhi. It became clear to the petitioner that unless and until he brings the matter to the forefront the national monument which is visited by thousands of national and international tourist and dignitaries will remain unmaintained and in a despicable state. The shrine is neglected. The maintenance and up keep, leave aside embellishment, of Rajghat is not at the standard it should have, given the importance it has to the people of this country.

The petitioner filed two RTI applications with the Rajghat Samadhi Committee seeking information about the members and officials of the RSC and second one seeking information regarding grants received and expenditure incurred by the RSC.

The petitioner sent a letter to the Hon'ble Minister of Urban Development, Government of India, expressing concerns about the status of the Rajghat Samadhi. The Petitioner annexed the photographs that he had taken in November, 2014 and September, 2015 along with some suggestion for improvement of the Samadhi of the Father of the Nation. No reply has been received to this letter. The petitioner received the reply to the above mentioned RTI applications wherein the petitioner was informed that the RSC is duty bound to maintain and repair the Samadhi along with other duties entrusted by the Rajghat Samadhi Act, 1951.

The petitioner again visited the Rajghat Samadhi on 03.11.2015 to see if any changes have come in the status of the National

Monument and pride of the nation. To the utter disappointment of the petitioner the status had not changed, if not deteriorated.

Hence, this instant writ petition.

LIST OF DATES AND EVENTS

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| 1951 | The Rajghat Samadhi Act, 1951 is enacted to provide that the affairs of the Samadhi are managed by respondent no. 1, an autonomous statutory body, under the Ministry of Urban Development, Government of India. The Statement of Objects and Reasons of the Act clearly state that the object of the Bill was to ensure proper maintenance, preservation and administration of the Rajghat Samadhi. |
| 1952 | Rajghat Samadhi Rules, 1952 were formulated under the Act for the smooth functioning of the respondent no. 1. |
| Nov. 2014 | The petitioner came to Delhi to visit Rajghat, the Samadhi of the Father of the Nation and pay his respect to him as he has been doing for several years. He was very disturbed to find that the Samadhi was not being properly and cleanly maintained. The petitioner took pictures of the poorly maintained Rajghat Samadhi |

and surrounding area.

15.09.2015 The petitioner again visited the Rajghat Samadhi to pay his respect to Mahatma Gandhi. Again the petitioner observed that there was no progress or change in the status of the Samadhi. It became clear to the petitioner that unless and until he brings the matter to the forefront the national monument which is visited by thousands for national and international tourist will remain unmaintained and in a despicable state.

22.09.2015 The petitioner filed two RTI applications with the Rajghat Samadhi Committee seeking information about the Act, Rules and Regulations with respect to the RSC and also about the members and officials of the RSC and second one seeking information regarding grants received and expenditure incurred by the RSC.

26.09.2015 The petitioner sent a letter to the Hon'ble Minister of Urban Development, Government of India, expressing concerns about the status of the Rajghat Samadhi. The Petitioner annexed the photographs that he had taken in November, 2014 and September, 2015 along with some suggestion for improvement of the

Samadhi. No reply has been received to this letter.

27.10.2015 The petitioner received the reply to the above mentioned RTI applications wherein the petitioner was informed that the RSC is duty bound to maintain and repair the Samadhi along with other duties entrusted by the Rajghat Samadhi Act, 1951. He was also informed the amount of total budgetary grant and total expenditure incurred on all heads from the last five years.

03.11.2015 The petitioner again visited the Rajghat Samadhi to see if any changes have come in the status of the National Monument and pride of the nation. To the utter disappointment of the petitioner the status had not changed, if not deteriorated.

__.01.2016 Hence, this instant writ petition.

- 1.** That the petitioner is filing the instant writ petition in public interest. The petitioner has no personal interest in the litigation and the petition is not guided by self-gain or for gain of any other person / institution / body and that there is no motive other than that of public interest in filing the writ petition.
- 2.** That the petitioner has based the instant writ petition from authentic information and documents made available through publically available documents either obtained through RTI or from the websites of the Rajghat Samadhi and Ministry of Urban Development.
- 3.** That the petition, if allowed, would benefit the citizens of this country generally as the maintenance of the Rajghat Samadhi is a matter of national pride and the symbol of the values that we as a nation try to emulate as guided by the Father of the Nation. Since, these persons are too numerous and have no personal interest in the matter, they are unlikely to approach this Hon'ble Court on this issue. Hence, the petitioner herein is approaching this Hon'ble Court with the instant Public Interest Litigation.
- 4.** That the affected parties by the orders sought in the writ petition would be the Rajghat Samadhi Committee through its Chairman and Union of India through Ministry of Urban Development who have been made as a Respondents. To the best of the knowledge of the petitioner, no other persons /

bodies / institutions are likely to be affected by the orders sought in the writ petition.

- 5.** That the petitioner is a citizen of India and a permanent resident of Bhopal. The petitioner has been fighting for various causes in relation to the national honour and the ways of Mahatma Gandhi. The petitioner also tries to emulate the values thought by Mahatma Gandhi towards cleanliness and sanitation. The Petitioner is the founder member of the association named as '*Rashtirhit Gandhiwadi Manch*' situated in Bhopal, M.P. The petitioner has been involved in several activities for spreading the teachings of Mahatma Gandhi and has filed public interest litigations in High Court of Madhya Pradesh, at Jabalpur against the disregard to the National Anthem in the movie 'Kabhi Kushi Kabhi Gam'. The petitioner is a devoted Gandhiwadi and tries to imbibe his teachings and philosophy in his own life and teach others the same way of life. The petitioner is carrying on various national and social activities in the fields of environment, service to the elderly people and spreading message of patriotism through various activities.
- 6.** That the petitioner has filed several notable public interest litigations in the past in the Hon'ble Supreme Court of India and Hon'ble High Court of Madhya Pradesh at Jabalpur.
- 7.** The petitioner has means to pay, if any, cost is imposed by the Hon'ble Court.

- 8.** That Petitioner is filing the present petition under Article 226 of the Constitution of India and seeking various reliefs so as to the National Monument may be kept in a pristine form, especially when the monument is Rajghat which is treated as a place to seek atonement and a Shrine. Rajghat is the Samadhi of the Father of the Nation, who led us to achieve “Swaraj” sacrificing his life for the cause of a free India without compromising his cherished ideals of truthfulness, non-violence, cleanliness and peace. Mahatma Gandhi said “Sanitation is more important than independence”. He made cleanliness and sanitation an integral part of the Gandhian way of living. His dream was total sanitation for all in cities and in the villages. Cleanliness is most important for physical well-being and a healthy environment.
- 9.** That Rajghat is a memorial to Mahatma Gandhi as it is the cremation site of Mahatma Gandhi. It is a black marble platform that marks the spot of Mahatma Gandhi’s cremation on 31 January 1948. It is left open to the sky while an eternal flame burns perpetually at one end. The memorial has the epitaph ‘*Hē Ram*’, believed to be the last words uttered by Mahatma Gandhi. It has been customary for foreign dignitaries, including Head of States, visiting India to pay their respects to Mahatma Gandhi at the Rajghat by laying flowers or wreaths on the platform. Visitors are required to remove footwear before approaching the memorial as a sign of

respect to Mahatma and to maintain cleanliness at the Samadhi.

- 10.** That Rajghat Samadhi Committee (hereinafter referred to as 'RSC') i.e. respondent no. 1 has been entrusted to maintain the Rajghat Samadhi which is the place Mahatma Gandhi was cremated. It was decided that the cremation ground offered the most appropriate site for a monument in his honour. Thus, the Samadhi was built in token of reverence for the Mahatma.
- 11.** The affairs of the Samadhi are managed by respondent no. 1, an autonomous statutory body, under the Ministry of Urban Development, Government of India as provided by the Rajghat Samadhi Act, 1951 (hereinafter referred to as the 'Act'). Copy of the typed copy of the Rajghat Samadhi Act, 1951 is marked and annexed as **ANNEXURE NO. P-1 [Page No. ___ To. ___]**.
- 12.** The Statement of Objects and Reasons of the Act clearly state that the object of the Bill was to ensure proper maintenance, preservation and administration of the Rajghat Samadhi, the Shrine built in the memory of the Father of the Nation. It also states that the Committee should do all things reasonable and necessary to ensure that the Rajghat Samadhi is properly maintained, controlled and administered. Section 4 of the Act describes the composition of the Committee and Section 5 defines powers and duties of the Committee. These

sections of the Act are being reproduced as under for the convenience of this Hon'ble Court:-

4. Composition of the Committee:-

(1) The Committee shall consist of the following members, namely:

(a) The president of the municipal committee within the local limits of whose jurisdiction the Samadhi is situated, ex-officio;

(b) Three officials nominated by the Central Government;

(c) Three non-officials nominated by the Central Government;

(d) Two members of Parliament nominated by the Speaker.

(2) The Central Government may appoint any person referred to in Sub-section (1) or any other person to be the Chairman of the Committee, and if any other person is so appointed, he shall be deemed to be a member of the Committee within the meaning of Sub-section (1).

(3) All persons nominated by the Central Government to be members of the Committee shall hold office during the pleasure of the Central Government.

5. Powers and duties of the Committee.

Subject to such rules as may be made under this Act, the powers and duties of the committee shall be--

(a) To administer the affairs of the Samadhi and to keep the Samadhi in proper order and in a state of good repair;

(b) To organise and regulate periodical functions at the Samadhi;

(c) To do such other things as may be incidental or conducive to the efficient administration of the affairs of the Samadhi.”

13. As would be evident from the object and reasons of the said Act coupled with the aforesaid provisions that the prime functions of the said Committee are to organize and regulate periodical functions at the Samadhi and to administer and conduct the affairs of Samadhi so that the same is kept in proper order, including maintenance and repair.

14. That the Rajghat Samadhi Rules, 1952 (hereinafter referred to as the ‘Rules’) were formulated under the Act. The Rule 1 provides for the creation of the Samadhi Fund and Rule 2 (1) provides that the Funds can be used to make payments for the maintenance or repairs or embellishment of the Samadhi.

15. That the petitioner came to Delhi to visit Rajghat, in the month of November, 2014 to pay his respect to Mahatma Gandhi. He was very disturbed to find that the Samadhi was not being properly and cleanly maintained. The petitioner took pictures of the poorly maintained Rajghat Samadhi and surrounding areas.

16. That the petitioner on 15.09.2015 again visited the Rajghat Samadhi. Again he observed that there was no progress or change in the status of the Samadhi. It became clear to the petitioner that unless and until he brings the matter to the

forefront the national monument which is visited by thousands for national and international tourist and dignitaries will remain unmaintained and in a despicable state. The shrine is a neglected. The maintenance and up keep, leave aside embellishment, of Rajghat is not at the standard it should have, given the importance it has to the people of this country.

17. The petitioner filed two RTI applications with the Rajghat Samadhi Committee dated 22.09.2015 seeking information about the Act, Rules and Regulation in respect of the RSC and also about members and officials of the RSC and another seeking information regarding grants received and expenditure incurred by the RSC.

18. That the petitioner herein filed a complaint vide letter dated 26.09.2015 addressed to Shri. M. Venkaiah Naidu, Hon'ble Minister for the Ministry of Urban Development, Government of India citing several lacunas in the maintenance of the Rajghat Samadhi. As the Samadhi is maintained by the Rajghat Samadhi Committee which is an autonomous body working under the Ministry of Urban Development, Government of India. Copy of the translated and typed copy of the letter dated 26.09.2015 along with annexures and suggestions sent to Minister for the Ministry of Urban Development, Government of India is marked and annexed as **ANNEXURE NO. P-2 [Page No. ___ To. ___]**.

- 19.** The petitioner received the reply dated 27.10.2015 to the above mentioned RTI applications wherein the petitioner was informed that the RSC is duty bound to maintain and repair the Samadhi along with other duties entrusted by the Rajghat Samadhi Act, 1951. Petitioner was also informed that the total budgetary grant as well as total expenditure incurred on all heads including establishment and maintenance of the Samadhi by the CPWD for the past five years ranged near to Rs. 400 lakh (approx.) on an average. Copy of the typed copy of the replies dated 27.10.2015 to the RTI Applications are marked and annexed as **ANNEXURE NO. P-3 (Colly) [Page No. __ To. __]**.
- 20.** The petitioner again visited the Rajghat Samadhi on 03.11.2015 to see if any progress has been made in the maintenance and embellishment of the National Monument and pride of the nation. To the utter disappointment of the petitioner the status had not changed, if not deteriorated.
- 21.** The petitioner found the following short-comings present, as also reflected from the photographs taken in November, 2014, 15.09.2015 and 03.11.2015 at Rajghat Samadhi. Copy of the photographs are being marked and annexed as **ANNEXURE NO. P-4 (Colly) [Page No. __ To. __]**.

A. DEFECTS AND SHORT COMINGS NOTICE

I. At Entrance to Samadhi Premises :-

- a. Blue colour board along the indicating direction to Rajghat is in damaged condition since several years. (Photograph no. 1)
- b. In front of main gate heavy iron chain and pillar supporting it is lying broken since several years. (Photograph no. 2 & 3). At right side entrance pillars and chains are in good condition. (Photograph no. 4)

II. Main Entrance to Samadhi :-

- a. The entrance looks ugly and is very dirty. There is betel spots spread all around. (Picture cannot be taken.)
- b. Floor tiles are broken at many places and in corners brick bats, broken tiles pieces and garbage is lying just in front. (Photograph no. 26 & 27)
- c. On both the sides wooden racks are kept in which the visitors are required to keep their footwear before entering the Samadhi. (Photograph no. 26 & 27)

III. Samadhi and within Parkota/ Parikrama of Samadhi :-

- a. Within 5-6 feet distance on the lawn there is mud on most places. (Photograph no. 5, 6, 28 & 29)
- b. Around samadhi's black marble platform there is a white marble wall around of about 3 feet height. Marble has turned black because visitors rest their hand over the white marble wall and is given ugly look. This has not been cleaned since years. (Photograph no. 6 & 28)
- c. For visitors to reach Samadhi platform passage is formed by keeping stainless steel posts with iron chain attached. These posts and chains are rusted and turned black. (Photograph no. 5, 29 & 31)
- d. Green carpet has been spread/layed as can seen in pictures, over which visitors walk. This is damaged and broken at several places because of which people in general and old and ladies, elderly people and children in particular are very much likely to fall. (Photograph no. 34)
- e. At many places in parikrama damaged old green carpet is dumped due to which movements of visitors through parikrama to see and read quotes of Mahatma Gandhi

which are engraved on red sand stones both in Hindi and English. (Photograph no. 7)

f. At one place in parikrama there is room for the security guard to keep their belongings. The door is damaged and glasses are broken. (Photograph no. 8)

g. Damaged wooden pieces, machines, brooms, broken wire-maze and so many useless things are lying scattered in the parikrama. This looks not only ugly but is very much hazardous to the visitors who move around. (Photograph no. 9, 10, 11, 34, 35 & 36)

h. The wall tiles of parikrama and VIP Entrance are in broken condition since years. (Photograph no. 12 & 32)

i. There are spider webs on all the sides of the parikrama's roof and the wall which have not been cleaned for years. (Photograph no. 33)

IV. At VIP Entrance :-

a. On both side of VIPs passage flower pots are kept. Many flower pots with dried marigold plants etc. are kept which looks not only ugly but also shows gross negligence on the part of horticulture department of CPWD. (Photograph no. 14)

b. At few places floor slopes is defective due to which rain water and flower pot water remains stagnated from which VIP dignitaries pass through. (Ph. 13)

V. Extremely poor condition of trees planted by foreign dignitaries :-

Since the construction of Samadhi the VIPs (Presidents and Prime Ministers) of various friendly countries visit the Samadhi to pay their homage to the Mahatma. Many of them plant trees to commemorate their visit at the Samadhi. In front of plants galvanized iron plates are fixed on ground mentioning the name of dignitaries, name of their country, date of visit, date of plantation of trees and name of the species of the trees. All these things are in very bad condition as mentioned below:-

- a. Photograph no. 17 shows that the tree is there but the plate is sunk in the ground.
- b. Photograph no. 18 shows that only 2 inch middle portion of the plate is remaining and both side of the plate are missing.
- c. Photograph no. 19 shows a row of around 5 trees planted by the VIPs but the plates are missing. At another place just in front (Photograph no. 19) plate is there but the

entire tree is missing which is being pointed out by the man standing there.

In short, at many places the trees are existing but plates are missing and other places plates are there but trees are missing. Few existing plates are in very bad condition and faded because of which it is difficult to read them. (Photograph no. 16)

VI. Old abounded structures (Photograph no. 20) :-

Few structures abounded as shows in Ph. 20 are hardly 200 feet away from Samadhi and very near to the Samadhi office. These are in very poor condition and giving ugly look. Doors and windows are broken, damaged furniture, carpets and waste materials are kept inside which has because breeding place for mosquitoes and other insects like lizards which are hazards to human health.

VII. Condition of toilets is very dirty, damaged and shameful :-

There are only two toilets in the entire premises, one for men and other for women, both for Indian and foreign visitors. Short comings and defects are as notice are mentioned below :-

- a. Tapes of wash basin are damaged and in broken condition and are very dirty.
(Photograph no. 21, 40 & 41)

- b. Water is not coming through many tapes, doors of latrines are weak and some of them are in broken condition. (Photograph no. 22)
- c. The WC are very dirty, flush and jets are not working hence most of these remains filled with excreta, spreading bad smell all around. (Photograph no. 23, 37, 38 & 39)
- d. Garbage and other waste materials are dumped inside the toilets. (Photograph no. 24)
- e. Same is the condition of ladies toilet too. (Photograph no. 39)

VIII. Condition of sewage line and manholes :-

- 1) At many places sewage lines are exposed/open and are filled with dirtyness, garbage and other waste material. (Photograph no. 43)
- 2) Iron manholes covers of many manholes are rusted and damaged due to which these are exposed to atmosphere. (Photograph no. 42)
- 3) The RCC cover of few manholes, which might have be removed for leaning have not been replaced, due to which manholes are open. The garbage removed in lying around since several days as can be seen.

The above poor condition of sewage lines and manholes is hazardous to health and is harmful to the environment. These have become breeding places for mosquitoes and other insects and spreading bad smells in the entire area around. In Delhi, Dengue has been spreading and is posing a threat to human life. Therefore, such a condition of manholes and sewage lines is a cause of great concern.

IX. There is a pond on the left side of main public entrance to Samadhi as can be seen in Photograph no. 25.

This pond is constructed for the beautification of the area. But, water filled in the pond is very dirty, plastic bags, bottles and other garbage are floating. It is evident that the water is stagnated in the pond since long time and is not cleaned because of which this gives a very ugly look just at the entrance of Samadhi, spreading a foul smell and has become a breeding place for mosquitoes and flies etc.

X. Additional points :-

1) Faded and rusted donation boxes are kept on the both sides of black marble platform. In my view this is undignified to keep Charity Boxes here and is against the dignity and values of Gandhiji. It is not a place run on charity of the people. It is a national monument in the memory of the Father of the nation.

If anybody wants to make financial help the amount may be given in the office and receipt can be taken.

(Photograph no. 30)

2) At many places, tiles of footpath are broken/damaged and have not been repaired since long time. (Photograph no. 15 & 44)

3) Broken plastic chair resting over bricks is kept since long time just in front of men's laboratory giving ugly look. (Photograph no. 46)

4) The standard of gardening, plantation of flowers, decorative plants is hopelessly poor and do not match with the status the Samadhi of Mahatma Gandhi has.

5) There is huge dumping place of garbage, polythene bags, bottles and other dirty waste material just adjoining ladies toilet, 50 feet away from Gandhi Samadhi Committee (GSC) Office and above 150 feet away from main Samadhi. This has become breeding place for mosquitoes, lizards and other dangerous insects. This type of spots can be seen at many other places in the Samadhi area. (Photograph no. 45)

22. FEW OTHER OBSERVATIONS

- a. Addressing the nation on 15th August 2014 from Red Fort Prime Minister Shri Narendra Modi had stressed the need to make India clean and provide toilets in towns and villages for all through the country. He said

this would be a fitting tribute to Mahatma Gandhi on his 150th birth anniversary in year 2019. The policy of making India clean and to provide toilets from cities, towns to village level for all is high on the agenda of the national policy. When the conditions of cleanness and toilets are so horrible at the Samadhi of the Mahatma how we can expect to achieve to above goal.

- b. Large number of school children from Delhi and other places all over the India visit Samadhi of Mahatma Gandhi every day. The horrible condition of the Samadhi leaves bad impression on tender minds of these school children who are the architect of future India. We cannot expect them to cultivate the habit of keeping their surroundings clean and good order.
- c. Hundred of foreign tourists from all part of world visit the Samadhi of Father of Nation everyday and when they observe such a place of international important in dirty and neglected state they form very poor opinion of India. This is a matter of serious concern.
- d. The entire Samadhi area is 44.3 acres, out of this main Samadhi including the spot where trees are planted by VVIPs, RSC Office etc. is located only in 10 acres. Only this area requires priority, maintenance and upkeep of highest order which is not a difficult job. Remaining area also should be maintained properly.

e. Article 51A of the constitution of India lays down the duties of every Indian citizen. Relevant provisions of the article are produced below :-

(b) to cherish and follow the noble ideals which inspired our national struggle for freedom;

(f) to value and preserve the rich heritage of our composite culture;

(g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;

(i) to safeguard public property and to abjure violence;

(j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.

Utterly poor maintenance of the Samadhi of Mahatma Gandhi and surrounding area is the failure in performing their above duties, individually on the part of the President of the Rajghat Samadhi Committee and collectively on part of the Ministry of Urban Development, RSC and the Mayor of Municipal Corporation of Delhi.

23. FEW OTHER ESSENTIAL FACILITIES REQUIRED AT THE SAMADHI

- a. Suggestion and complaint book as well as visitors book to express their sentiments and emotions are not being made available to the visitors as is customary and essential for this type of National Monument. This should be done.
- b. The Samadhi is situated on the banks of Yamuna, 10 to 15 km away from market places. There are few others memorials/samadhies nearby such as those of Pt. Jawaharlal Nehru, Smt. Indira Gandhi and Shri Lal Bahadur Shastri. There is Gandhi Sangrahalay, Gandhi Pustakalay and Gandhi Darshan at a few distance. Many tourist come to Rajghat after visiting these places. Therefore it is essential to have a coffee cafe and snacks bar at a proper place at Rajghat where visitors can relax, can have coffee, cold drink and snacks etc. These facilities should be of world class standard.
- c. Surprising, there is no facility for drinking water at Gandhi Samadhi premises for the Indian and foreign visitors. A proper R.O./Mineral water facility should be made available for free at suitable locations.
- d. Mahatma Gandhi is known and admired by the people all over the world. He was unique personality and was unparallel in the history of mankind. After hearing the shocking news of demise of the Mahatma, the great scientist Albert Einstein has said :

“It would be hard to believe for the future generation that such a man as this one ever in flesh and blood walked upon this earth.”

Therefore when foreign visitors come to the Samadhi of Mahatma Gandhi they have desire and curiosity to know and understand more about life, personality and teaching of the Mahatma. Hence, it is essential that there should be an appropriate Photo Gallery at the Samadhi premises at a suitable place.

- e. There should also be a book stall where in books and photographs etc. with respect to the Mahatma should be made available for sale at reasonable price.
- f. Domestic and foreign tourists desire to make their visit to the Samadhi memorable. Therefore some articles, showpieces, photos, greeting cards etc. should be made available for sale. Showpieces could be such as famous 3 monkeys of the Mahatma, model of charkha etc. which visitors would like to purchase as memento.
- g. For the trees planted by the VVIPs, galvanized iron plates are fixed for giving details of their visits. These plates are weak and get damaged. Instead, a permanent cemented platform should be built with hard granite stone on top. The inscription should also be strong so as to last longer.

- h. Wooden shoe racks are kept just in front at the main entrance of the Samadhi and alongside the quotes of the Mahatma written on sand stone wall. (Photograph no. 37, 40 of Annexure No. 6). This gives an ugly look. Proper, safe and secure facility should be provided on the side of main entrance.
- i. The Mayor of Municipal Corporation of Delhi is an ex-officio member of the Rajghat Samadhi Committee. He has been included in the Committee to ensure that proper sanitation, cleanliness, maintenance and upkeep of the sewage lines and manholes etc. besides other responsibilities. The corporation is utterly failed in performing its duty. This should not happen and proper sanitation and upkeep should be ensured failing which defaulting officers should be panelized.

24. That some of the Valuable words spoken by Mahatma Gandhi on Cleanliness and the importance of toilets are being quoted below to put things into perspective:-

- a. *“WE do believe in removing dirt from our rooms, but we also believe in throwing it in the street without regard to the well-being of society. WE are clean as individuals, but not as members of the society of the nations of which the individual is but a tiny part.”*
- b. *“To me, the test of people’s knowledge of sanitation is the condition of their latrines.”*

c. *“Sanitation is more important than independence.”*

25. That the lack of maintenance of Rajghat means a gross insult or disgrace offered to National Memorial. The status of the lavatories at the memorial is against the beliefs of Mahatma Gandhi who believed that a lavatory must be as clean as a drawing-room. How can a place project itself as a Samadhi out of reverence for Mahatma Gandhi, to pay respect to him and to imbibe Gandhian ideals from the Gandhian atmosphere created and maintained, if they cannot follow the very principles Mahatma Gandhi lived by and wanted us to learn and imbibe.

GROUNDNS

- A. Because Mahatma Gandhi said “Sanitation is more important than independence” and the status of the Memorial does not reflect his ideals.
- B. Because Mahatma Gandhi made cleanliness and sanitation an integral part of the Gandhian way of living and we cannot let the symbol of reverence to Father of Nation be in a despicable state.
- C. Because respondent no. 1 has been entrusted to maintain the Rajghat Samadhi.
- D. Because the object of the Act was to ensure proper maintenance, preservation and administration of the Rajghat Samadhi.
- E. Because Section 5 of the Act defines powers and duties of the Committee which are to administer the affairs of the Samadhi and to keep the Samadhi in proper order and in a state of good repair and the RSC has disappointingly failed to perform its duties.

- F. Because it is evident from the object and reasons of the said Act coupled with the aforesaid provisions that the prime functions of the said Committee are to organize and regulate periodical functions at the Samadhi and to administer and conduct the affairs of Samadhi so that the same is kept in proper order, including maintenance and repair.
- G. Because Rule 1 provides for the creation of the Samadhi Fund and Rule 2 (1) provides that the Funds can be used to make payments for the maintenance or repairs or embellishment of the Samadhi.
- H. Because the total budgetary grant as well as total expenditure incurred on all heads including establishment and maintenance of the Samadhi by the CPWD for the past five years ranged near to Rs. 400 lakh (approx.) on an average and the maintenance of the Samadhi does not reflect the proper utilisation of the funds.
- I. Because issue in question deals with national honour, the subject is national honour and it is our duty to protect the national symbol of honour from desecration.
- J. Because Rajghat, a National Memorial, symbolises the honour of supreme and unparalleled sacrifice of Mahatma Gandhi and it is but natural to expect any citizen of India to regard with reverence any Samadhi that embodies the National pride.
- K. Because the lack of maintenance of Rajghat means a gross insult and disgrace offered to National Memorial.
- L. Because a place which is projected as having been created out of reverence for Mahatma Gandhi, to pay respect to him and to

imbibe Gandhian ideals from the Gandhian atmosphere created and maintained, cannot be allowed not to follow the very principles Mahatma Gandhi lived by and wanted us to learn and imbibe.

M. Because the Samadhi is the repository of his great soul reminding us never to forget the path of ideals he so painstakingly carved for us.

N. Because this is a fit case for this Hon'ble Court to exercise its power under Article 226 of the Constitution of India.

O. Because inaction on the part of the authorities concerned has resulted in degradation of the National Memorial and hurt the national honour and feeling of lack of patriotic people and those who believe in Gandhian People.

P. Because the petition if not allowed would continue to harm and cause prejudice to the society at large.

Q. Because it is the fundamental duty of every citizen under Article 51-A of the Constitution of India.

R. Because the Government of India has made the Policy of Swachh Bharat Abhiyan and high on the agenda of National Policy whereas extremely poor condition of the Samadhi and its surroundings, dirtiness and horrible condition of the toilets are against this policy.

S. Because taking petty donation from the public is against the dignity and values of the Father of the Nation. We owe our

freedom to him and should be able to afford to run and maintain the Samadhi without petty donations from the public.

25. That the above facts and circumstances and the grounds as detailed above, the petitioner is entitled to the reliefs claimed herein after in the larger public interest.
26. That the petitioner has not filed any other or similar petition before this Hon'ble Court or before the Hon'ble Supreme Court.

PRAYERS

In the facts and circumstances of this case, the Petitioner prays that this Hon'ble Court may most graciously be pleased to issue the following directions:-

1. To issue appropriate writ/direction to the Ministry of Urban Development as under:-
 - (a) To take necessary steps for the implementation of the duties enumerated under the Act and the Rules;
 - (b) To stringently apply the principles of cleanliness and sanitation at the Rajghat Samadhi, failing which the Ministry should be held liable and penalized for the same;
 - (c) To issue strict instructions to the President and Secretary of the Rajghat Samadhi Committee to perform their duties strictly as provided under the Act and Rules and to make the Rajghat Samadhi as a world class monument.
2. To issue appropriate writ/direction to the Rajghat Samadhi Committee to carry out repair and maintenance as submitted below :

- (a) To perform the requisite repair and maintenance at the Samadhi and to keep it in proper order and in a state of a good repair at all the time and on day to day basis;
- (b) The defects and short comings which are pointed out in the instant petition should be repaired and set right on priority at the earliest;
- (c) International level toilets should be made for male and female as they are available at Indira Gandhi International Airport;
- (d) Highest standard of the hygiene should be maintained by carrying out cleaning and repairs of sewage lines, manholes etc.
- (e) The pond on left side of the passage to the Samadhi should be cleaned and beautified to make in presentable condition;
- (f) Wooden shoe racks should be removed from present location and proper arrangement should be made for keeping the footwear at a proper place and in a proper manner;
- (g) The donation boxes kept on the both side of the black marble platform should be removed immediately;
- (h) The Mayor of the Municipal Corporation of Delhi, who is the ex-officio member of the Rajghat Samadhi Committee should be directed to perform duties strictly as per

norms on the part of the corporation and should be held responsible for any negligence.

- (i) The old abounded structures should either be remove or be repaired and maintained in presentable condition to serve useful purpose;
- (j) The quality of horticulture work should be improved to maintain the lawns, gardens and plantation of trees as per world class standard;
- (k) Trees planted by the VVIPs should be maintained with proper care and expertise. Strong and durable cemented platform should be built after plantation of trees so as to remain in proper condition forever.

3. To issue such direction to Ministry of Urban Development and to Rajghat Samadhi Committee to install the facilities such as :-

- (a) RO/Mineral Water to be provided for free.
- (b) Information about tree planted by dignitaries should be displayed properly at the suitable place and to keep record of all the plants planted.
- (c) International level snack and coffee cafe should be constructed with all facilities.
- (d) The entire Samadhi and surrounding areas should be developed and maintained to make it a world class tourists spot as per the suggestions by the experts.

- (e) There should be a photo gallery of photographs and further information of Gandhiji's life, personality and teaching.
 - (f) Books and other things regarding respected babuji should be made available for sale on genuine price.
 - (g) Some items and showpieces like three monkeys, charkha, photographs, showpieces, greeting cards etc. may be kept here for sale.
 - (h) Suggestions and complaint books may be easily available and action should be taken on that. Visitor books may be kept for ordinary people so that they may express their emotions.
4. To ensure proper maintenance and upkeep of the Samadhi a mechanism should be evolved by the Ministry of Urban Development so that once the things are set right at the Samadhi similar situation should not develop again in future. For this, the government may form an independent committee of experts such as civil engineer, public health engineer, expert from horticulture department and expert in Gandhian philosophy. The committee may carry out thorough inspections at regular interval which should not exceed more than 3 months and submitted its report to the competent authority of the government for strict compliance.

5. To issue appropriate writ/direction to the Central Government to initiate action against Rajghat Samadhi Committee and/ or Government Officials who failed in their statutory duty to “preserve, protect and secure” the sacrosanct of pious place and have injured the sentiments and pride of common masses.
6. Award the cost of litigation in favour of the petitioner; and
7. Pass any other or further orders, as this Hon’ble Court may deem fit and proper.

PETITIONER

THROUGH

Abhinav Shrivastava/Sameer Jain
Advocate

NEW DELHI

DATE:

PAMASIS Law Chambers
Advocate for the Petitioner
A-169, LGF, Defence Colony,
New Delhi- 110024

institution, body and there is no motive other than public interest in filing this petition.

4. I have done whatsoever inquiry/investigation which was in my power to do, to collect all data/material which was available and which was relevant for this court to entertain the present petition. I further confirm that I have not concealed in the present petition any data/material/information which may have enabled this court to form a opinion whether to entertain this petition or not and/or whether to grant any relief or not.

DEPONENT

VERIFICATION:

Verified at New Delhi on ___ day of January, 2016 that the contents of the above affidavit are true and correct to the best of my knowledge. Nothing material has been concealed therefrom.

DEPONENT

	letter dated 26.09.2015 along with annexures and suggestions sent to Minister for the Ministry of Urban Development, Government of India.	
9.	<u>Annexure No. 3</u> Copy of the typed copy of the replies dated 27.10.2015 to the RTI Applications.	
10.	<u>Annexure No. 4 (colly)</u> Copy of the Photographs taken of the Rajghat Samadhi on 15.09.2015 and 03.10.2015.	
11.	Application Under Section 151 Of Code Of Civil Procedure, 1908 For Exemption From Filing Original/ Legible/ Typed/ Certified Documents At The Time Of Filing Of Petition along with the affidavit.	
12.	Certificate	
13.	Vakalatnama	

Petitioner

Through

**Abhinav Shrivastava/Sameer Jain
Advocate
Counsel for the Petitioner
PAMASIS Law Chambers
A-169, L.G.F, Defence Colony,
New Delhi**

Place:New Delhi

Date: ____ .01.2016

Through its Secretary
Mahatma Gandhi Road,
New Delhi – 110002

....Respondent No.1

2. Union Of India,
Through Its Secretary
Ministry of Urban Development,
Govt. Of India
Nirman Bhawan
New Delhi.

....Respondent No. 2

3. North Delhi Municipal Corporation,
Through its Mayor
Civic Centre, Minto Road,
New Delhi-110 002

....Respondent No. 3

Petitioner

THROUGH

Abhinav Shrivastava/Sameer Jain

Advocate

NEW DELHI

PAMASIS Law Chambers

DATE:

Advocate for the Petitioner

A-169, LGF, Defence Colony,

New Delhi- 110024

**IN THE HIGH COURT OF DELHI AT NEW DELHI
(CIVIL WRIT JURISDICTION)
CM No. Of 2016
IN
WRIT PETITION (CIVIL) NO. OF 2016**

In the matter of Public Interest Litigation:

SHYAM NARAYAN CHOUKSEY ...PETITIONER

VERSUS

RAJGHAT SAMADHI COMMITTEE AND ORS. ...RESPONDENTS

**APPLICATION UNDER SECTION 151 OF CODE OF CIVIL
PROCEDURE, 1908 FOR EXEMPTION FROM FILING
ORIGINAL/LEGIBLE/TYPED/CERTIFIED DOCUMENTS AT THE
TIME OF FILING OF PETITION**

To,

The Hon'ble Chief Justice and his companion Judges
of the Hon'ble High Court of Delhi at New Delhi

The humble petition of the
Petitioner above named:

MOST RESPECTFULLY SHOWETH

1. That the petitioner has filed the accompanying Petition under Article 226 of the Constitution Of India and the facts stated therein have not been repeated here for the sake of brevity. However, the Petitioner craves leave of this Hon'ble Court to refer to and rely on the contents of the petition for the purposes of the present application.
2. That the present petition is being filed seeking issue appropriate writ/ directions to the Ministry of Urban Development to take necessary steps for the implementation of the duties enumerated under the Act and the Rules.
3. The Petitioner have a prima facie very good case in their favour and are likely to succeed before this Hon'ble Court.

PRAYER

It is therefore, most respectfully prayed that, in the interests of justice, this Hon'ble court may be graciously pleased to:

- i) Exempt the Petitioner from filing original/ legible/ typed/ certified of the annexed documents and/or;
- ii) Pass any such other or further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

Petitioner

THROUGH

NEW DELHI
DATE:

Abhinav Shrivastava/Sameer Jain
Advocate
PAMASIS Law Chambers
Advocate for the Petitioner
A-169, LGF, Defence Colony,
New Delhi- 110024

IN THE HIGH COURT OF DELHI AT NEW DELHI
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CM No. Of 2016
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VERSUS

RAJGHAT SAMADHI COMMITTEE AND ORS. ...RESPONDENTS

AFFIDAVIT

I, Shyam Narayan Chouksey S/o Late N.L. Chouksey aged about 75 years R/o A-238. Shahpura, Bhopal, Madhya Pradesh., presently at New Delhi do hereby solemnly affirm and declare as under:-

1. That I am Petitioner in the above said Petition and I am fully conversant with the facts of the case and hence, I am competent to sign and swear this affidavit.

2. That I have read through the contents of the application which has been drafted by the counsel under my instructions and the same have been read out to me in vernacular.
3. That the contents of the accompanying application is not being reproduced herein for the sake of brevity and the same be read as part of this affidavit.

DEPONENT

VERIFICATION

Verified at New Delhi on this ____ day of January, 2016 that the contents of the affidavit are true and correct to my knowledge, as derived from the official records, no part of it is false and no material information has been concealed therefrom.

DEPONENT

IN THE HIGH COURT OF DELHI AT NEW DELHI
(CIVIL WRIT JURISDICTION)
WRIT PETITION (CIVIL) NO. _____ OF 2016

In the matter of Public Interest Litigation:

SHYAM NARAYAN CHOUKSEY	VERSUS	...PETITIONER
RAJGHAT SAMADHI COMMITTEE AND ORS.		...RESPONDENTS

KNOW ALL to whom these present shall come that I, Shyam Narayan Chouksey above named petitioner, do hereby appoint:

**Mr. Abhinav Shrivastava(D-2390-C/2008), Mr. Sameer Jain (D-979/2010) and
Harsh Vardhan (D-2058/2015)**

hereinafter called advocate/s to be my/our Advocates/in the above-noted case and authorize him/them:-

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Courts including High Court.

To sign, file, verify present pleadings, applications, appeals cross-objection, or petitions for execution, revision, restoration, withdrawal, compromise or other petitions, replies, objection or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents.

To withdraw, or compromise the said case or submit to arbitration and differences or disputes that may arise touching or in any manner relating to the said case.

To take out execution proceedings.

To deposit, draw and receive moneys, cheques and grant receipts therefore and do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the advocate whenever he may think fit to do and to sign the power of attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm acts, done by the Advocates or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I/We or my/our duly authorized agent, would appear in Court on all hearings and will inform the Advocate for appearance, when the case is called.

And I/We undersigned do hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequence of the absence from the court when the said is called up for hearing, or for any negligence of the said Advocate of his substitute.

And I/We the undersigned do hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same are paid up. If any costs are allowed for an adjournment, the advocate would be entitled to the same.

IN WITNESS WHEREOF I/We do hereunto set my/our hand/s these presents the contents of which have been understood by me/is this day of , 2016.

Accepted subject to the terms of fees.

MR. Abhinav Shrivastava/ Mr. Sameer Jain

Mr. Harsh Vardhan

Client

**IN THE HIGH COURT OF DELHI AT NEW DELHI
(CIVIL WRIT JURISDICTION)
CM No. Of 2016
IN
WRIT PETITION (CIVIL) NO. OF 2016**

In the matter of Public Interest Litigation:

SHYAM NARAYAN CHOUKSEY ...PETITIONER

VERSUS

RAJGHAT SAMADHI COMMITTEE AND ORS. ...RESPONDENTS

C E R T I F I C A T E

Certificate that the identical coloured as annexed with the present Petition at Annexure no. P 4 , the coloured copy of the same has also been served upon all the Respondents.

THROUGH

Abhinav Shrivastava/Sameer Jain

NEW DELHI

DATE:

Advocate
PAMASIS Law Chambers
Advocate for the Petitioner
A-169, LGF, Defence Colony,
New Delhi- 110024