

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14606 of 2014

Justice and Human Rights Forum, St. Xavier's, Gandhi Maidan P.S., Patna
through its Secretary (Legal) Pius Michael S.J. S/o Late Michael Peter Osta
Resident of Catholic High School, Ara, P.S. Navada (Ara), District Bhojpur.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
3. Principal Secretary, Department of Health and Family Welfare, Government of Bihar, Patna.
4. Principal Secretary, Department of Home, Government of Bihar, Patna.
5. Director, Social Welfare, Department of Social Welfare, Government of Bihar, Patna.
6. Superintendent, Bihar Institute of Mental Health and Allied Sciences, Koilwar, P.S. Koilwar, District-Bhojpur.
7. Civil Surgeon, Patna District, Patna.
8. Civil Surgeon, Muzaffarpur District, Muzaffarpur.
9. Superintendent, Uttar Raksha Home, Gaighat, Patna.
10. Superintendent, Nishant, Gaighat, P.S. Agamkuan, Patna.
11. Superintendent, Uttar Raksha Grih, GOBARSAHI, Muzaffarpur, P.S.-Muzaffarpur.
12. Chairman, Child Welfare Committee, Bihar, Patna.

.... Respondents

Appearance :

For the Petitioner : Mr. K.M.Joseph, Advocate
For the S t a t e : Mr. Anjani Kumar, AAG-6
Mr. Shailendra Kumar Singh, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 20-04-2015 The petitioner is a Non-Government Organization. It has filed a writ petition with a prayer to issue a series of directions as regards maintenance of Remand Homes in the State, including Women's and Girl Children's Homes. It is

stated that such places are not only uninhabitable but also the conditions prevailing therein are very pathetic.

At the threshold itself, the 3rd respondent filed a detailed counter affidavit. It is stated that the 250-bed Mental Hospital has been established, exclusively for mentally ill patients and it became functional with effect from 6.11.2014. The deponent further stated that the directions issued by this Court as well as the Supreme Court in cases filed earlier, are being meticulously followed and steps are being taken under the Juvenile Justice (Care and Protection of Children) Act, 2000.

Heard Shri K.M. Josheph, learned Counsel for the petitioner and Shri Anjani Kumar, learned Additional Advocate General No.6 for the respondents.

The attempt of the petitioner is to ensure that the Remand Homes, Juvenile Homes or other places, where the juvenile in conflict with law and the mentally disabled are lodged, are maintained properly. It has approached this Court on earlier occasion, by filing CWJC No.9314 of 2009. This very aspect was dealt with therein, comprehensively. Series of directions between 5.1.2009 and 6.7.2011 were issued. In fact, Shri K.M. Josheph, learned counsel for the petitioner herein,



was appointed as Amicus Curiae and under his stewardship a Committee was also constituted. Every aspect that was reported by the Committee was taken care of through the orders passed from time to time. The writ petition was ultimately disposed of through order dated 6.7.2011. The last report submitted by the Committee was reproduced and the State Government was directed to comply with the suggestions made in the report. It is brought to our notice that M.J.C. No.1470 of 2014 was filed complaining that some of the items mentioned in the report are not complied with. However, the said M.J.C. has been disposed of through order dated 9.7.2014.

The Act and the Rules are in place and the State and the Central Government, as the case may be, have to maintain the Juvenile Homes or other shelters where the children in conflict with law are to be large. The Rules framed under the Act prescribe details with respect to accommodation and facilities, to be provided at such Homes. In addition to that, this Court has already issued a series of directions and on being satisfied that there is substantial progress made in the writ petition, refused to entertain contempt case. If the petitioner finds that any further facility is lacking, he can submit a

representation to the concerned authority, who, in turn, shall be under obligation to comply with the same.

We, therefore, close the writ petition accordingly.

(L. Narasimha Reddy,CJ)

(Sudhir Singh, J)

PNM

U			
---	--	--	--