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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7887/2016 & CM Nos.36780/2016 & 6850/2017**

CHRISTOPHER BHATTY

..... Petitioner

Through: Mr Imtiaz Ahmed, Mrs Naghma
Imtiaz, Mr Ahmed Zargham, Mr
Antony R. Julian and Ms Amra
Moosavi, Advocates.

versus

STATE OF NCT OF DELHI AND ORS

..... Respondents

Through: Mr A. J. Bhambhani, Sr. Advocate
with Ms Lakshita Sethi, Advocate as
Amicus Curiae.
Ms Prabhsahay Kaur, Advocate for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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08.11.2017

1. Mr Bhambhani, learned Amicus Curiae has handed over the copy of the Minutes of the Meeting dated 21.08.2017 held with Dr Uday K. Sinha, Additional Professor & Head, Department of Clinical Psychology, Institute of Human Behaviour & Allied Sciences (IHBAS), Delhi. Dr Sinha has suggested that the children in question require further psychological evaluation and has further volunteered that he would provide his team of M. Phil trainees and psychiatrists to undertake the tests as suggested by him. Mr Bhambhani points out that the doctors of All India Institute of Medical Sciences (AIIMS) also concur with the opinion that further tests are required to be carried out but have indicated lack of resources to do so.
2. In the circumstances, this Court directs that the tests as suggested by Dr Sinha be carried out and his offer to provide a team of M. Phil trainees

and psychiatrists be accepted. The necessary tests and evaluation shall be carried out under the aegis of IHBAS and under the overall supervision of Dr Sinha.

3. The final report regarding the evaluation of the concerned children shall be placed before the Juvenile Justice Committee of this Court.

4. Mr Bhambhani also points out that during the course of proceedings before this court certain issues have been raised regarding measures required for the welfare of children and the safeguards that need to be put in place. He further states that three reports were submitted, which have been kept in a sealed cover. In addition, suggestions have also been made for further measures that are required for the welfare of children. This Court directs that all the reports as well as the suggestions made be placed before the Juvenile Justice Committee for their consideration and further directions. Mr Bhambhani is also requested to assist the Committee as he has so ably done in these proceedings.

5. Insofar as the present petition is concerned, it is pointed out that the petitioner's licence to run a children home was cancelled on 23.09.2016. Thereafter, the petitioner was also given an *ex post facto* hearing in terms of the order passed on 03.10.2016. Thereafter, the licence granted to the petitioner was cancelled by a speaking order dated 05.12.2016. It is pointed out that the said order has not been challenged by the petitioner as yet even though, on 06.12.2016, the learned counsel for the petitioner had prayed for some time to take appropriate steps in that regard.

6. It is further pointed out that in any event, the petitioner's licence would have expired on 17.07.2017. The petitioner has since applied for renewal of the licence and the learned counsel for the respondents states that

the same would be considered in accordance with law.

7. In this view, no further orders are required to be passed in this petition.

8. It is also seen that during the course of the present proceedings certain material/photographs had been placed before this Court pertaining to the home run by the petitioner. Clearly, some of the material cannot be made public and, therefore, cannot be brought on record. Such material includes certain reports, which have been kept in a sealed cover, as well as certain photographs taken by the inspecting team. The learned counsel for the petitioner seeks copies of the reports and photographs. Clearly, the reports kept in a sealed cover cannot be provided to the petitioner as yet. However, the petitioner may inspect the photographs available with the respondents in the presence of a responsible officer of the respondents. It is clarified that no copies of the photographs need to be made available to the petitioner.

9. As far as the reports submitted by learned Amicus Curiae are concerned, the same had been placed in a sealed cover. The said sealed cover shall be placed before the Juvenile Justice Committee of this Court for such further orders that the Committee may deem fit. It is clarified that the sealed cover will be opened only pursuant to the orders that may be passed by the said Committee and not otherwise.

10. The petition and pending applications are disposed with the aforesaid directions.

VIBHU BAKHRU, J

NOVEMBER 08, 2017/MK