

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3957 of 2023

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Girja Prasad S/o Late Rambriksha Ram alias Ramvriksha Ram, R/o Barun, Khemda, Aurangabad, Barun, Bihar - 824112.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Government of Bihar, Main Secretariat, Patna, Bihar 800015.
2. The District Magistrate, Aurangabad, NIC, District Centre, Collectorate, Aurangabad, Bihar - 824101.
3. The Superintendent of Police, Aurangabad, Bihar 824101.
4. The Sub-Divisional Officer, Aurangabad, Bihar 824101.
5. The Circle Officer, Barun, Aurangabad, Bihar 824112.
6. Jawahar Chaudhary, S/o Late Devratan Prasad, R/o Village Khemda (Barun), P.O. and P.S. Barun, District - Aurangabad.
7. Bhim Yadav, S/o Late Narayan Singh, R/o - Goh, Aurangabad, Bihar.
8. Arjun Singh, S/o Late Narayan Singh, Village - Khemda, P.O. and P.S. - Barun, District - Aurangabad, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar Pandey, Adv.
For the Respondent/s	:	Mr. Raj Kishore Roy, GP-18
	:	Mr. Mukul Pd., AC to GP-18

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-08-2023 Counsel for the petitioner and counsel for the State

are present.

2. The present writ petition has been filed for directing the respondent to stop the encroachment of land and also to give protection to the old aged person of 62 years of age and he belongs to the Schedule caste.

3. Counsel for the State raised objection that the relief could not be granted to the petitioner in the writ petition against

the private respondent. He submits that petitioner ought to avail remedy before the appropriate forum.

4. From the record it transpires to this Court that petitioner is aged about 62 years and comes under the category of senior citizen. The State of Bihar has framed a special law i.e. the Bihar Maintenance & Welfare of Parents & Senior Citizens Rules, 2012 Published in Bihar Gazette 471 dated 12th September, 2012 and under Rule 22 of the said law there is a provision for protection of life and property of senior citizens.

5. Rule 22 states as follows:-

22. Action plan for the protection of life and property of Senior Citizens. - (1) *The District Superintendent of Police and in the case of cities having a Police Commissioner, such Police Commissioner shall take all necessary steps, subject to such guidelines as the Government may issue from time to time for the protection of life and property of senior citizens.*

(2) Without prejudice to the generality of sub-rule (1):

(i) each police station shall maintain an up-to-date list of senior citizens living within its jurisdiction, especially those who are living by themselves (i.e. without there being any member in their household who is not a senior citizen);

(ii) a representative of the police station together

as far as possible, with a social worker or volunteer, shall visit such senior citizens at regular intervals of at least once a month, and shall, in addition, visit them as quickly as possible on receipt of a request of assistance from them;

(iii) complaints/problems of senior citizens shall be promptly attended to, by the local Police;

(iv) one or more Volunteers' Committee(s) shall be formed for each Police Station which shall ensure regular contact between the senior citizens, especially those living by themselves, on the one hand, and the police and the district administration on the other;

(v) the District Superintendent of Police or, the Police Commissioner as the case may be, shall cause to be publicized widely in the media and through the Police Stations, at regular intervals, the steps being taken for the protection of life and property of senior citizens;

(vi) each Police Station shall maintain a separate Register containing all important particulars relating to offences committed against Senior Citizens as in Annexure IV;

(vii) the Register referred to in clause (vi) shall be kept available for public inspection, and every officer inspecting a Police Station shall invariably review the status as entered in the Register;

(viii) the Police Station shall send a monthly report

of such crimes to the District Superintendent of Police by the 10th of every month;

(ix) list of Do's and Don'ts to be followed by senior citizens, in the interest of their safety will be widely publicized;

(x) antecedents of domestic servants and others working for senior citizens shall be promptly verified, on the request of such citizens;

(xi) community policing for the security of senior citizens will be undertaken in conjunction with citizens living in the neighborhood, Residents' Welfare Associations, Youth Volunteers, Non-Government Organizations, etc;

(xii) the District Superintendent of Police shall submit to the Director General of Police and to the District Magistrate, a monthly report by the 20th of every month, about the status of crimes against senior citizens during the previous month, including progress of investigation and prosecution of registered offences, and preventive steps taken during the month, as in Annexure V;

(xiii) the District Magistrate shall cause the report to be placed before the District level Committee constituted under rule 24;

(xiv) The Director General of Police shall cause the reports submitted under clause (xii) to be compiled, once a quarter, and shall submit them to the Government every quarter as well as every

year for, inter-alia, being placed before the State Council of Senior Citizens constituted under rule 23.

6. In the light of the above said Rule, the petitioner is at liberty to avail remedy under Rule 22 of the Bihar Maintenance & Welfare of Parents & Senior Citizens Rules, 2012 Published in Bihar Gazette 471 dated 12th September, 2012 before the Superintendent of Police, Aurangabad within four weeks alongwith the copy of order passed by this Court.

7. With the aforesaid direction, this writ petition is hereby disposed off.

(Dr. Anshuman, J.)

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