

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5605 of 2023

1. Kaushlendra Mishra son of Late Krishna Chandra Mishra, Resident of Village-Rahika, P.S. Rahika, District-Madhubani.
2. Ramanand Mishra, son of Late Dev Chandra Mishra, Resident of Village-Rahika, P.S. Rahika, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
4. The Commissioner, Darbhanga Range, Darbhanga.
5. The District Magistrate-cum-Collector, Madhubani.
6. The Additional Collector, Madhubani.
7. The Deputy Collector Land Reforms, Sadar, Madhubani.
8. The Circle Officer, Rahika, Madhubani.
9. Varun Jha, son of Late Hem Chandra Jha, Resident of Village-Rahika, P.S. Rahika, District-Madhubani.
10. Praveen Jha, son of Varun Jha, Resident of Village-Rahika, P.S. Rahika, District-Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nivedita Nirvikar, Sr. Adv.
	:	Mr. Shankar Kumar Choudhary, Adv.
	:	Mr. Amish Kumar, Adv.
For the Respondent/s	:	Mr. Navnit Kumar, AC to GP-18

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-08-2023 Heard learned counsel for the petitioners and learned counsel for the State.

2. Counsel for the petitioners has filed this writ petition for execution of the order passed by the District Magistrate, Madhubani.

3. Learned counsel for the State submits that from the

pleadings, it transpires that both the petitioners come within the purview of senior citizens and with a view to protect the life and property of the senior citizens, 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 21 and 22 of the said law, the power has been vested to the Superintendent of Police as well as to the Collector of the District which are as follows:-

Rule 21:- Duties and powers of the District Magistrate.- (1)*The District Magistrate shall perform the duties and exercise the powers mentioned in sub-rule (2) and (3) so as to ensure that the provisions of the Act are properly carried out in his district.*

(2) It shall be the duty of the District Magistrate to:

(i) ensure that life and property of senior citizens of the district are protected and they are able to live with security and dignity;

(ii) oversee and monitor the work of Maintenance Tribunals and Maintenance Officers of the district with a view to ensuring timely and fair disposal of applications for maintenance, and execution of Tribunals' orders;

(iii) oversee and monitor the working of old age homes in the district so as to ensure that they conform to the standards laid down in these rules, and any other guidelines and orders of the Government;

(iv) ensure regular and wide publicity of the provisions of the Act, and Central and State

Governments' programmes for the welfare of senior citizens;

(v) encourage and coordinate with panchayats, municipalities, Nehru Yuva Kendras, educational institutions and especially their National Service Scheme Units, organizations, specialists, experts, activists, etc. working in the district so that their resources and efforts are effectively pooled for the welfare of senior citizens of the district;

(vi) ensure provision of timely assistance and relief to senior citizens in the event of natural calamities and other emergencies;

(vii) ensure periodic sensitization of officers of various Departments and Local Bodies concerned with welfare of senior citizens, towards the needs of such citizens, and the duty of the officers towards the latter;

(viii) review the progress of investigation and trial of cases relating to senior citizens in the district, except in cities having a Police Commissioner;

(ix) ensure that adequate number of prescribed application forms for maintenance are available in offices of common contact for citizens like Panchayats, Block Development Offices, Tahsildar offices, District Social Welfare Offices, Collectorate, Police Stations etc;

(x) promote establishment of dedicated Help lines for senior citizens at district headquarters, to begin with; and

(xi) perform such other function as the Government, may by order, assign to the District Magistrate in this behalf, from time to time.

(3) With a view to performing the duties mentioned in sub-rule(2), the District Magistrate shall be

competent to issue such directions, not inconsistent with the Act, these rules, and general guidelines of the Government, as may be necessary, to any concerned Government or statutory agency or body working in the district, and especially to the following:

- (a) Officers of the Government in the Police, Health and Publicity Departments, and the Department dealing with welfare of senior citizens;*
- (b) Maintenance Tribunals and Conciliation Officers;*
- (c) Panchayats and Municipalities; and*
- (d) Educational institutions.*

Rule 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.

4. In the light of the above said Rule, the petitioners are at liberty to file representation afresh to avail remedy under Rule 21 and 22 of the Bihar Maintenance & Welfare of Parents & Senior Citizens Rules, 2012 Published in Bihar Gazette 471 dated 12th September, 2012, raising all their grievances before the District Magistrate, Madhubani alongwith the copy of order passed by this Court.

5. The District Magistrate, Madhubani is directed to do all the needful and protect the petitioners in accordance with the above mentioned rule within 6 weeks' from the date of filing their representations.

6. With this observation and direction, the present writ petition stands disposed of.

(Dr. Anshuman, J.)

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