

# HIGH COURT OF UTTARAKHAND AT NAINITAL INDEX

IN

## INTERVENTION APPLICATION NO.9016 OF 2021

On behalf of

Sanjiv Agarwal

-----Applicant

IN

## WRIT PETITION (PIL) NO. 58 OF 2020 (Under Article 226 of the Constitution of India)

**DISTRICT:HARIDWAR**

**BETWEEN**

Sh. Sachidanand Dabral

....Petitioner

**AND**

Union of India and others

.....Respondents

Sl. No.	Particulars	Page
1.	Intervention Application	1-12
2.	Affidavit	13-14
3.	<b>Annexure No.1:</b> A true copy of the World Travel and Tourism Council report dated 25.03.2020	15-17
4.	<b>Annexure No.2:</b> A true copy of the report dated 14.04.2020 published in Scroll.in	18-24
5.	<b>Annexure No.3:</b> A true copy of the order dated 29.06.2020	25-28
6.	<b>Annexure No.4:</b> A true copy of the order dated 28.06.2021 staying the opening of the Char Dham Yatra and imposing a restriction	29-62
7.	<b>Annexure No.5:</b> a true copy of the reports showing that a large part of the	63-64



*[Handwritten Signature]*

		population is already exposed to the virus	
8.	<b>Annexure No.6:</b>	A true print of newspaper report	65-75
9.	Vakalatnama		76

*le*  
(Vivek Pathak) & (Priyanka Agrawal)

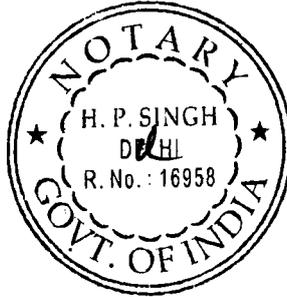
Advocates

Counselors for the Applicant

Reg No. UK- 4931/04 & UK-705/2018

V-332 & P-1418

Date: 11.08.2021



*[Handwritten Signature]*

①

**HIGH COURT OF UTTARAKHAND AT NAINITAL**

\*\*\*\*\*

**INTERVENTION APPLICATION NO.9016 OF 2021**

On behalf of

Sanjiv Agarwal (male aged about 57 years) S/o- Late J.P Agarwal R/o  
149 Uday Shankar Sarani, P.S. Jadavpur, Kolkata 700033 Presently  
Resident of U-I Green Park Main New Delhi 110001

-----Applicant

IN

**WRIT PETITION (PIL) NO. 58 OF 2020**  
(Under Article 226 of the Constitution of India)

**DISTRICT:HARIDWAR**

**BETWEEN**

Sh. Sachidanand Dabral (Male aged about 37 years) S/O Late Sh.  
Siddhanand Dabral, R/o H.No. 97, Phase 1, Tehri Vishathapit Colony,  
Ranipur, Haridwar, Uttarakhand-2494033

....Petitioner

**AND**

1. Union of India- Ministry of Labour and Employment,  
Through its Secretary,  
Shram Shakti Bhawan, Rafi Marg,  
New Delhi-110001  
Email I.D.: [secy-labour@nic.dot.in](mailto:secy-labour@nic.dot.in)
2. Ministry of Home Affairs,  
Through its Secretary,  
North Block, New Delhi-110001  
Email: [hsho@nic.in](mailto:hsho@nic.in)
3. Government of Uttarakhand,  
Through its Chief Secretary,  
Secretariat, Dehradun, U.K.

.....Respondents

To,



Hon'ble The Chief Justice and his other companion Judges of the aforesaid Court

The humble application of the above named applicant most respectfully showeth as under:-

1. That the Public Interest Litigation aforementioned has been connected with various other Writ Petition (PIL) No. 58 of 2020, Writ Petition (PIL) No. 97 of 2019, Writ Petition (PIL) No. 50 of 2020, Writ Petition (PIL) No. 51 of 2020, Writ Petition (PIL) No. 67 of 2020, Writ Petition (PIL) No. 70 of 2020, Writ Petition (PIL) No. 61 of 2021, Writ Petition (PIL) No. 71 of 2021; Writ Petition (PIL) No. 72 of 2021, Writ Petition (PIL) No. 77 of 2021 and Writ Petition (PIL) No. 90 of 2021
2. That it appears from tenor of the petitions that a relief in connection with various aspects of issues arising from the prolonged Covid-19 situation has been sought but no relief on the behest of the tourist and travel industry has been sought as the impugned restrictions is also effecting the right to livelihood of many people in the State of Uttarakhand thus this application is being filed.
3. That before going further it is pertinent to mention here that this Intervention is filed by the Applicant, Mr. Sanjiv Agarwal who is the Managing Director of a Public Ltd Company namely M/s Fairfest Media Ltd. (hereinafter referred to as the "said company" ). The said company was incorporated in the year 1988 as a travel media company and is India's leading travel trade show organizers which has over 1000 clients from the Travel and Tourism industry.



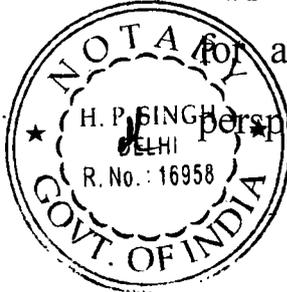
A handwritten signature in black ink, appearing to be "Sanjiv Agarwal".

The said company is supported by the Tourism Departments of Government of India as well as State Governments and the Intervener /Applicant through his company have contributed in developing a huge volume of domestic tourism in the country on which lakhs of people depend for their employment and survival.

4. That being a part of the tourism industry for such a long time the Intervener/Applicant has a deep and intimate knowledge of the travel and hospitality sector of the country and as such is deeply concerned about the plight of the travel and hospitality industry which has seriously been hit on account of the ongoing pandemic. It is submitted before this Hon'ble High Court that the Applicant/Intervener is approaching this Hon'ble Court by way of this intervention application to bring into the kind notice of this Hon'ble Court the plight of lakhs of people who are working in the Travel and Hotel industry which has been caused due to the ongoing restrictions imposed on the general population as well as tourists. Hence, in light of the same the Intervener/Applicant has ample locus to approach this Hon'ble Court by way of this application.

5. That since the above titled writ petition (PILs) deals with an important question of restricting tourism in the State of Uttarakhand which effects the livelihood of lakhs of people, it is imperative that the Hon'ble Court be pleased to allow the Applicant / Intervenor to place the certain submissions at this stage

for a proper adjudication of the matter and provide a true perspective of the matter in hand.



6. That the applicant/Intervenor submits before this Hon'ble High Court that as per the World Travel and Tourism Council, 9 (Nine) million jobs in the travel and tourism industry are at risk in India. For ready reference, a true copy of the World Travel and Tourism Council report dated 25.03.2020 is annexed to and marked as **Annexure No 1** to this application.
7. That in India, Travel & Tourism provides employment to approximately 12.5% of the total workforce. The restriction is expected to cause 38 million job losses in the travel and tourism industry. For ready reference, a true copy of the report dated 14.04.2020 published in Scroll.in is annexed to and marked as **Annexure No 2** to this application.
8. That it is pertinent to mention here that Uttarakhand being one of the tourist destination for many people the proportion of the locals depending upon tourism as a primary source of revenue and livelihood is much higher. It becomes imperative to statet here that more than lakhs of people in Uttarakhand depend on the Tourism and Travel industry for their livelihood.
9. That before going further it important to reiterate the history of the lockdowns and restrictions imposed by the government on account of the Covid 19 pandemic. In order to contain the widespread of COVID-19 pandemic, the Government of India ordered the whole nation to go in a state of total lockdown from 25th March 2020. Movements of people were restricted and were only allowed for emergency reasons. Various orders were passed in this regard by



A handwritten signature in black ink, appearing to be "S. Singh".

the Ministry of Home Affairs. However, after 17.05.2020, in the view of degrading economical condition in the Country, the restrictions were eased down in a calibrated manner.

- 10. That further vide order dated 29.06.2020 passed by Ministry of Home Affairs, Govt of India (MHA) vide D.O. No. 40-3/2020-DM-I (A) the restriction on interstate and interstate movement of persons was eased out. Relevant part of the said order is reiterated below:-

*“However, there shall be no restriction on inter-State and intra-State movement of persons and goods including those for cross land-border trade under Treaties with neighboring countries. No separate permission/ approval/ e-permit will be required for such movements.”*

For ready reference, a true copy of the order dated 29.06.2020 is annexed to and marked as **Annexure No 3** to this application. The said order removed the unreasonable restrictions on the movement of bonafide citizens within the country and people were allowed to travel intra-state and inter-state and also did away with the requirement of a permit/pass.

- 11. That the aforesaid direction was issued by the MHA after several representations were made by several reputed organizations including the Intervener/ Applicant highlighting the unconstitutionality in the unreasonable restrictions being put on the inalienable fundamental rights of the citizens of India, to travel within the country.



A handwritten signature in black ink, appearing to be a stylized name.

- 12. That it is the humble submission of the Intervener/ Applicant that in pursuance to the aforesaid order, the Government of Uttarakhand has also relaxed various restrictions on the entry of bonafide citizens of the country from other states into Uttarakhand.
- 13. That on 23.06.2021 the Government of Uttarakhand had issued a G.O dated 20.06.2021, wherein the Government thought it proper to re-open the Char Dham Yatra in a phased manner. According to the said G.O., in the first phase, the residents belonging to the Chamoli district would be permitted to visit the Badrinath temple; the residents of Rudraprayag district would be permitted to visit the Kedarnath temple; the residents of Uttarakhashi district would be permitted to visit the temples of Gangotri and Yamunotri. It was also proposed that in the second phase, the residents of other ten districts of Uttarakhand would be permitted to visit the Char Dhams.
- 14. That the aforesaid government order was challenged by the aforesaid PILs and this Hon'ble Court vide its order dated 28.06.2021 passed in Writ Petition (PIL) No 58 of 2020 had stayed the opening of the Char Dham Yatra as the same would be inviting a calamity. For ready reference, a true copy of the order dated 28.06.2021 staying the opening of the Char Dham Yatra and imposing a restriction is annexed to and marked as **Annexure No 4** to this application.



That at the very outset the Applicant/Intervenor submits that any such restrictions are bad in law in view of the said MHA's D.O.

A handwritten signature in black ink, appearing to be a stylized name.

(7)

No. 40-3/2020-DM-I (A) dated 29<sup>th</sup> June, 2020 which clearly states (vide point 4) that, “However, there shall be no restriction on inter-State and intra-State movement of persons and goods including those for cross land-border trade under Treaties with neighboring countries. No separate permission/ approval/ e-permit will be required for such movements.” and also because such restrictions would be ultra-vires to the fundamental right to freedom to move freely throughout the territory of India vide article 19(1)(d) of the Constitution, in view of the said MHA’s order dated 29th June 2020.

16. That the Intervenor craves leave to produce irrefutable medical opinion which says that lockdown and the restrictions have no relevance to the spread of the virus and as such the same need to be lifted.
17. That the Intervener/ Applicant submits that imposing the restrictions on the entry of people from other states is a violation of the fundamental freedoms guaranteed by the Constitution of India under Article 19 (1) (d) that guarantees citizens a right to move freely throughout the territory of India.
18. That the Intervener/ Applicant most humbly submits that the COVID-19 is a pandemic. However, due to the widespread nature of infection and the limited number deaths compared with all deaths due to other reasons, the Governments around the world have found that lockdowns are not the answer for managing this pandemic. Various countries around the world have already re-



A handwritten signature in black ink, appearing to be a stylized name.

(8)

opened their economies by lifting such lockdowns and travel restrictions, as they have realised that the nature of this infection is widespread but with a very low risk of death (Infection Fatality Rate – IFR) which is much below 1% (0.08% in India according to ICMR). This low risk of death is similar or even lower to many other infectious diseases that we live with, in our day to day life, without lockdowns. The Applicant/ Intervenor craves leave to produce expert opinion in this regard, if called upon.

19. That it is pertinent to mention here that according to the government's own survey close to 67% of the population of the country has been infected by the Coronavirus and that is leading to what is medically accepted concept of "Herd Immunity". The most recent survey conducted by the AIIMS + WHO has concluded that more than 67% of the Indian population is already exposed to the virus.

For ready reference, a true copy of the reports showing that a large part of the population is already exposed to the virus is annexed to and marked as **Annexure No.6** to this application.

20. That keeping the fundamental freedoms perpetually curtailed under restrictions in the name of a disaster (which is essentially a health management issue) even after more than an year of lockdowns would impose unreasonable restrictions on fundamental rights of the citizens guaranteed under the Constitution of India and hence is ultra vires. It is pertinent to mention here that the governments are easing these restrictions as the general people of their respective states are suffering and the



A handwritten signature in black ink, appearing to be "S. J. Singh".

Court while deciding the aforementioned PILs is humbly requested to consider this submission.

21. That maintenance of social distancing and masking are accepted norms, which can be adopted by people in their own interest and can be further monitored by law enforcement machinery. Permanent closure of Char Dham is unreasonable and is not a remedy.

22. That the Intervener/ Applicant states that such restriction on the movement of bonafide citizens of India into the State, including workers and professionals who have their bonafide work in the State has resulted in a huge loss to the travel and tourism industry and other business, profession or occupation in the State. Such restrictions are arbitrary, irrational and irrelevant. The Intervener/Applicant reasonably believes that if the same continues, many people will lose their jobs and will have no source of income starving them to death.

23. That the contention of the Applicant/ Intervener is such that the restrictions which is getting imposed on the tourism/hospitality sector by restricting free tourism in the State of Uttarakhand as well as closing Char Dham Yatra is affecting the right to livelihood of local population in general including hoteliers, local businesses including small and micro businesses. It is humbly submitted that in remote hill areas livelihood of entire general and poor masses depends upon Yatra and tourism in one way or the another, which forms part of Right to Life as enshrined under Article 21 of the



*[Handwritten signature]*

10

Constitution of India and as laid down in Olga Tellis & Ors. V  
Bombay Municipal Corporation & Ors AIR 1986 SC 180.

24. That it is the state government who had the relevant data and expertise to assess the position at ground level and hence has the justified authority and responsibility of taking a decision to open the Char Dham Yatra. The safety of people can be ensured by reasonable restrictions like testing tourist at entry point and at such other points by regular and random testing as the authorities may deem fit but complete closure will jeopardize economy of poor people and will cause greater losses, hence is an unreasonable restriction.
25. That such harsh restrictions/lockdowns impose a much bigger cost on life and livelihoods on which life ultimately depends, making such measures unjust particularly in developing countries like India. A true print of newspaper report is annexed to and marked as **Annexure No 7** to this application.
26. That irrational restriction will result in huge loss to the local cottage industries which squarely depend upon fellow citizens touring from other parts of the country and the poor local people are at the risk of penury, malnutrition and eventually starvation.
27. That the order dated 28.06.2021 passed by this Hon'ble Court if extended will restrict several other fundamental rights as guaranteed by the Constitution of India which is Article 19(1)(d)

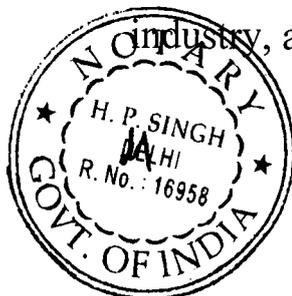


A handwritten signature in black ink, appearing to be "S. Singh".

(11)

Right to move freely throughout the territory of India, Article 19 (1)(g) Right to trade and profession and Article 25 Freedom of conscience and free profession, practice and propagation of religion.

28. That in view of the above, the Intervener/ Applicant is preferring this Application for Intervention to support the hoteliers and the hundreds of thousands of person's livelihood which depends upon the travel and tourism industry and who have been rendered without any income and are unemployed and in extreme poverty risking complete economic collapse and eventual death due to starvation.
29. That grave and irreparable loss would be caused to millions of people in the Travel and Tourism industry including lakhs of very poor people having no other means of livelihood, if the prayer sought for in the above titled writ is granted to the Petitioner.
30. That it is, therefore, imperative in the interest of justice that the Intervener/ Applicant be allowed to intervene in the above titled writ petition, to enable him to bring in all these aspects before this Hon'ble Court from the perspective of the rights of the Travelers, Hoteliers and working class people of the travel and tourism industry, and other related aspects.



A handwritten signature in black ink, appearing to be a stylized name.

31. That this Application has been made bonafide in the interest of justice.

**PRAYER**

It is therefore most respectfully prayed that this Hon'ble High Court may be pleased to allow this application and

- (i) the applicant may kindly be permitted to intervene in the Public Interest Litigation.
- (ii) allow the Intervener/ Applicant to make detailed submissions at the time of arguments; and
- (iii) pass any other orders as this Hon'ble Court may deem fit in the interest of justice.

*b*

**(Vivek Pathak) & (Priyanka Agrawal)**  
**Advocates**  
Counsels for the Applicant  
Reg No. UK- 4931/04 & UK-705/2018  
V-332 & P-1418

Date: 11.08.2021



*[Handwritten signature]*

**HIGH COURT OF UTTARKHAND AT NAINITAL**  
**AFFIDAVIT**  
**IN**  
**INTERVENTION APPLICATION NO. 9016 OF 2021**

On behalf of

Sanjiv Agarwal

-----Applicant

**IN**

**WRIT PETITION (PIL) NO. 58 OF 2020**  
**(Under Article 226 of the Constitution of India)**

**DISTRICT:HARIDWAR**

**BETWEEN**

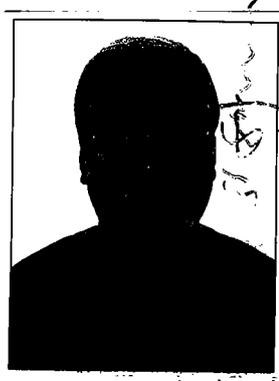
Sh. Sachidanand Dabral

....Petitioner

**AND**

Union of India and others

.....Respondents



Affidavit of Sanjiv Agarwal (male aged about 57 years) S/o- Late J.P Agarwal R/o 14/149 Uday Shankar Sarani, P.S. Jadavpur, Kolkata 700033 Presently Resident of U-I Green Park Main New Delhi 110001

DEPONENT



I, the deponent named above do hereby solemnly affirm and state on oath as under:-

1. That the deponent is sole applicant in the aforesaid intervention application as such he is fully acquainted with the facts and circumstances of the case deposed to below.

I, the deponent above named do hereby declare that contents of para no. 1 of the affidavit and those of contents of Para No.

1, 2, 3, 4, 5, 8, 9, 11, 12, 13, 16, 17, 20, 21, 22, 26, 28, of the application are true to my knowledge and those of the contents of para



no. <sup>(P)</sup> 6, 7, 10, 13, 14, 15, 18, 19, 23, 24 of the application are based on perusal of records, and those of the para no. 29, 30 of the application are based on legal advice, which all I verify and believe to be true that no part of this affidavit is false and nothing material has been concealed.

*epsingh*  
D/3518/16  
I Identify the deponent who has Signed put T.I. In my presence

**SO HELP ME GOD**



*L.T.S.*

*[Signature]*  
Deponent

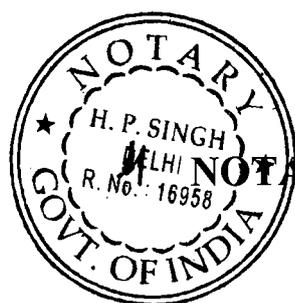
I, *GURU MOCK. PALS WUM* Advocate,  
at *DELHI HIGH COURT* do hereby declare that the person making this affidavit and alleging himself to be deponent, is known to me through the perusal of records,

*epsingh*  
Advocate  
Reg. No. D/3518/16

**11 AUG 2021**

Solemnly affirm before me on this day of August, 2021 at about *11:00 am/pm* by the deponent, who has been identified by the aforesaid Advocate.

I have satisfied myself by examining the deponent, who has understood the contents of the affidavit, and which has been readover and explained to deponent by me.



**NOTARY PUBLIC**

*[Signature]*

**ATTESTED**

*[Signature]*  
Notary Public, Delhi (India)

**11 AUG 2021**

# Latest research from WTTC shows a 50% increase in jobs at risk in Travel & Tourism



25th March 2020

**Number of jobs at risk from COVID-19 pandemic is up to 75 million**

**London, UK:** Up to 75 million jobs are at immediate risk in global Travel & Tourism due to the coronavirus pandemic, according to the World Travel & Tourism Council (WTTC).

The alarming figure, based on research from WTTC, shows a punishing Travel & Tourism GDP loss to the world economy of up to US\$2.1 trillion in 2020.

The latest projection of a 50% increase in jobs at risk, in less than two weeks, represents a significant and worrying trend, with an astounding one million jobs being lost every day in the Travel & Tourism sector, due to the sweeping effect of the coronavirus pandemic.

A handwritten signature in black ink, appearing to be "S. Singh".

The analysis by WTTC, which represents the global Travel & Tourism private sector, also exposes the depth of the crisis for individual regions. Asia-Pacific is expected to be most heavily impacted with up to 49 million jobs at risk throughout the region, representing a loss of nearly US\$800 billion to Travel & Tourism GDP. The latest figures also suggest that in Europe, up to 10 million jobs in Travel & Tourism are at risk, totaling a loss of nearly US\$552 billion.

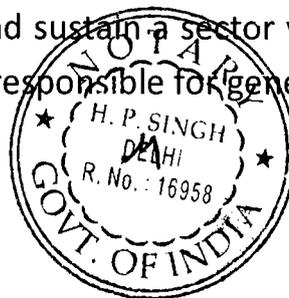
The Americas are also expected to be hit hard by this crisis, with the United States, Canada and Mexico expected to lose up to US\$570 billion combined, with nearly seven million jobs in Travel & Tourism at risk. Other countries expected to be hit hard by this crisis include Brazil, the United Kingdom, Italy, Germany, France, Japan, Indonesia and India.

Gloria Guevara, WTTC President & CEO, said: "The number of jobs now at risk in the global Travel & Tourism sector is a staggering 75 million, bringing real and profound worry to millions of families around the world.

"This chilling new figure also represents the collective delay by many governments around the world to react quickly enough to come to the aid of a sector which is the backbone of the global economy.

"If urgent action is not taken within the next few days, the Travel & Tourism sector faces an economic meltdown from which it will struggle to recover and plunge millions of people dependent upon it for their livelihoods into debt. Not only will this have an enormous negative impact on major businesses in the Travel & Tourism sector around the world, the 'domino effect' will also result in massive job losses across the entire supply chain, hitting employees and those in self-employment.

"We call on all those in positions of power to help the powerless and enact policies to support and sustain a sector which is a driving force of the global economy and responsible for generating one in five of all new jobs."



Germany is set to be the most affected country in Europe, with almost 1.6 million jobs at risk, followed by Russia with an estimated 1.1 million in potential job losses. Italy and the UK follow as the third most impacted, with both countries projected to lose up to one million jobs in the Travel & Tourism sector.

Meanwhile, the region which has experienced the least damaging impact from the COVID-19 outbreak is the Middle East. However, it still faces job losses of 1.8 million and a GDP loss of up to US\$65 billion to the regional economy.

Travel & Tourism contributes to 10.4% of Global GDP, is directly responsible for generating one in 10 of the world's jobs, and for eight successive years, has outpaced the growth of the global economy.

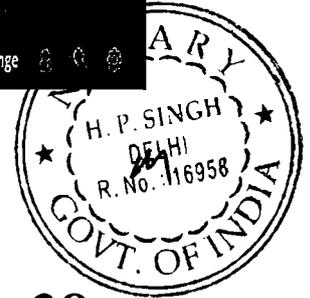
**Ends**

**For further information, please visit [wttc.org](http://wttc.org)**

**For media enquiries, please contact ...**



A handwritten signature in black ink, appearing to be "S. Singh", written over the notary seal.



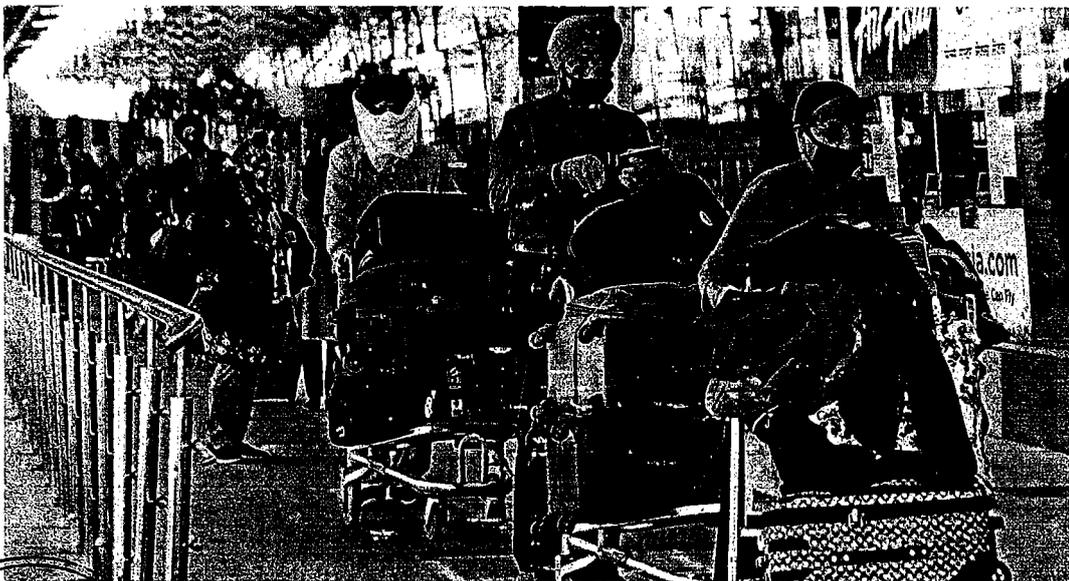
**CORONAVIRUS CRISIS**

# India's Covid-19 lockdown may cause 38 million job losses in the travel and tourism industry

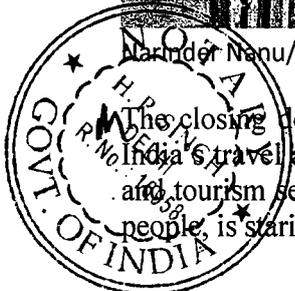
The sector employs 12.75% of the country's workforce.

Chaitanya Mallapur, IndiaSpend.com

Apr 14, 2020 · 01:30 pm



Maninder Nenu/AFP



The closing down of the iconic Taj Mahal last month is an evocative symbol of how India's travel and tourism landscape has changed due to Covid-19. The country's travel and tourism sector, more dependent than others on the free and confident movement of people, is staring at millions of disappearing jobs and a grey future.

As a result of the nationwide lockdown, with no travel possible, the tourism industry is being "badly hit", a government press release said on April 10.

Reports and experts suggest possible job loss across tourism and allied industries due to standstill caused by the Covid-19 outbreak across the world. "The Indian tourism and hospitality industry is staring at a potential job loss of around 38 million, which is 70% of

the total workforce,” due to Covid-19, a report by KPMG, a financial services and business advisory firm, said on April 1.

As many as nine million jobs – six times the population of Goa – in the travel and tourism sector are at risk in India, according to the World Travel and Tourism Council, a global forum to raise awareness about the industry.

If this trend continues as the Covid-19 crisis progresses, it will be a setback for national employment. The sector accounts for 12.75% of employment – 5.56% of it direct and 7.19% indirect. Over 87 million people were employed in the tourism industry in 2018-'19, according to the ministry of tourism's annual report for 2019-'20.

## Travel industry paralysed

Officials of travel and tourism companies tell a uniformly dismal story of cancelled bookings from February 2020 leading to “complete paralysis” by mid-to-late March 2020. “The industry has come to a standstill as the crisis has hit its nerve centres – the airlines and railways,” Ajay Bali, managing director of the Mumbai-based BCD Travel India, the Indian arm of the Dutch corporate travel management firm, told *IndiaSpend*. “And in the next 45 days, we do not even know if there will be recovery.”

“This is one of the worst crises to hit the tourism industry and it has impacted all its segments –inbound, outbound and domestic, and leisure, cruise, adventure, corporate meetings, conference, and exhibitions,” said Unmesh Vaidya, currently business head at Iqomi Travel Services, a Mumbai-based startup specialising in corporate services such as meetings, incentive trips and conferences.

Bali described a job situation in flux, with some employees working from home – to handle cancelations, for instance, others asked to take their allotted leave, and those with no leave asked to go on leave without pay. Senior staff, he said, had been asked to take 30%-40% pay cuts.

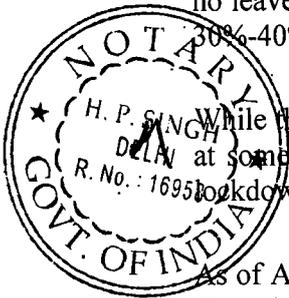
While there were reports, he said, that blue-collar and contractual staff had been laid off at some travel firms, “actual retrenchment will only happen at the end of April if the lockdown is extended”.

As of April 12, seven states – Odisha, Punjab, Rajasthan, Maharashtra, Karnataka, West Bengal and Telangana – had extended the 21-day nationwide lockdown.

Meanwhile, the current lockdown extends the curbs imposed on Kashmir in August 2019, hitting the livelihoods of 144,500 Kashmiris employed in the tourism and handicrafts sector, as *IndiaSpend* had reported on January 28.

Ravi Kumar, an employee of one of India's largest travel agencies, with 22 years' experience, was asked to go on leave without pay for 15 days in March, even before the lockdown was announced, as Covid-19 hit his firm with cancellations from end-February all the way to June 30, 2020.

The timing was particularly unfortunate: “This is a major season for travel and airline companies,” Kumar told *IndiaSpend*. “A lot of bookings are made in February-May,



whether for students travelling abroad, for leisure and vacation travel, for corporate travel, for religious and pilgrimage travel, and by elderly people visiting their children abroad.”

For the many thousands of freelancers making a living out of travel and tourism, the situation is as bleak. “All our assignments have been cancelled,” said Naina Thakkar, a professional tour guide in Mumbai for over 40 years, and part of a group of over 100 guides who work on a per-assignment basis with travel agencies and foreign tourists arriving on cruise ships. Some of her colleagues had not been paid since November 2019, she said, since cash-strapped travel agencies had held back their payments due to the worldwide slowdown.

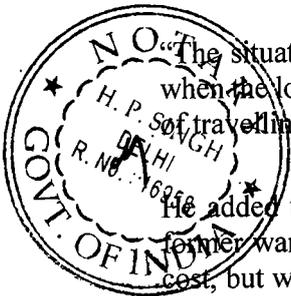
While the tourism sector has struggled even before the pandemic, it remains, according to the Economic Survey 2019-'20, “a major engine of growth, contributing to [gross domestic product] and foreign exchange earnings”. The share of tourism in India’s GDP was 5.06% in 2016-'17, down from 5.81% from 2014-'15, according to the tourism ministry’s latest annual report cited above.

### No clear timeline

While every industry is facing uncertainty over its future course with the unabated global advance of Covid-19, fears are more visceral for the tourism industry. As those in the industry point out, information technology, banking/financial services and pharmaceuticals have no doubt felt the sting of the virus, but they are not as dependent on the physical mobility of people, and their comfort with the idea of travel, both of which have been casualties of the current crisis. Will it take nothing short of a vaccine, they wonder, for people to feel confident enough to undertake non-essential travel again.

Vaidya is relatively optimistic. “I foresee a turnaround by August this year with restaurants, bars, event venues, amusement parks, hotels, flights leading our recovery, in that order,” he said.

“The situation looks bleak,” said Kumar, “as people will not be willing to travel even when the lockdown is lifted. Domestic travel may take off again, but people will not think of travelling abroad soon.”



He added that agents were currently caught between passengers and airlines, with the former wanting full refunds and the latter asking them to change dates of travel free of cost, but with additional charges on account of fare differences. “People don’t want their money stuck for so long. The magnitude of the virus’s spread has led many to push their travel plans to next year,” he said.

Bali expressed the hope that a mid-term recovery would start in June-July. “Assuming India recovers by mid-May, people will start travelling within the country,” he said, adding, “things will be back to normal by January 2021”. But even this prognosis is beset with uncertainty: “If international travel resumes, the first people to travel will be students and labourers. The leisure sector will be very slow to start its recovery.”

Medium and small enterprises dominating the tourism and hospitality sector are likely to be severely impacted by the pandemic, at least till the month of June, according to Mridula Tangirala, head of tourism at Tata Trusts. “July to September have always been lean for tourism in India except for a few select pockets. The rate of revival after the month of

October cannot be predicted right now as the full impact of the crisis is still unknown," she told *IndiaSpend*.

However, there was no way to make up for the income already lost, Sabina Dewan, president and executive director of Just Jobs Network, pointed out. She said that states relying heavily on income from tourism, such as Kerala and Himachal Pradesh, would feel the effects more.

### The international picture

Internationally, the situation is bleak too, with several countries having restricted movement within and across cities and borders, and travellers themselves putting plans on hold, for both financial reasons and health anxieties.

As many as 75 million travel and tourism jobs are at risk worldwide, one in eight of them in India, according to the World Travel and Tourism Council. The council, which had earlier projected a 50-million global job loss due the pandemic, said in a release on March 25: "This latest projection of a 50% increase in jobs at risk, in less than two weeks, represents a significant and worrying trend, with an astounding one million jobs being lost every day."

This comment suggests that estimates could turn even more bleak with the further spread of the pandemic. Travel and tourism was the second fastest growing sector in the world at 3.9% in 2018, after manufacturing which grew by 4%, according to World Travel and Tourism Council.

The Asia-Pacific region may lose 49 million jobs due to the pandemic, causing a loss of nearly \$800 billion to travel and tourism GDP, the council's most recent analysis suggests. More than half of these jobs – 25.6 million – are in China, where Covid-19 originated.

### Foreign travel

The nationwide 21-day lockdown from March 25 suspended domestic flights, trains and inter-state buses, and instructed all Indians to stay at home. The government had already restricted foreign arrivals earlier in March, first suspending tourist visas and visa-free travel for those holding Overseas Citizen of India cards, then prohibiting arrivals from Covid-19 hotspots, and finally cancelling all international flight landings from March 22 about 700 a week.



The government called for suspension of all hospitality services with exceptions only for those who were accommodating tourists and people stranded due to the lockdown, and those designated as quarantine facilities.

Thus, foreign tourist arrivals in India – which saw a 9% decline in February over January and a 7% fall compared to February 2019 – plummeted in March 2020.

Likewise, occupancies across hotels in India crashed, by over 40% in many cases; and cancellations were at an all-time high, said a March 23, report by ICRA, an independent investment information and credit rating agency.

The United States and the United Kingdom together accounted for 24% of India's foreign tourist arrivals in February. These two countries are among the worst affected by Covid-19, reporting over 600,000 cases, according to data from Johns Hopkins University.

Domestic tourist visits numbered 1.8 billion in 2018, a 12% increase from 2017, the tourism ministry's 2019 report said. With the lockdown, this too has come to a standstill. The shutting down of the iconic Taj Mahal on March 17, which attracted over seven million visitors – both domestic and foreign – in 2018-'19, was an evocative symbol of the dramatically altered tourism picture. The lockdown has also led to the closure of pilgrimage sites and temples across states, affecting local businesses and employment thriving around them.

The tourism sector was already in trouble before the rise of the pandemic, experiencing the impact of the global economic slowdown. Growth decelerated in 2019-'20 with weaker growth in foreign tourist arrivals and consequently in foreign exchange earnings from tourism, according to the Economic Survey 2019-'20.

## Hotels and restaurants

The revenue losses in the travel and tourism sector would run into multiple quarters, Pavethra Ponniah, Vice President at ICRA, estimated: "Several hotels have already let go of all contractual labour. While there are discussions on pay cuts, we are not hearing of permanent labour cuts yet: A prolonged downcycle could, however, lead to those also being pruned."

The indirect impact in the unorganised sector, including tourism, hospitality and transport, would be much bigger, said Santosh Mehrotra, Cambridge Professor of Economics and Chairperson, Centre for Labour Studies, Jawaharlal Nehru University. "Casual workers are employed in the urban and rural areas, but it is in urban areas where the economy has been brought to a standstill," he said. All the unorganised sector jobs in urban areas would be affected and slowly the effect would be felt in rural areas.

The restaurant industry in India, with an annual turnover of approximately Rs 4 lakh crore, provides direct employment to more than seven million people – 11 times the population of Sikkim – according to Anurag Katriar, president of the National Restaurant Association of India. "The sector is fighting a grim battle for its survival," he said. "We are staring at almost zero revenue in the immediate term and at least a drop of 50% for months thereafter." The biggest concern, he added, was the fate of the millions employed in this sector.

"Nearly 15% of the jobs in the hotel and restaurant industry will be impacted once the lockdown is lifted, as the industry will not see an immediate surge in demand," estimated Sukesh Shetty, general secretary, Indian Hotel and Restaurant Association, the largest association of restaurants and bars in Maharashtra with over 35,000 members.

About two million people, many unorganised workers, are employed across the state in these hotels, restaurants and bars, according to Shetty. For restaurant owners, one of the uncertainties lying ahead is how comfortable people feel with the idea of eating out, even after the lockdown, when fears about hygiene and infection have taken root. "I have never seen such a situation in my lifetime," Shetty told *IndiaSpend*, explaining that about half the staff working in hotels and restaurants had left Mumbai in fear of the epidemic. Losses,



he said, would become clearer only after a proper assessment of the damage to businesses and their supply chains. "For owners to bear the burden of a big workforce without income or government intervention is going to be tough," he said. Without support, many establishments would close down, he warned.

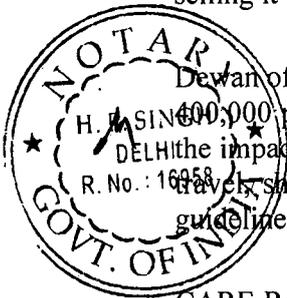
The hotel and restaurant industry is seeking relief measures from both the state and central governments such as interest-free loans from banks, waiver on all licence fees, supply of subsidised food grains and a tax holiday for a period of one year in order to maintain jobs and support the industry. They also expect to restore input tax credit on Goods and Services Tax – i.e. claiming the credit paid on the purchase of goods and services which are used for furtherance of business – which will help them bring down fixed operating costs.

"The NRAI is grateful to the government and the RBI for their recent measures aimed at mitigating some of our woes," Katriar said. "Deferment of GST payments, concession extended on PF contribution and permission to employees to partially withdraw from their PF accounts, moratorium on EMLs and easing of interest rates are all steps in the right direction," he added.

## Aviation sector

A linked sector, aviation, could incur losses worth Rs 27,000 crore in the first quarter of 2020-'21, according to the Centre for Asia Pacific Aviation, India, a consultancy and advocacy agency. These estimates are based on the assumption that all domestic and international operations will remain grounded until June 30. "Even with some partial resumption of services in May and June, the financial outcomes may not change significantly," it said.

"The aviation sector was struggling in any case," Mehrotra said. "For decades we have been trying to sell off Air India, but now markets have fallen and there is no possibility of selling it for many months again."



Dewan of the Just Jobs Network estimated that India's air transport market employs over 400,000 people and another 940,000 are employed in related supply chains. Apart from the impact of travel restrictions on the industry, and the likely impact of people's fear of travel, she also drew attention to the cost of complying with new health and hygiene guidelines, for both the aviation and hospitality sectors.

CARE Ratings, a credit rating agency, estimated in a release on March 25, 2020 that the passenger growth of airlines in India would fall sharply and register a negative 20-25% growth for 2020-'21. The sector was already in trouble. The passenger traffic for domestic airlines grew by 3.7% during 2019-'20 registering "a distinct fall" from the 15.1% growth rate achieved in the corresponding period in the previous financial year. "The general slowdown in the economy since the start of FY20 has led to a sharp moderation in airline passenger growth operated by domestic airlines," the report said.

## The way forward

Experts have emphasised on the need and potential to tap domestic tourism and the impact that social media has in capturing the imagination of potential travellers as the way forward to come out of the situation.

“China is a very big inbound market and that market is going to be damaged,” Dipak Deva, co-chairman, FICCI Tourism Committee and managing director, Sita, Travel Corporation India and Distant Frontiers, said in a webinar on “Indian Travel and Tourism Industry: Impact, Survival & Roadmap to a better Future” on April 6. “It is a very big opportunity for India to try and tap the business when it revives unlike the manufacturing sector that let it go.”

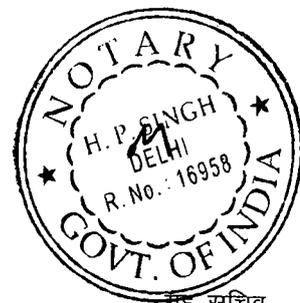
“We have to go back to the strength of the domestic market to fuel its own consumption and if we get that engine going, then we will be far less touched in the negative way,” Rupinder Brar, additional director general with the Ministry of Tourism, said during the webinar. “Over the next few weeks, if cases in India do not spiral – the way it has impacted western Europe or America – then there is an opportunity in the domestic market and we need to capitalise it,” she said.

*This article first appeared on IndiaSpend, a data-driven and public-interest journalism non-profit.*

*Support our journalism by contributing to Scroll Ground Reporting Fund. We welcome your comments at letters@scroll.in.*



ANNEXURE NO. 3



AJAY BHALLA, IAS



मृह सचिव  
Home Secretary  
भारत सरकार  
Government of India  
North Block,  
New Delhi

D.O. No. 40-3/2020-DM-I(A)

29<sup>th</sup> June, 2020

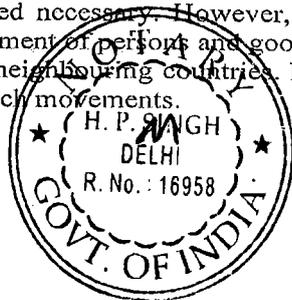
Dear *Chief Secretary,*

Kindly refer to Ministry of Home Affairs (MHA)'s Order of even number issued today whereby new guidelines for phased re-opening, Unlock 2, for opening up of more activities in areas outside the Containment Zones have been issued.

2. As stipulated in the Unlock 1 Order and guidelines issued on 30.05.2020, certain activities, i.e., religious places and places of worship for public; hotels, restaurants and other hospitality services; and shopping malls; have been permitted outside the containment zones from Jun 8, 2020, and the detailed standard operating procedures (SOPs) have also been issued. In Unlock 2, which will come into effect from July 1, 2020, the process of phased re-opening of activities has been extended further. Lockdown, however, shall continue to be implemented strictly in the containment zones till 31 July, 2020 with strict perimeter control and strict enforcement of containment measures as per guidelines of the Ministry of Health & Family Welfare (MOHFW).

3. As per the practice, the guidelines on Unlock 2 are based on feedback received from States and UTs, and consultations held with the related Central Ministries and Departments. After extensive consultations, it has been decided that schools, colleges and coaching institutions will remain closed till July 31, 2020. Government training institutions will be opened from July 15, 2020; night curfew will continue with relaxation in timings and with more permitted activities; and shops, depending upon space available, can have more than 5 persons at a time, while maintaining adequate physical distance among customers. Domestic flights and passenger trains have already been allowed in a limited manner. Their operations will be further expanded in a calibrated manner. Further dates for opening up of the remaining prohibited activities will be decided separately, based on the assessment of the situation.

4. As emphasized in my earlier D.O. letters, I would like to reiterate again that States/Union Territories cannot dilute restrictions imposed vide the aforesaid guidelines issued by MHA. States/UTs, based on their assessment of the situation, may prohibit certain activities in areas outside containment zones, or impose such restrictions as deemed necessary. However, there shall be no restriction on inter-State and intra-State movement of persons and goods including those for cross land-border trade under Treaties with neighbouring countries. No separate permission/ approval/ e-permit will be required for such movements.



....contd..p/2..

5. I would urge you to ensure compliance of the Unlock 2 guidelines and direct all authorities concerned for their strict implementation. Further, guidelines issued by MHA, and consequent Orders issued by the respective State Governments / UT Administrations should be widely disseminated to the field functionaries for implementation and to the public for awareness and compliance.

*With regards,*

Yours sincerely,

*[Signature]*  
29/06/2020  
(Ajay Bhalla)

**Chief Secretaries of All States**  
(As per Standard List attached)

*[Signature]*



AJAY BHALLA, IAS



27  
गृह सचिव  
Home Secretary  
भारत सरकार  
Government of India  
North Block,  
New Delhi

D.O. No. 40-3/2020-DM-I(A)

29<sup>th</sup> June, 2020

Dear Administrator,

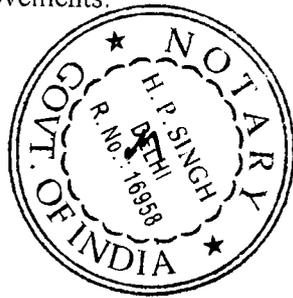
Kindly refer to Ministry of Home Affairs (MHA)'s Order of even number issued today whereby new guidelines for phased re-opening, Unlock 2, for opening up of more activities in areas outside the Containment Zones have been issued.

2. As stipulated in the Unlock 1 Order and guidelines issued on 30.05.2020, certain activities, i.e., religious places and places of worship for public; hotels, restaurants and other hospitality services; and shopping malls; have been permitted outside the containment zones from Jun 8, 2020, and the detailed standard operating procedures (SOPs) have also been issued. In Unlock 2, which will come into effect from July 1, 2020, the process of phased re-opening of activities has been extended further. Lockdown, however, shall continue to be implemented strictly in the containment zones till 31 July, 2020 with strict perimeter control and strict enforcement of containment measures as per guidelines of the Ministry of Health & Family Welfare (MOHFW).

3. As per the practice, the guidelines on Unlock 2 are based on feedback received from States and UTs, and consultations held with the related Central Ministries and Departments. After extensive consultations, it has been decided that schools, colleges and coaching institutions will remain closed till July 31, 2020. Government training institutions will be opened from July 15, 2020; night curfew will continue with relaxation in timings and with more permitted activities: and shops, depending upon space available, can have more than 5 persons at a time, while maintaining adequate physical distance among customers. Domestic flights and passenger trains have already been allowed in a limited manner. Their operations will be further expanded in a calibrated manner. Further dates for opening up of the remaining prohibited activities will be decided separately, based on the assessment of the situation.

4. As emphasized in my earlier D.O. letters, I would like to reiterate again that States/Union Territories cannot dilute restrictions imposed vide the aforesaid guidelines issued by MHA. States/UTs, based on their assessment of the situation, may prohibit certain activities in areas outside containment zones, or impose such restrictions as deemed necessary. However, there shall be no restriction on inter-State and intra-State movement of persons and goods including those for cross land-border trade under Treaties with neighbouring countries. No separate permission/ approval/ e-permit will be required for such movements.

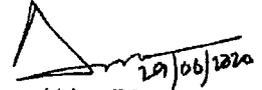
....contd..p/2..



5. I would urge you to ensure compliance of the Unlock 2 guidelines and direct all authorities concerned for their strict implementation. Further, guidelines issued by MHA, and consequent Orders issued by the respective State Governments / UT Administrations should be widely disseminated to the field functionaries for implementation and to the public for awareness and compliance.

*with regards,*

Yours sincerely,

  
29/06/2020  
(Ajay Bhalla)

**Administrators of All UTs**  
(As per Standard List attached)

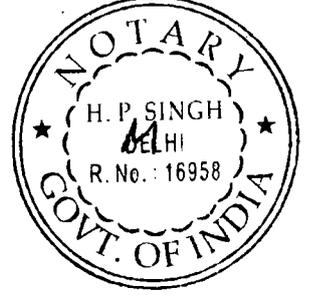




**IN THE HIGH COURT OF UTTARAKHAND**  
**AT NAINITAL**

**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH  
CHAUHAN  
AND  
THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA**

**Writ Petition (PIL) No. 58 of 2020**  
**Writ Petition (PIL) No. 97 of 2019**  
**Writ Petition (PIL) No. 50 of 2020**  
**Writ Petition (PIL) No. 51 of 2020**  
**Writ Petition (PIL) No. 67 of 2020**  
**Writ Petition (PIL) No. 70 of 2020**  
**Writ Petition (PIL) No. 61 of 2021**



**28<sup>TH</sup> JUNE, 2021**

Mr. Shiv Bhatt, the learned counsel for the petitioner in WPIL No. 58 of 2020 and WPIL No. 77 of 2021.

Mr. Piyush Garg, the learned counsel for the petitioner in WPPL No.51 of 2020.

Mr. Dushyant Mainali, the learned counsel for the petitioner in WPIL No. 50 of 2020.

Mr. Abhijay Negi, the learned counsel for the petitioner in WPIL No.97 of 2019.

Mr. S.N. Babulkar, the learned Advocate General assisted by Mr. C.S. Rawat, the learned Chief Standing Counsel for the State of Uttarakhand.

Mr. Rakesh Thapliyal, the learned Assistant Solicitor General for the Union of India.

**COMMON ORDER:** (per Hon'ble The Chief Justice Sri Raghvendra Singh Chauhan)



On 23.06.2021, this Court was informed that the Government had issued a Government Order dated

A handwritten signature in black ink, appearing to be 'S. Singh', located at the bottom right of the page.

20.06.2021, wherein the Government thought it proper to re-open the Char Dham Yatra in a phased manner. According to the said G.O., in the first phase, the residents belonging to the Chamoli district would be permitted to visit the Badrinath temple; the residents of Rudraprayag district would be permitted to visit the Kedarnath temple; the residents of Uttarakashi district would be permitted to visit the temples of Gangotri and Yamunotri. It was also proposed that in the second phase, the residents of other ten districts of Uttarakhand would be permitted to visit the Char Dhams.

2. Considering the fact that the country was still reeling under the impact of COVID-19 pandemic, considering the pleas raised by the learned counsel for the petitioners, in different PILs' filed before this Court, this Court had requested the State to review its decision with regard to re-opening of the Char Dham Yatra even in a phased manner. This Court had also directed Mr. Om Prakash, the learned Chief Secretary, and Dr. Ashish Chauhan, the learned Additional Secretary, Culture and Religious Affairs Department, to



inform this Court with regard any decision taken by the Cabinet on the said subject on the next date.

3. Consequently, Mr. Om Prakash, the learned Chief Secretary, Mr. Dilip Jawalkar, the learned Secretary, Tourism, Dr. Ashish Chauhan, the learned Additional Secretary, Culture and Religious Affairs Department, are present in the virtual court through video conferencing.

4. Dr. Ashish Chauhan has submitted an affidavit with regard to the decision taken by the Cabinet on 25.06.2021, and with regard to the SOP issued by the Government on 26.06.2021, and with regard to other arrangements being made at the Char Dham. The said affidavit shall be taken on record.

5. The issue before this Court is whether under the present circumstances, and the circumstances which are likely to occur in the near future, the Char Dham Yatra should be re-opened or not? For, according to the decision of the Cabinet dated 25.06.2021, the Cabinet has decided to permit the opening of the Char Dham Yatra from 01.07.2021, to the limited extent that

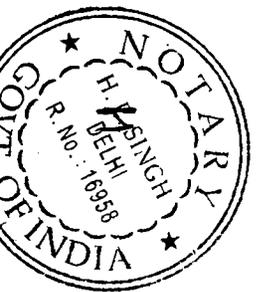


A handwritten signature in black ink, appearing to be "S. Singh".

32

residents of the districts of Chamoli, Rudraprayag, and Uttarakhand would be permitted to visit the temples within their respective districts.

6. In order to understand the controversy holistically, it is essential to consider the history of COVID-19 pandemic, to see its development, to consider the devastation it has caused, to examine the emergence of new variants of the virus, the nature and characteristics of these new variants, the scope and the extent of the new variants, the consequences of these variants on human health, and then to consider whether the State of Uttarakhand is prepared to tackle the possible emergence of the third wave of COVID-19 or not? For, the issue is not just limited to opening of pilgrimage sites, but the issue is more importantly about the human lives, about the people of the State, and about the people of the nation. In fact, since the world is a small planet, viruses tend to escape from one country and affect the other nations. Therefore, the issue before this Court is not a regional one, but a global one. Therefore, this issue cannot be decided in a



A handwritten signature in black ink, appearing to be "S. Singh".

myopic manner. It has to be determined with a catholic vision.

7. In 1918, the Spanish Flu came to India in three waves. After the Spanish Flu subsided and disappeared from the world, mankind thought that it was delivered and was saved from an apocalypse. From 1918 till December, 2019, we thought all of us were safe and sound; we could lead our lives in a normal manner. However, from December, 2019, the International media informed the world that COVID-19 has struck Wuhan province in China. According to the experts, the said virus was going to spread throughout the world. Therefore, alarm bells were rung across the five continents.

8. Even before we were ready to face the pandemic, in March, 2020, considering the emergence of COVID-19 pandemic, in the interest of the people at large, the Central Government announced a national lockdown. This was the first wave of COVID-19 pandemic to strike the country. The first wave was

caused by the Coronavirus, or by the Alpha variant. The first wave peaked between August and September,

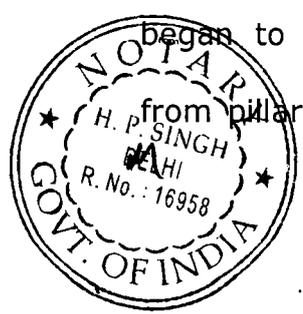


*[Handwritten signature]*

2020; it began its decline at the end of September, 2020. By December, 2020, we were assured that we had beaten the COVID-19 pandemic. Slowly but surely, the country started re-opening itself, State by State, city by city.

9. However, the COVID-19 second wave caught all of us unaware. For, new mutant namely, "the *Delta variant*", had emerged. While the first wave was caused by variant, called '*Alpha variant*', by February and March, 2021, the *Delta* variant had crept in. The second wave had begun.

10. Needless to say, the second wave struck the country like a *tsunami*. It not only killed about three lakhs people in the country, but in its wake it has also left devastated families, and orphaned children. It reached its zenith in April and May, 2021. During that period, neither the lifesaving medicines were available, nor the oxygen tanks were available, nor sufficient numbers of bed were available, nor sufficient numbers of ambulances were available. The health care system



began to crumble. Consequently, people had to run from pillar to post for seeking and begging only to be

saved from the second wave. It is common knowledge that as people began to die, there were insufficient spaces in our crematorium and burial grounds. People could not perform a decent cremation, or decent burial to our lost brethren. The satellite images of May, 2020, and the International Media continued to show the endless number of pyres which were burning, and the pitiable condition of our people.

11. According to the experts, one of the great contributory factors for the steep rise in the second wave was the ill-decision to hold Kumbh Mela at Haridwar between 01.04.2021 to 30.04.2021. According to the media reports, about 57% of deaths in Uttarakhand itself, which occurred in May, 2021, were due to holding of the Kumbh Mela in April, 2021. The pictures of Kumbh Mela not only embarrassed the entire country, but also shocked the world community.

12. Suddenly our country was painted as a renegade, and as an irresponsible member of international community. Suddenly, flights coming from India were stopped by other countries. Even today, we are not free from the devastation caused by the second



*[Handwritten signature]*

wave, although fortunately the second wave is on the decline.

13. The Scientists tell us that there is no way in determining, or in forecasting as to how many waves would continue to strike our shores. Already since April, 2021, Netherlands and France are facing the third wave of COVID-19 pandemic. The United Kingdom has already entered the third wave. Concerned with the emergence of the third wave, on 25.06.2021, Australia has declared a lockdown. Bangladesh has imposed a lockdown today itself. Therefore, every country is trying to protect itself from the possible assault of the third wave.

14. According to Dr. Randeep Guleria, the Director of the All India Institute of Medical Science, New Delhi, the third wave of COVID-19 infection is "inevitable". According to him, due to the crowd in public places, there shall be no escape from the third wave. According to Professor K. Srinath Reddy, the Director, Public Health Foundation of India (PHFI), India will *"definitely face the third wave of infection"*.

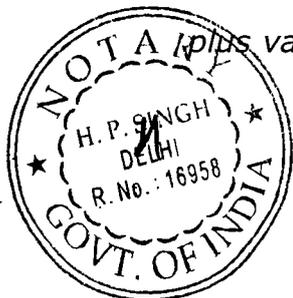
According to Dr. S.K. Sarin, the Director of Institute of



*[Handwritten signature]*

Liver and Biliary Sciences, New Delhi, "*variants can breach the antibodies generated by the vaccine and the vaccine currently being administered may not offer sufficient protection against new mutant strains*". Therefore, the scientific community, the experts, are continuously warning our country to be aware of the emergence of the third wave of COVID-19, which may come knocking at any time. Although, the experts claim that the third wave is likely to hit the country in the second or third week of August, 2021, but there is no such guarantee that it would not inflict the country prior thereto.

15. In the recent months, a new variant of the COVID-19 has been discovered, called the "*Delta plus variant*". About a week back, on 23.06.2021, this Court had noticed that the Central Government had announced that the *Delta plus variant* has been detected in Madhya Pradesh, Maharashtra and Kerala. Therefore, the Central Government had directed the State of Maharashtra to ensure containment zones in two of its districts. Just in one week's time, the *delta plus variant* has been discovered in eleven states of the



country. Therefore, just in one week, the *delta plus variant* has accelerated speedily from three states to eleven states. This is a phenomenal increase of the Delta Plus variant.

16. According to the experts, the *delta plus variant* has four characteristics: firstly, it is immune to the vaccine which have been administered to the people at large. Therefore, even the vaccinated person will not be protected from the *delta plus variant*. Secondly, it directly and adversely affects the lungs. In fact, according to many, the lungs tend to dissolve within a period of three days. Thus, it not only leads to respiratory problems, but also brings about a swift death of the patient. The chances are that within three days, the patient will be dead. Thirdly, in order to treat the *delta plus variant* patient, and to stop the death of the patient, a longer period of hospitalization is necessary, than was necessary in the second wave caused by the "*delta variant*". Fourthly, the "*delta plus variant*" has a faster speed of transmission from one person to another. Therefore, its spread is going to be faster than the spread of "*delta variant*", which took



about nine months to spread its wings. Hence, the tentacles of "delta plus variant" will not only spread faster, but would also spell the death of the patient at a faster rate.

17. Keeping in mind the grim emergence of the third wave, keeping in mind its rapid transmissible speed, keeping in mind the strained health care system available in the country, the Central Government is repeatedly directing all the states to avoid the gathering of crowds, and certain States have been directed to re-establish containment zones. A few states, in fact, have extended the lockdown period in order to prevent the emergence of the third wave.

18. According to the newspaper report dated 27.06.2021, a woman, who had already undergone complete vaccination in district Bikaner, in Rajasthan, was discovered to be carrying the *delta plus variant*. She was discovered to be asymptomatic. But as she was discovered to be a carrier of *delta plus variant*, she has been placed immediately under medical treatment by the Government. This is a burning example that a



*delta plus variant* may breach the firewall of inoculation, and adversely affect the human body.

19. The inoculation rate of Uttarakhand State is certainly not a happy one. Out of population of 1.32 crores, by the end of May, 2021 only 35,36,840 persons have been inoculated. Out of these, while 21,72,760 have received the first doze, merely 6,82,040 have received both the dozes. Thus, obviously, a majority of persons who have received the vaccination are those who have received just the first doze, and not the second one.

20. According to the experts, it will still take eighteen months to vaccinate 70% of the population in Uttarakhand. Thus, even if 100% population of Uttarakhand were to be inoculated, even then there is no guarantee that the people of Uttarakhand will be protected from the invasion of *delta plus variant*.

21. Considering the data available from Uttarkashi, Rudraprayag, and Chamoli districts, the Uttarkashi district has a population of 3,76,298, out of ~~which~~ so far, only 1,57,697 persons have been



inoculated. Out of this number, 1,17,529 have received the first doze; merely 40,168 persons have received both the dozes.

22. Similarly, in Rudraprayag district, having a population of 2,76,205, only 1,18,975 have been vaccinated. Out of these, while 1,01,081 persons have received their first doze; merely 17,894 persons have received both the dozes.

23. Likewise, district Chamoli has a population of about 4,46,430 persons. Out of this population, only 1,65,141 persons have been inoculated. Out of this figure, 1,33,256 persons have received the first doze; merely 31,885 persons have received both the dozes. Thus, obviously, even in these three specific districts, where people will be permitted to visit the respective shrines in their respective districts, not even 50% of the population has been inoculated. In fact, the majority of the population has been given only the first doze. Thus, the majority of the people are still waiting for the second doze to be administered. Hence, their



immunity system is not strong enough to fight with the third wave of COVID-19 pandemic.

24. A bare perusal of the affidavit filed by Dr. Ashish Chauhan, clearly reveals that by its decision dated 25.06.2021, the Cabinet has decided to permit the people living in Uttarkashi, Rudraprayag, and Chamoli districts to visit their respective shrines from 01.07.2021. Secondly, it has decided to review its decision with regard to the second phase as mentioned earlier, whereby the people of the entire State would be permitted to visit the Char Dham from 11.07.2021. Thirdly, considering the dangers which emanate from the COVID-19 pandemic, the Cabinet has decided to prohibit the "Kawad Yatra" this year. The *Kawad Yatra* is a pilgrimage undertaken by people who carry water on their shoulders in order to pour the holy water on the deity once they reach the temple. The *Kawad Yatra* is a popular yatra in Uttarakhand which inspires thousands of pilgrims to undertake their journey, on foot, to reach the temples. But considering the crises which can be brought about by the *Kawad Yatra*, the Cabinet has decided to prohibit the same for this year.

Along with the affidavit, Dr. Ashish Chauhan has also submitted the SOP dated 26.06.2021.



A handwritten signature in black ink, appearing to be "Ashish Chauhan".

Although the SOP is a detailed one, but as admitted by Mr. Om Prakash, the learned Chief Secretary, the SOP is very similar to the SOPs that were issued by the Government during the holding of the Kumbh Mela. Therefore, even the SOP issued during the Kumbh Mela was equally elaborate, equally detailed, and equally reassuring that the precautions for containing COVID-19 pandemic would be strictly followed by the pilgrims. Repeatedly, before this Court assurances were given by the learned Chief Secretary, by the learned Secretary, Medical Health and Family Welfare, and by the learned Mela Adhikari, that the SOPs shall be implemented in "the strictest manner". Yet, despite the best intentions of the State Government, the Civil Administration of Haridwar and Rishikesh had singularly failed to implement the said SOPs. There are a large number of images, readily available on the internet, which clearly prove that a sizeable number of pilgrims neither wore masks, nor maintained the social distance of six feet, nor used the sanitizers, nor used the soaps to wash their hands. In fact lakhs of people were permitted to

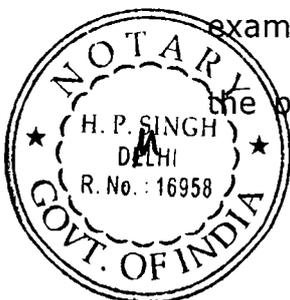


gather on the banks of the holy Ganges, and to take their bath day in and day out, while the Kumbh Mela

lasted for a month. On the days of *Shahi Snaan*, the crowd surged; the SOPs were observed more in breach, than in adherence.

26. Even recently, on 20.06.2021, on the occasion of *Ganga Dusshera*, a crowd of more than one lakh was permitted to congregate at *Har ki Pauri* in Haridwar, and to take the bath in the holy Ganges. Even on the occasion of *Ganga Dusshera*, the crowd failed to adhere to the SOP; the Civil Administration of Haridwar equally failed to ensure that the SOP is "strictly implemented".

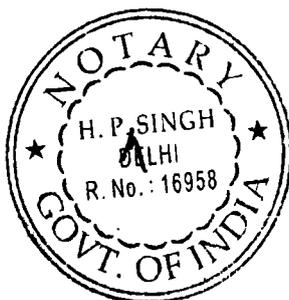
27. Recently, in Nainital district, the Government has opened the gates of *Neem Karoli Baba Temple* (Kainchi Dham). According to the local newspapers, "thousands and lakhs of people" poured into the small temple. Again the SOP was totally violated by the pilgrims. Again the Civil Administration failed to carry out its duties, and to ensure that the SOP would be followed. In fact, no punitive action has been taken against the violators. Therefore, we have three glaring examples where the State Government has permitted the people to congregate in a large number, and has



A handwritten signature in black ink, appearing to be a stylized name.

permitted them to flout the SOP, despite the repeated assurances of the Government before this Court that the SOP shall be followed and implemented "strictly".

28. This is the fourth occasion that the State Government is promising that the SOP dated 26.06.2021 would be implemented "strictly". The SOP clearly states in Hindi "कड़ाई से अनुपालन सुनिश्चित कराया जायेगा". Although the SOP lays down a large number of dos and don'ts to be observed by the pilgrims, by the travel tour operators, by the restaurants, and by the hotels, but there is no indication as to who would ensure that each and every condition prescribed by the SOP would be followed *in toto*. For example, according to the SOP, there shall be a ban on "gutka", "pan" and "tobacco". However, there is no indication as to how, in a crowd of 300 to 600 persons, people would be prevented from chewing "pan", "gutka" or "tobacco"? Although, it is claimed that the pilgrims will be asked to use the sanitizers repeatedly, or to use the soaps repeatedly, it is absolutely unclear as to who would ensure that the pilgrims have, indeed, sanitized their hands?



A handwritten signature in black ink, appearing to be a stylized name.

29. The SOP further claims that there shall be testing labs established at the Char Dham. But how many such testing labs will be established? Or who would carry out these tests, especially considering the fact that there is a dearth of technical staff in the State? And how soon the results of the tests would be available? These issues are absolutely unclear. Although the SOP claims that "those, who are working at the accommodation provided to the pilgrims, would be vaccinated", it is unclear whether they would be vaccinated with both the doses, or just with a single dose? As mentioned hereinabove, more than 50% of the residents of the three districts of Uttarkashi, Chamoli and Rudraprayag are yet to be vaccinated by the Government.

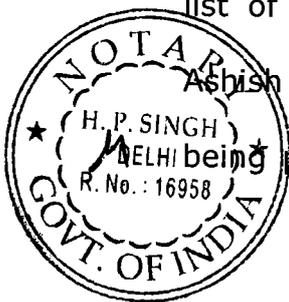
30. The SOP further claims that those affected by COVID-19 will be kept in isolation wards. However, it is unclear as to how many isolation wards have been created in each of the specific Char Dhams? Interestingly, according to the report submitted by the District Magistrate of Gangotri and Yamunotri, although it is claimed that a forty bedded additional COVID



A handwritten signature in black ink, appearing to be a stylized name.

Dedicated Unit would be established at CHC, Chinyalisaur, it would not be established till 30.07.2021. Ironically, on the one hand, there is lack of medical facilities throughout the State, as the health care system in Uttarakhand is in deplorable condition, ironically even sufficient facilities will not be created till 30.07.2021, yet the Cabinet has taken a decision to permit the pilgrims to visit the shrines from 01.07.2021.

31. While dealing with the sufficiency of medical infrastructure available in the State, on previous occasion Mr. Amit Negi, the learned Secretary, Medical Health and Family Welfare, had frankly admitted, and in the view of this Court rightly so, that although there are eight ventilators available at Rudraprayag, the district where the temple of Kedarnath exists, six of the ventilators are dysfunctional. Although the District Hospital at Rudraprayag does have six Oxygen Concentrators, four are dysfunctional. Moreover, the list of ambulances given in the affidavit filed by Dr. Ashish Chauhan, clearly reveals that no ambulance is provided on the treks, which would be used by



the pilgrims. Even the Government Hospital at Tilwara has a single ambulance; the Government Hospital at Guptkashi has a single ambulance; one Hospital at Phata has a single ambulance; the medical facility available at Sonprayag also has a single ambulance; similarly, at Gauri Kund, there is a single ambulance. Further, at Tilwara Government Allopathic Hospital, there are only two Oxygen Tanks, and two Oxygen Concentrators. Again, at Phata there are only two Oxygen Tanks, and two Oxygen Concentrators. Similarly, at Sonprayag, there are two Oxygen Tanks and two Oxygen Concentrators. Whether these Oxygen Concentrators are functional, or not, is unclear? Although, it is claimed that at Kedarnath there are nineteen ambulances, it is unclear as to how many of them are Advanced Life Saving Ambulances, and how many are Basic Life Saving Ambulances? Thus, it is clear that even the medical facilities that are being provided to pilgrims are too little, and therefore may be too late.

32. The affidavit is absolutely silent on two essential issues. Firstly, whether the pilgrims would be

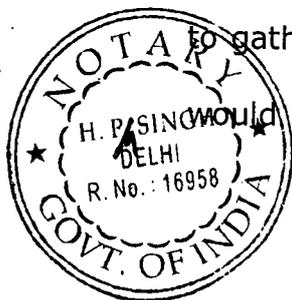


A handwritten signature in black ink, appearing to be a stylized name.

permitted to take bath in the holy Kunds (pools), which are existing at Badrinath and Kedarnath, or not? Secondly, considering the fact that the monsoon has already struck, and the monsoon has already spread throughout Uttarakhand, considering the fact that on 16.06.2013, Kedarnath had witnessed a disastrous tragedy, where 5,748 persons lost their lives, the affidavit is absolutely silent on the point as to what arrangements are being made, have been made, or will be made in case any natural calamity strikes any of the four Char Dham shrines?

33. It is common knowledge that during the monsoon period, the State witnesses unprecedented landslides, and unpredictable cloudbursts. Already, according to the media reports, roads leading to the Char Dhams are in terrible shape. Therefore, it would be equally difficult, if not impossible, to evacuate the pilgrims, who may gather at the Char Dhams.

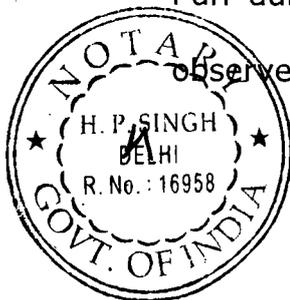
34. According to the SOP prepared by the State Government, 600 persons per day would be permitted to gather at the Badrinath shrine, 400 persons per day would be permitted to gather at the Kedarnath shrine,



A handwritten signature in black ink, appearing to be "S. Singh".

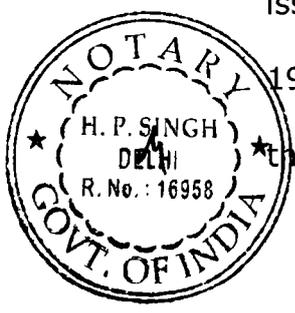
300 persons per day would be permitted to gather at the Gangotri Dham, and 200 persons per day would be permitted to gather at the Yamunotri Dham. These are persons, who would be permitted to have "the Darshan" inside the respective temples. There is no indication as to how many people would be permitted to gather in the respective towns of Badrinath, Kedarnath, Gangotri and Yamunotri. Therefore, a distinct possibility does exist that more people will enter the towns than the limited number of persons permitted to enter the shrines. Thus, a great possibility does exist that a large number of people may be stranded, or may even die, if a natural calamity like a cloudburst, heavy rains, or landslides were to strike. Despite the past experience of the Kedarnath tragedy, which took place in the State on 16.06.2013, the SOP is absolutely silent about the natural calamity, which may strike without any prior indication, or notice.

35. A similar question, as the present one, was also raised with regard to permitting the Rath Yatra at Puri during the Rath Yatra Festival, which is annually observed in Odhisha. Considering the fact that at the



A handwritten signature in black ink, appearing to be a stylized name.

relevant time, India was tackling the first wave of COVID-19 pandemic, in the case of **Odisha Vikash Parishad v. Union of India & Ors., [(2020) 7 SCC 264]**, the Hon'ble Supreme Court had directed the State of Odhisha "to ensure that all entry points into the city of Puri, i.e., airports, railway stations, bus stands, etc., shall be closed during the period of Rath Yatra festival in order to prevent people from joining the Rath Yatra". The Hon'ble Supreme Court had further directed the State Government "to impose a curfew in the city of Puri on all the days, and during all the time when Rath Yatra chariots are taken in procession." Moreover, the Hon'ble Supreme Court directed that "the State Government may also impose curfew in the city of Puri on such other days, and during such time as deemed necessary." The Hon'ble Supreme Court clearly directed that, "during the period of curfew no one would be allowed to come out of their houses or their places of residence, such as, hotels, lodging houses, etc." Therefore, considering the health issues involved, considering the impact of the COVID-19 first wave, the Hon'ble Supreme Court ensured that the local people would not join the Rath Yatra.



A handwritten signature in black ink, appearing to be a stylized name, located at the bottom right of the page.

Interestingly, the people of the Puri city were prevented from joining the Rath Yatra.

36. Moreover, Mr. Shiv Bhatt, the learned counsel for the petitioner in Writ Petition (PIL) No. 58 of 2020, submits that the Hon'ble Supreme Court, in its order passed in **Suo Motu Writ Petition (Civil) No.3 of 2021** dated 30.04.2021, has urged the Central and the State Governments "to consider imposing a ban on mass gatherings and super spreader events". Yet, the decision of the Hon'ble Cabinet dated 25.06.2021 would not only permit the people of Badrinath, Kedarnath, Yamunotri and Gangotri to congregate at the shrines, but would also permit the people of the respective districts to gather at their respective temples. Thus, the Cabinet decision contravenes the directions issued by the Hon'ble Supreme Court.

37. Furthermore, the decision taken by the Hon'ble Cabinet on 25.06.2021 is patently against the warnings, which are being given by the experts throughout the country, the warnings, which have been quoted hereinabove. Moreover, the decision is also against the directions of the Central Government which



has been directing the States to control and prevent the spread of the third wave. Further, the decision is also against the practice of extending the lockdown as observed by the other States.

38. Undoubtedly, the State is the *parens patriae*. Both according to Article 25 of The Universal Declaration of Human Rights, and Article 12 of The International Covenant on Economic, Social and Cultural Rights, right to health is a fundamental right of the people. Moreover, according to Article 21 of the Constitution of India, it is the duty of the State to protect the lives of the people. Moreover, Article 39(e) of the Constitution of India imposes a duty upon the State that the health of the people is not abused. Article 39(f) of the Constitution of India further directs the State to ensure that children develop in a healthy manner. Article 47 of the Constitution of India directs the State to raise the level of nutrition and standard of living and to improve the public healthcare system. Thus, an onerous duty has been cast upon the State to protect the lives of the people through whatever means available to the State.



39. However, the decision of the Cabinet will unnecessarily expose the people to the dangers of the third wave. Thus, the decision is against Article 21 of the Constitution of India, against Articles 39(e) & 39(f) and against Article 47 of the Constitution of India. It also ignores India's commitment to the International Conventions.

40. In the Note submitted to the Cabinet, the reasons given by this Court, for requesting the Cabinet to reconsider its decision for opening the Char Dham Yatra, were equally stated. However, the Cabinet has not only ignored those reasons, but has also ignored the warnings given by the scientific community, ignored the directions issued by the Central Government, and ignored the directions issued by the Hon'ble Supreme Court, where the Hon'ble Supreme Court has been directing the States to ensure that there is no gathering of crowds. In the present circumstances, the decision of the Cabinet is prima facie arbitrary and unreasonable. Hence, it is prima facie violative of



A handwritten signature in black ink, appearing to be "S. J. Singh" or similar, written in a cursive style.

41. Considering the failure of the civil administration in implementing the SOPs repeatedly issued both by the Central Government and the State Government, during the Kumbh Mela, during the Ganga Dusshera and during the opening of the Neeb Karoli Dham (Kainchi Dham), the Cabinet should have realised that the SOPs are flouted by the people, and the civil administration does not have the wherewithal for implementing them in sensu stricto. Therefore, while deciding the issue, the Cabinet seems to have ignored a vital factor. Therefore, prima facie, the Cabinet decision dated 25.06.2021 is arbitrary.

42. There is, thus, a strong *prima facie* case in favour of the people, for not permitting the Char Dham Yatra, even in a limited manner. For, the lives of the people may be exposed to the danger of the Delta Plus variant, and to the third wave of COVID-19. If the Char Dhar Yatra were permitted, we would again be inviting a catastrophe.

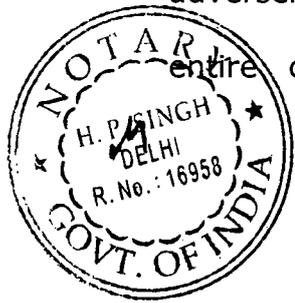


In case we were to consider the balance of convenience, whether the balance of convenience tilts

A handwritten signature in black ink, appearing to be "S. Singh".

in favour of the Char Dham Devasthanam Board, which is consistently demanding that the Char Dham Yatra should be opened, or it tilts in favour of the public at large, whose lives may be jeopardised, and whose families may be shattered forever, obviously the balance of convenience is in favour of the people at large. For, in case gathering of 600 or 400 persons per day were to spread the Delta Plus variant, there are no means and ways to stop the spread of this terrible virus.

44. The Delta Plus variant may again claim the lives of lakhs of people across this country. The loss of a family member, and as pointed out by the Scientific Community that the victims of the third wave would be children, the loss of a child is painful not only to the parents, but also to the nation at large. In case the Delta Plus variant is permitted to play havoc with the lives of our children, the nation is bound to lose a part of its next generation. Such an apocalypse would adversely affect the growth, and the progress of the entire country. Hence, the Char Dhar Yatra will



*[Handwritten signature]*

invariably cause irreparable losses to the people and to the country.

45. Therefore, all the three elements, namely the existence of a strong *prima facie* case, the balance of convenience, and the irreparable loss suffered by the people at large, are in favour of the public. Hence, it would be in the public interest and in the interest of justice to stay the operation of the decision of the Hon'ble Cabinet dated 25.06.2021, vis-à-vis the opening of the Char Dham Yatra for the residents of District Uttarkashi, Rudraprayag and Chamoli, for a period of four weeks, and to direct the State Government not to permit the pilgrims to reach the Char Dham Temples during the period of four weeks. Hence, ordered accordingly.

46. Technically, it may be argued that the decision dated 25.06.2021 is not under challenge before this Court. Thus, it cannot be stayed by this Court. However, technicalities of law cannot come in the way of protection of the people. The writ petitions deal with the ways and means of containing the spread of COVID-19 pandemic. The plea raised by the



petitioners is that the State is unprepared to tackle the said pandemic. Therefore, over a period of time, this Court has been monitoring the steps taken by the State Government for containing the spread of COVID-19 pandemic. Hence, there has been supervision through a continuous mandamus over the acts and omissions of the State Government.

47. During the pendency of the present petitions, initially, the Cabinet had taken a decision on 20.06.2021 to open up the Char Dham Yatra in a phased manner. At the request of this Court, the Cabinet has reviewed its decision. While it has not taken any concrete decision with regard to the second phase, it has reiterated its decision with regard to the first phase. Thus, the decision dated 25.06.2021 is a further step taken by the State Government. Therefore, it is imperative that this Court must consider whether the said act would aggravate or lessen the impact of COVID-19 or not? Having concluded that the decision of re-opening the Char Dham Yatra would lead to inviting a calamity, it is in these circumstances that this Court is compelled to stay the part of the Cabinet decision



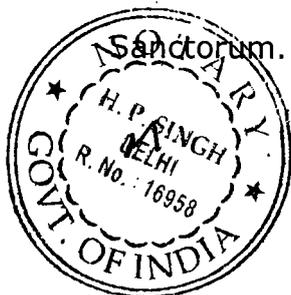
A handwritten signature in black ink, appearing to be a stylized name.

dated 25.06.2021. The said stay is strictly in the interest of public, and in the interest of justice.

48. This Court is well aware of the high religiosity of the people. Keeping in mind the devotion of the people, even on an earlier occasion, on 23.06.2021, this Court had suggested that live streaming of all the ceremonies carried out at the Char Dham Shrines should be done.

49. Mr. Om Prakash, the learned Chief Secretary, submits that the Government is in discussion with the Priests of the Char Dham whether live streaming will be permitted, or not? He further submits that a few priests may oppose the live streaming from the temples.

50. Mr. S.N. Babulkar, the learned Advocate General for the State of Uttarakhand, submits that live streaming may be prohibited by the *Shastras*. Therefore, it will not be possible to have live streaming of the ceremonies performed inside the Sanctum-



51. Since our ancestors were unaware of the development of a technology that would permit live streaming, the possibility of our *Shastras* prohibiting live streaming of a religious ceremony is absolutely impossible.

52. Moreover, the "darshans" of deity are to be taken to as large an audience as possible. Therefore, live streaming would permit the devout people to have "darshan" of the deity in the comfort and safety of their homes. Moreover, live streaming is already being done by other temples across the country. The ceremonies being performed in different temples in different parts of the country are broadcast by various T.V. channels. Therefore the argument that live streaming may be prohibited by our *shashtras* is clearly unacceptable.

53. Secondly, needless to say, it is for the State Government to decide whether the live streaming should be carried out or not? The decision cannot be left to the Char Dham Devasthanam Board, or to the priests of an individual temple. For, it is the constitutional duty of the State to protect its people from a pandemic. Therefore, the decision cannot be left



either to the Board or to the Priests. Even if, there is an objection from a minority of priests, the said objection can easily be overruled by the State.

54. In catena of judgments, the Hon'ble Supreme Court has clearly observed that the argument taken by the State Government that it cannot control either a large crowd, or the unruly mob, does not lie in the mouth of the State Government. For, to argue the same, the State Government admits its inability to enforce the rule of law.

55. Therefore, the State Government cannot plead that merely because a few priests may object to the live streaming, it will succumb to their pressure. What is of paramount importance is to save the lives of the people. It is, indeed, trite to state that when there is a conflict between the right of an individual, and the right of a community, the latter will always take precedent over the former.

56. Hence, in the interest of the people, this Court directs the Government to ensure that the ceremonies, the *pujas* and *archanas*, carried out within the sanctum sanctorum of the Char Dham temples, are



live streamed for the benefit of the people at large. The Government should make sure that the live streaming is done throughout the country, so that the devotees may not only witness the deity, but may also pray to the same. The live streaming should be carried out as expeditiously as possible, and preferable within seven days of the receipt of the certified copy of this order.

57. Mr. Om Prakash, the learned Chief Secretary, Mr. Dilip Jawalkar, the learned Secretary, Tourism, and Dr. Ashish Chauhan, the learned Additional Secretary, Culture and Religion Affairs Department, are directed to inform this Court on the next date whether the live streaming of the Char Dham has commenced or not?

58. Mr. Amit Negi, the learned Secretary, Medical Health and Family Welfare, is also directed to be present before this Court on 07.07.2021.

59. List this case on 07.07.2021.

**RAGHVENDRA SINGH CHAUHAN, C.J.**



Dt: 28<sup>th</sup> June, 2021  
MISHANT

**ALOK KUMAR VERMA, J.**

A handwritten signature in black ink, appearing to be "Alok Kumar Verma", written over a horizontal line.

Home / India News / Kids, adults have similar antibodies: AIIMS Sero Survey

INDIA NEWS

### Kids, adults have similar antibodies: AIIMS Sero Survey

The seroprevalence, presence of virus-fighting antibodies against Sars-CoV-2, among children was 55.7% across five study sites, in comparison to 63.5% among adults -- the difference was judged to be statistically insignificant.



In Delhi, which was one of the five sites for the study, the researchers found that 74.7% of the population – both children and adults – had been exposed to the infection.

The exposure of children to Covid-19 has been similar to adults', a serological surveillance study spearheaded by the All India Institute of Medical Sciences (AIIMS) has found, addressing fears that a third wave of Covid-19 could disproportionately affect children.

The seroprevalence, presence of virus-fighting antibodies against Sars-CoV-2, among children was 55.7% across five study sites, in comparison to 63.5% among adults -- the difference was judged to be statistically insignificant.

In Delhi, which was one of the five sites for the study, the researchers found that 74.7% of the population – both children and adults – had been exposed to the infection. This is much higher seroprevalence than the state government's survey from January where 56.1% were found



*[Handwritten signature]*

to have antibodies against the virus. The samples for the AIIMS study were collected between April and May, and would not have detected antibodies of those who got the infection during the second wave.

There was also an urban-rural divide in prevalence in Delhi-NCR.

As compared to the 74.7% in urban settlements of South Delhi, the prevalence was 59.3% in villages of Delhi and Ballabgarh. "Results show that a large majority of the population had already been infected by the time we conducted the study at Delhi urban site which belongs to lower and middle socioeconomic strata population and very congested neighbourhood," the study said. With all locations other than Delhi being rural, the average seroprevalence in rural areas stood at 58.8% as per the study.

The highest seroprevalence was found in Gorakhpur, Uttar Pradesh where 87.9% of the people had been exposed to the infection. More importantly, the seroprevalence among children and adults in the same regions were similar.

"Wherever the prevalence of antibodies was high among the adults, it was high among the children, busting the myth that so far children have been less affected. The thing is, the binding of the virus to the human cell receptors is not very good in children and hence they mostly develop either asymptomatic or mildly symptomatic infection," said Dr Sanjay Rai, one of the authors of the study and the head of the department of community medicine at the AIIMS.

He added, "People have been saying that after the young, the third wave will impact children more. The fact is most of them have been already exposed to the infection along with their families. And, numerous studies have now shown that natural infection can provide better and longer protection against a second infection."

The data for 4,509 study participants was collected between March and June of this year.



Search

Search

- [Our Work](#)
- [Our Experts](#)
- [Commentary & Analysis](#)
- [About Us](#)



You are here

[Back to Commentary and Analysis](#)

# Lives vs. Livelihoods Revisited: Should Poorer Countries with Younger Populations Have Equally Strict Lockdowns?

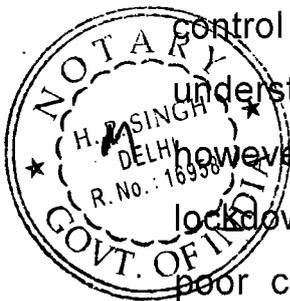
OCTOBER 20, 2020

[Tillmann von Carnap](#), [Ingvild Almås](#), [Tessa Bold](#), [Selene Ghisolfi](#) and [Justin Sandefur](#)

[READ THE PAPER](#)

[Follow](#)

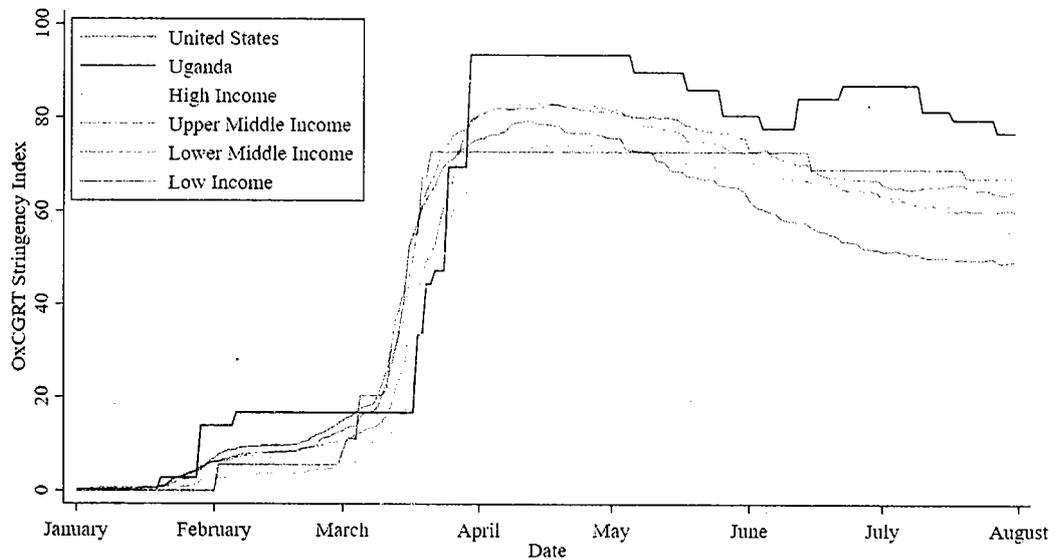
Governments around the world have taken drastic measures to control the spread of coronavirus. Public debate has understandably focused on the differences across countries; however, there has been surprising uniformity in the severity of lockdowns and other containment measures between rich and poor countries, as data from Oxford University's "Stringency



A handwritten signature in black ink, appearing to be 'S. Sandefur'.

Index” shows (Figure 1). This fairly homogenous lockdown strategy has spanned much of South Asia and Latin America, which have been ravaged by the pandemic, and many countries in Africa, which appear to have contained it quite effectively.

**Figure 1. In the first half of 2020, rich and poor countries put in place similarly stringent measures**



Economists in the rich world have largely supported stringent containment measures, rejecting any trade-off between lives and livelihoods. In the United States, for instance, a survey in late March 2020 found zero leading economists disagreed that the policy response to the pandemic should involve “a very large contraction in economic activity until the spread of infections has dropped significantly.” For the developing world, however, economists have expressed reservations about similar policy prescriptions: for example, see here, here, here, or here.



# Why trade-offs look different in the developing world: Higher poverty and a lower probability of death

In a new working paper, we explore two factors that may lead economists to produce very different conclusions about the wisdom of lockdowns for rich and poor countries: the infection fatality rate (IFR), which incorporates the effects of demography, comorbidities, and health system capacity; and poverty, which affects people's ability to trade-off consumption today for reduced infection risk. Building these economic considerations into a textbook epidemiological "Susceptible-Infectious-Removed" or SIR model, we suggest that the rather uniform lockdowns across the global spectrum of per capita GDP are hard to rationalize given different contexts and constraints across countries.

### RELATED EXPERTS



Justin Sandefur

Senior Fellow



Strict lockdowns in countries where a significant share of the population is poor are likely to have more severe consequences on welfare than in richer countries. From a macro perspective, any negative economic effect of a lockdown is reducing a budget with already fewer resources in a poor country—for instance, GDP per capita in our example of a low-income country, Uganda, is close to 1 percent of the value for the United States.

From a micro perspective, households already close to subsistence with e.g., no storage of food and other resources, will bear large welfare costs from being limited in their movements and possibilities to generate income.

Countries at different stages of economic development differ greatly not only by their income, but also by the fatality risk the novel disease brings. As we discuss in a previous blog post and this paper, the share of infected that die from the disease—the IFR—may be significantly lower in poorer countries. Our estimates suggest an IFR that is less than half as high in Uganda as in the US (0.3 percent vs 0.8 percent). Indeed, recent seroprevalence studies in developing countries have found high rates of antibodies. Given these, official death counts would have to underestimate the true figures by an unrealistically high factor in order for the virus to be as deadly there as in richer countries.

## The macroeconomics of pandemics in poor countries

In our study, we explore how differences between rich and poor countries' income and IFR affect the optimal response to an outbreak. We adopt and extend a recent paper by Martin Eichenbaum, Sergio Rebelo, and Mathias Trabandt. They incorporate a traditional SIR model from epidemiology into a simple economic model of consumption and labor supply: households weigh the risks of infection and decide how much to venture out into the marketplace to work or consume, which exposes them to the disease. This framework predicts some degree of economic contraction during a pandemic due to



A handwritten signature in black ink, appearing to be "S. Singh".

spontaneous social distancing, as people voluntarily reduce consumption and work.

RELATED CONTENT

The Macroeconomics of Pandemics in Developing Countries: An Application to Uganda

On top of this, the model allows for policymakers to introduce a kind of tax that further reduces transmission, but also decreases economic activity, which we refer to as the containment rate. Policymakers face a trade-off between higher infection rates (which leads to lower productivity and more deaths) and the welfare costs of reducing the economic activity through lockdown policies.

Calibrating the model to the United States (an example of a high-income country) and Uganda (an example of a low-income country), we find that lower incomes and lower fatality risks weaken the case for strict lockdowns in poorer compared to richer countries. Relative to richer countries, any given reduction in consumption is less efficient but more costly in developing countries: it hurts people that are poorer to start with more, and—because of the lower fatality rate—has a smaller effect on reducing the number of deaths.

The figure below shows how both factors, lower IFRs and poverty, contribute to this result as we move from our US scenario in the top left—based on US levels for incomes, IFRs, and the “value of a statistical life” (which we discuss more below)—towards our Ugandan scenario in the bottom right. As

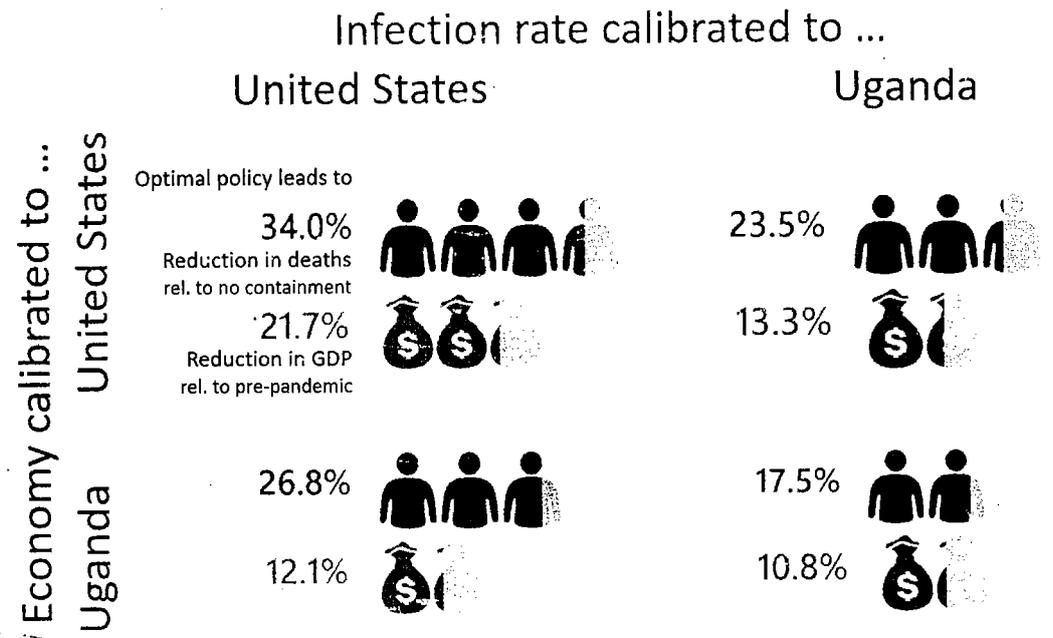
we show in the paper, this finding is very robust: the qualitative difference in recommended policies remains even when we account for the possibility of much higher IFRs in Uganda



because of health systems becoming overburdened. We also show that applying the optimal containment policy from the United States to Uganda would do less to avoid deaths in the latter, because people cannot adjust their consumption as much.

Our analysis abstracts from a number of other important differences between rich and poor countries. In a closely related paper, Titan Alon, Minki Kim, David Lagakos, and Mitchell VanVuren show how some of these factors would likely further weaken the case for strict lockdowns: e.g., a much smaller share of jobs in developing countries can be done from home, and governments have less fiscal space and tools available to get money to their citizens.

**Figure 2. How much would an optimal lockdown reduce consumption (blue) and how many lives would that save (red)?**



Note: The figure summarizes the effects of welfare-maximizing policies through the lens of our H.P. model. In red, the deaths that are avoided through the "optimal" lockdown, as a share of the number of deaths the epidemiological predicts without any containment measures. In blue, the



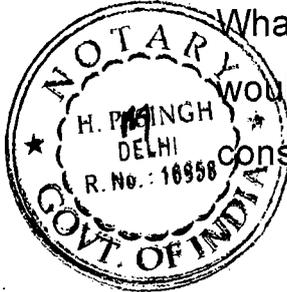
reduction in GDP over one year that the social planner should "optimally" incur to avoid those deaths.

## The value of a statistical life

An important input into most economic analyses of pandemic control measures, including ours, is the monetary value placed on avoiding a death from COVID-19, known in economics literature as the "value of a statistical life" or VSL. This value is commonly measured by observing how much people are willing to pay to reduce their risk of dying from a given cause. For instance, Michael Kremer, Jessica Leino, Edward Miguel, and Alix Zwane infer a VSL of about \$769 in rural Kenya by observing people's willingness to travel to (life-saving) safe water sources, and Koichiro Ito and Shuang Zhang estimate a VSL of \$455 per year in China based on people's willingness to pay to install air purifiers. Even after adjusting for differences in GDP per capita (assuming a unit elasticity, as Ito and Zhang suggest), VSLs used in government deliberations in the United States are between 35 and 140 times bigger than those.

These low VSL estimates from field experiments in developing countries do not reveal different preferences about risking death per se. We take it as axiomatic that individuals and policymakers in developing countries find a life equally precious as their counterparts in richer countries. Nevertheless, in field experiments and real-world policy decisions they still show a substantially lower willingness to pay to reduce the risk of death.

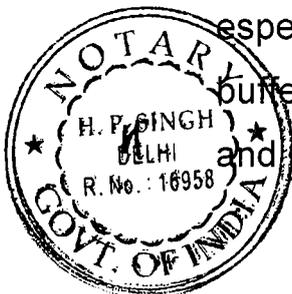
What we as economists call "willingness to pay", most people would simply call ability to pay. For poor households, reducing consumption to lower their exposure to one source of risk (e.g.,



coronavirus infection) may increase exposure to other, equally life-threatening risks (e.g. food insecurity). For governments in poor countries, tight fiscal constraints leave little wiggle room to redirect spending to protect both citizens and the economy. The IMF notes that advanced economies have spent over 7 percent of GDP on stimulus measures in 2020, while low-income countries have mustered only about 1 percent of much-lower per capita GDP levels. This inability to cushion the shock of a strict lockdown implies households and governments face real trade-offs.

In the paper, we run our calculations with a broad range of VSLs for developing countries, up to \$220,000, and find qualitatively similar results about the relative stringency of lockdowns implied for developing and developed countries. Figure 2 above is computed with a VSL of \$86,000, scaled with unit elasticity from the US reference value. We emphasize that our model only captures deaths from COVID-19, not from other reasons, such as poverty or missing out on healthcare. Allowing for deaths from other reasons than COVID-19 that can be directly linked to containment measures would further weaken the case for lockdowns.

Since the start of the pandemic, governments and the public around the world have learned a lot about how to deal with this novel disease, and smarter approaches to containment are being developed. Going forward, our work highlights that, especially in contexts where households have few options to buffer periods of low income, approaches protecting both lives and economic activity are desirable. Lockdowns are not a “one



size fits all" solution but must be carefully adapted to country-specific risks and needs.

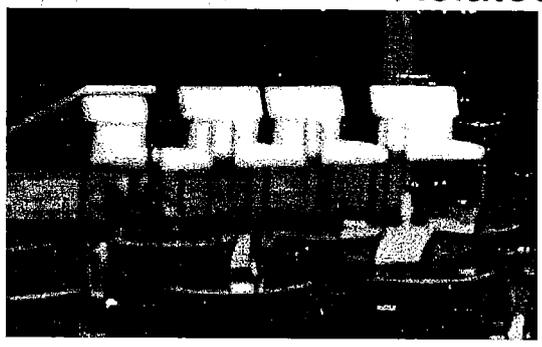
RELATED TOPICS:

Coronavirus Preparedness & Response, COVID: Social and Economic Consequences

DISCLAIMER

CGD blog posts reflect the views of the authors, drawing on prior research and experience in their areas of expertise. CGD is a nonpartisan, independent organization and does not take institutional positions.

Related Posts



SEPTEMBER 1, 2021

EVENT

Resolving Today's Global Health Crisis, and Avoiding...

Amanda Glassman



AUGUST 3, 2021

BLOG POST

Does Focus Follow Money in National Security?



Charles Kenny

JULY 20, 2021

PUBLICATION

**Three New Estimates of India's All-Cause Excess Mortality...**

**Abhishek Anand, Justin Sandefur and Arvind Subramanian**

India lacks an authoritative estimate of the death toll from the COVID-19 pandemic. We report excess mortality estimates from three different data sources from the pandemic's start through June 2021. Estimating COVID-deaths with statistical confidence may prove elusive. But all estimates suggest that the death toll from the pandemic is likely to be an order of magnitude greater than the official count of 400,000; they also suggest that the first wave was more lethal than is believed.



JULY 20, 2021

BLOG POST

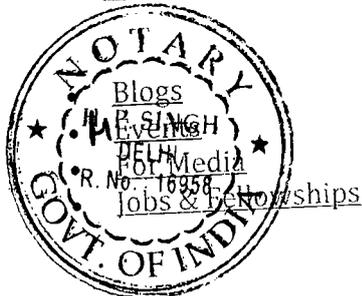
**Three New Estimates of Deaths in India during the Pandemic**

**Abhishek Anand, Justin Sandefur and Arvind Subramanian**

Comments

***Ideas to Action:***

*Independent research for global prosperity*



75

- [Donate](#)
- [Contact Us](#)



- © 2021 Center for Global Development
- [Privacy Notice and Cookie Policy](#)

Share to Facebook

Number of shares

Share to Twitter Share to LinkedIn Share to Email App

SHARES



VAKALATNAMA

75

IN THE HIGH COURT OF UTTARAKHAND AT

NAINITAL

WPPZL

NO. 58

OF 2020

DISTRICT:

Sh. Sachidanand Dabral

.....Petitioner

Versus

Union of India and others,

.....Respondents

I/We. Sanjiv Agrawal S/o Late J.P. Agrawal R/o U-1 Green Park Main (U.E. Floor) New Delhi 110001 In the case noted Sanjiv Agrawal S/o Late J.P. Agrawal each of Vinay Pathak & Priyanka Agrawal Advocate is hereby appoint as counsel, to appear, plead and act on behalf of the undersigned, in any manner, he thinks it proper, either himself or through any other Advocate, and in particular to do the following namely-

To receive any process of Court (Including any notice from any appellate or revisional Court) to file any applications, petitions or pleadings, to file, produce or receive back any documents, to withdraw or compromise the proceedings, to refer any matter to arbitration, to deposit or withdraw any moneys, to execute any decree or order, to certify payment, and receive any moneys due under such decree or order.

The undersigned shall be bound by all whatsoever may be done in the aforesaid case (including any appeal or revision there from) for and on behalf of the undersigned by any of the said counsel.

Signatures of Client. [Signature]

Name in full. SANJIV KUMAR AGRAWAL S/o Late J.P. Agrawal

Address. U-1 GREEN PARK MAIN (U.G. FLOOR) New Delhi 110001

Date. 11/01/21

Attesting witness.....

Name in full. Sanjay Chauhan S/o Sh. Jankaran Chauhan

Address. Puchpanjuli G.P.O. Road Mallital Nainital

Date. 11/01/21

Accepted/Accepted on the strength of the signatures of the attesting witness.

(NIVEK PATHAK) Advocate Enrolment No. 4931/04 H.C. Bar Sl. No. V-332 Chamber no. 06 Advocates Chamber High Court Nainital

(PRIYANKA AGRAWAL) Advocate Enrolment No. 705/18 H.C. Bar Sl. No. P-141B Chamber no. 06 Advocates Chamber High Court Nainital