

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5656 of 2020

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Rajiv Ranjan, S/o-Ramjee Pandey, R/o Barbatta Railway Colony,
Sonpur, Saran, Bihar-841101.

....Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
3. The Secretary, Department of Health, Govt. of Bihar, Patna-cum-Executive Director, State Health Society, Bihar, Patna.
4. The Secretary, Ministry of Home Affairs, Government of India, New Delhi.
5. The Disaster Management Department, Government of Bihar through its Principal Secretary.
6. The Social Welfare Department, Government of Bihar through its Principal Secretary.

.....Respondents.

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Appearance:

For the petitioner : Mr. Rajiv Ranjan (in person)
Mr. Ritesh Kumar, Advocate
Mr. Kundan Kumar, Advocate
Mr. Abhinay, Advocate
Mr. Kriti Suman, Advocate

For the Respondent Nos.1, 2, 3,
5 & 6 : Mr.P. N. Shahi, AAG-6
Mr. Patanjali Rishi, AC to AAG-6

For the Respondent No.4 : Mr. S. D. Sanjay, Addl. S.G.I
Mr. Kumar Sachin, CGC

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**CORAM: HONOURABLE THE CHIEF JUSTICE
AND
HONOURABLE MR. JUSTICE S. KUMAR**

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/
Hon'ble Judge through Video Conferencing from their residential

offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Oral Order

(Per: HONOURABLE THE CHIEF JUSTICE)

2. 13.05.2020

As orally prayed for, the Disaster Management Department, Government of Bihar, through its Principal Secretary and the Social Welfare Department, Government of Bihar through its Principal Secretary are added as party respondent nos.5 and 6 to this writ petition.

Let the name of respondent no.4 be corrected and read as “The Secretary, Ministry of Home Affairs, Government of India, New Delhi” instead of “The Secretary, Department of Health, Union of India”.

Registry to make necessary correction in the cause title.

Shri P. N. Shahi, learned Additional Advocate General-VI assisted by Shri Patanjali Rishi, learned AC to AAG-VI appears for the respondent Nos.1 to 3 and 5 and 6.

Shri S.D. Sanjay, learned Additional Solicitor General of India assisted by Sri Kumar Sachin, learned Central Government Counsel, appears for the respondent no.4.

Petitioner undertakes to file a supplementary affidavit furnishing better particulars within a period of two days.

Sri S. D. Sanjay, learned Additional Solicitor General of India opposes the petition on the ground that the Central Government has already taken proper action by issuing directions and as such no interference is warranted.

Sri P. N. Shahi, learned Additional Advocate General-VI states that he shall have to ascertain the factual aspect and respond accordingly.

It is a matter of record that on account of the current pandemic COVID-19, both the Central and the State Government have taken certain measures for not only transporting but allowing the persons residing outside to return to their parent States but have also issued certain instructions and guidelines with regard to their safety and security, imperative for securing safety of health of the persons already residing in the State, including the State of Bihar.

In Bihar, at the level of the Government, all arrangements for setting up of quarantine centres contemplated under such directions stand taken but the difficulty appears to have arisen in their proper management at the ground level.

Based on the news reports dated 7th May, 2020 published in Dainik Bhaskar, Danik Jagaran, Hindustan (Annexure-1 series) and dated 7th May, 2020 published in Hindu (Annexure-2), allegedly, at certain places, there is no check on the movement of the persons housed at the quarantine centres and that quality of food distributed to the occupants is not of the desired level.

From the record, it can be inferred that perhaps in the State of Bihar, more than 2450 quarantine centres stand established by the Disaster Management Department, in anticipation of housing 2.5 lakhs persons, termed as migrants, who are desirous of returning home. Perhaps the figure may be more. Such quarantine centres are to be established and managed

as per the guidelines for quarantine facilities framed by the Government of India. There has to be proper segregation of the areas, prominently labelled as low risk, moderate risk and high risk areas. The entry and exit points of the said centres are required to be secured properly, with proper facilities of sanitation etc. Any mis-management in proper handling of such centres may result into the spread and/or increase of the disease in Bihar.

The relevance, significance and importance of ensuring proper sanitization, cleanliness and orderliness at the Centres is highly imperative, more so looking into the economic condition, demography and population of Bihar. Today, 1/10th of the population of India lives in Bihar with highest density of population ratio. Hence the need, all the more, for monitoring the centres directly by senior level officer(s) at the level of the Government and with a greater vigil.

As such before we issue any directions, acceding to the prayer of Shri P. N. Shahi, learned Additional Advocate General-VI, we adjourn the matter, enabling the State to file its response on the personal affidavit of the Secretary, Disaster Management Department, Government of Bihar.

In the response, it be categorically stated, in a tabulated form, district-wise, (a) the number of quarantine centres established in the State of Bihar; (b) number of persons (migrants) housed therein; (c) number of persons who have been allowed to return to their respective places of destination after expiry of the mandatory period of quarantine; (d) total number of persons (migrants), who are further expected to enter the State of Bihar; (e) the capacity of centres to house such persons; (f) whether

provision for security, sanitation and food exists at each one of such centre or not; (g) whether such facility stands outsourced or is being provided or sought to be provided directly by the employees of the State; (h) whether there is a provision for providing medical aid/facilities; and (i) mechanism for lodging complaints and its redressal.

Response be filed through an affidavit of the Secretary, Disaster Management, Government of Bihar before 18th May, 2020.

List on 19th May, 2020.

(Sanjay Karol, CJ)

(S. Kumar, J.)

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