

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1848 of 2022

In the matter of newspaper report dated 01.02.2022 relating to after Care Home,

... .. Petitioner/s

Versus

The State of Bihar & Ors.

... .. Respondent/s

Appearance :

For the Petitioner/s :

For the Respondent/s :

Mr. Lalit Kishore (AG)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

2 02-02-2022 Additional Chief Secretary, Department of Social Welfare, Government of Bihar, Patna is impleaded as party Respondent No. 1 A.

Registry to make necessary correction in the memo of parties, both on the digital as well as physical file.

The present writ petition stands registered, *suo motu* on the basis of recommendation made by the Hon'ble Juvenile Justice Monitoring Committee, Patna High Court, comprising of Hon'ble Mr. Justice Ashutosh Kumar, as its Chairman and Hon'ble Mr. Justice Anjani Kumar Sharan and



Hon'ble Mr. Justice Nawneet Kumar Pandey as Members.

The said Committee, while dealing with a News Paper report dated 31st of January, 2022, took serious note of affairs of Uttar Raksha Grih (After Care Home), Gai Ghat, Patna, where more than 260 females are housed. *Inter alia*, it observed that:

“An emergency meeting of the Juvenile Justice Monitoring Committee was summoned today to discuss the recent news items regarding a destitute woman, who has alleged that she and her likes who are residing in the After Care Home, Gaighat, Patna are being forced, after being sedated, to submit themselves to immoral acts of the wrong-doers. She has also allegedly reported that the victims residing in the After Care Home are not provided with basic amenities of food and bedding and many of them are not even permitted to leave the Home.

Another shocking disclosure has been made by her that strangers are permitted to masquerade as relatives of the victims who come and pick-up such hapless women to put their lives and dignity in further peril.

The aforesaid news item in a couple of newspapers is yet again societal/collective failure and shame in not containing such offences even after this State and the nation had read about the happenings in Balika Grih, Muzaffarpur.

What is rather surprising for us to note is that no FIR has been registered on such disclosure of the victim. Even more surprising is that the Director of Social Welfare Department has conducted an inquiry and only on the basis of the CCTV



footage installed in the After Care Home has come to the conclusion that the accusation made by the so-called victim is baseless and false.

It does not appear that any inquiry was made with the victim girl and such opinion has been arrived at only by seeing the footage of CCTV camera.

The Additional Registrar, Juvenile Justice Monitoring Committee's Secretariat has informed us that the Principal Magistrate, Juvenile Justice Board, Patna along with two social members had visited the said After Care Home on 30.01.2021 and had met the Superintendent to apprise themselves of the conditions there.

The team was informed that 260 inmates were residing at that time, out of whom 30 were reported to be mentally retarded. The rest other inmates were either the victims of human trafficking or were children in conflict with law and were mainly from the State of Bihar.

During the course of such inspection, the team also found that the CCTVs had not been working and there were no records of vouchers of daily purchase of vegetables and comestibles. On being questioned, the person in-charge is said to have taken the plea that she has no experience in accounting; which statement was endorsed by the Superintendent also.

The kitchen was not found to have been run properly and the teachers engaged for imparting training to the inmates were also made to work in the office as Accountants and not cater to the primary responsibility of teaching the inmates.

One of the inmates was found



sleeping on the stair-case who apparently told the visiting team that no bed was given to her since the time she had landed up in the aforesaid After Care Home. There were several other complaints about the corporal treatment of the inmates also.

We are further constrained to observe that the report of this inspection was never forwarded to the Juvenile Justice Monitoring Committee's Secretariat.

The District Judge, Patna who has reportedly been sent this report has also not communicated with the Juvenile Justice Monitoring Committee's Secretariat.

Mr. Suvash Chandra Sharma, Additional Registrar, Juvenile Justice Committee's Secretariat is directed to inform the learned Principal Magistrate, Juvenile Justice Board, Patna as also apprise the learned District Judge, Patna that in future, any such report regarding such abuse of children be straightway transmitted to the Juvenile Justice Monitoring Committee's Secretariat for which the Secretariat has been set up.

Such communication be also made to all the Principal Magistrates of the Juvenile Justice Boards and the learned District Judges across the State of Bihar.

Shri Sharma shall report about the compliance of this direction in the next meeting.

We are thoroughly dissatisfied with the report of the Director, Department of Social Welfare, Govt. of Bihar which has been published in the newspaper. There is a lurking fear in our minds that if such kind of offences against humanity is not contained the promises under the Constitution would



be rendered completely meaningless and hollow.

There are some insurmountable constraints in dealing with this matter in the administrative side of the Committee.

We, therefore, are unanimously of the view that the issue be taken up on the judicial side in Public Interest Litigation.

We request Hon'ble the Chief Justice to take up this matter on the judicial side as a PIL case as early as possible.

In our opinion the necessary parties to the PIL case would be the Secretary and the Director of the Social Welfare Department the Superintendent of the After Care Home. Gaighat, Patna and the District Magistrate as well as the Sr. Superintendent of Police, Patna.”

(Emphasis supplied)

At this stage, we refrain from issuing any directions save and except direct the newly added respondent to forthwith have the matter examined at his own level, and file the action taken report, not only in relation to the observations reproduced (supra) but also the news reports published both in Print and electronic media.

The officer shall also ensure that the recommendation of the Hon'ble Committee, extracted hereinafter, are also implemented forthwith.

“In the light of above observations; the team is suggesting some recommendations for improvement for the institution:



- * Need of more CCTV cameras for the safety of the inmates and security of the institution.
- * Need of at least two more proper trained counselor for such larger no of inmates.
- * The state after care home has a capacity of 140 inmates but such larger no of inmates like 260 definitely is serious issue and requires another after care home in the state.
- * Need of more trained staff as per requirement needs immediate attention from concerned department.
- * The most important thing is that all staff including Superintendent needs proper sensitization and awareness on child related laws and issues.
- * We feel and observe that if the institution will be run by the the **Superintendent** having proper qualification and the experience, then definitely it would be better for the best interest of inmates/children of the State Aftercare Girls Home, Patna. **Currently, Home is running by the Child Protection Officer (CPO) now working as superintendent on deputation/placement by the Concerned department (As per superintendent verbatim) and this may be one of the reason for mismanagement of the home.** The home has large no inmates/children; required proper trained superintendent to run the Home as per the norms and rules of J.J.Act, 2015.”

Affidavit of compliance be filed before the next date.

List on Monday i.e. 07.02.2022.



The Court Master shall supply a copy of the order to the
learned Advocate General during the course of the day.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/chn

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