

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.43 OF 2011

Jyoti Ronghe	Petitioner
versus	
Principal Secretary, Women and Child Welfare Department and others	Respondents

WITH
PUBLIC INTEREST LITIGATION NO.156 OF 2013

Ganpat Jotiba Karade	Petitioner
versus	
The State of Maharashtra, through Social Welfare Department and others	Respondents

WITH
PUBLIC INTEREST LITIGATION NO.182 OF 2010

Article in Mumbai Mirror-24.8.2010	
Rescue Sham	Petitioner
versus	
The State of Maharashtra and others	Respondents

WITH
PUBLIC INTEREST LITIGATION NO.206 OF 2013

Disability Rights Initiative	Petitioner
versus	
The Commissioner for Persons with Disabilities, State of Maharashtra and others	Respondents

Mr.Siddharth Ronghe for Petitioner in PIL No.43 of 2011.
Ms.Sarita Shankaran, In Person for Petitioner in PIL no.182/2010.

Ms.Gayatri Singh, Dabapriya Mukherjee, Mani Prakash and Arya Raje for Petitioners in PIL No.206 of 2013.

Mr.Vinod Joshi for Respondent no.2 in PIL No.43 of 2011.

Suraj M. Shah with Jotsna Pandi for Respondent no.3.

Mr.A.B.Vagyani, Additional G.P. for State.

Mr.C.G.Gavnekar for Respondent no.4 in PIL No.156 of 2013.

Ms.Anjali Pawar in person with Najafiya i/by P.M.Havnur for Respondent no.6.

CORAM : MOHIT S. SHAH, C.J. AND
M.S.SANKLECHA, J.

DATE : 22 January 2014

PC :

1. Learned Additional Government Pleader tenders an affidavit of Rahul Satyawar More, Deputy Commissioner, Women and Child Development Department, Pune dated 21 January 2014 along with compliance report indicating action taken to comply with the recommendations of Co-ordination Committee appointed by this Court under the Chairmanship of Prof.Asha Bajpai.

2. In PIL No.206 of 2013, Ms.Gayatri Singh, learned counsel for Petitioner tenders on record a report dated 21 January 2014 prepared by Ms.Arya Raje and Ms.Mani Prakash consequent to a visit made by them on 21 January 2014 to MDC Home at Mankhurd, Mumbai. The report points out various deficiencies in the running of the said home including the fact that one post of Medical Officer, two posts of Counsellors/Child Psychologists, two posts of Occupational Therapist and one post of Driver are lying vacant. The report also points out that only two nurses are available for 303 children, although number

of sanctioned posts of nurses is three. The report further contains observations to the effect that there is no Monitoring Institution to keep a watch on the MDC homes. The State Monitoring Committee appointed pursuant to the orders of this Court has no resources and, therefore, it does not appear to function. The report also highlights the absence of adequate infrastructure as there are only five dormitories provided for 150 children. There is no provision for training to the attendants and other staff for sensitization towards the intellectually disabled children. The report highlights need for taking necessary steps for reintegrating the children with mild to borderline retardation with the society, but in absence of Occupational Therapists, the children merely remain within the institution. Only some children are sent to school and others are merely involved in work shops for occupational training.

3. Learned Additional Government Pleader states under instructions that advertisements were issued in December 2013 to fill up the posts in MDC homes. The State Government and its officers shall respond to the report dated 21 January 2014 prepared by Ms.Arya Raje and Ms.Mani Prakash on the next date of hearing. Stand over to 12 February 2014.

4. As far as PIL No.43 of 2011 is concerned, it is based on a news paper report dated 23 January 2011 in Pune Mirror regarding plight of destitute children. An affidavit-in-reply dated 28 February 2013 has been filed of Jamsing Bajasingh Girase, District Women and Child Development Officer, Mumbai City, Mumbai. It is stated that

Respondent no.1 has taken measures under the Juvenile (Care and Protection of Children) Amendment Act, 2006 and has issued necessary instructions regarding the welfare of children and to tackle the problems arising in different institutions in the State. It is further stated that the State Government is monitoring the situation in all the institutions with the help of Child Welfare Committee which has been set up to look into the issues.

5. In the affidavit dated 21 January 2014 filed by Mr.Rahul Satyawar More, Deputy Commissioner, Women and Child Development Department, Pune, it is further stated that the destitute children referred to in the news paper report have been transferred to recognized institution for rehabilitation. Reliance is placed on the letter dated 16 January 2014 issued by the Child Welfare Committee, Pune (Exhibit-1 to the affidavit dated 21 January 2014).

6. In view of the above statements made in the affidavit-in-reply dated 21 January 2014 of Mr.Rahul S. More, learned counsel for the Petitioner submits that the Petitioner does not press for other prayers in PIL No.43 of 2011. Learned counsel also points out that the report of the State Government on the recommendations of the Co-ordination Committee appointed by this Court has also addressed the issues regarding welfare of destitute children and, therefore, the Petitioner does not seek any further directions in the matter.

7. Since there are other Public Interest Litigations on the wider issues which are subject matter of Public Interest Litigation No.182 of

2010 and Public Interest Litigation No.206 of 2013, the Public Interest Litigation No.43 of 2011 is being disposed of.

8. PIL Nos.156 of 2013, 182 of 2010 and 206 of 2013 be listed on board on 12 February 2014, as directed above.

(CHIEF JUSTICE)

(M.S.SANKLECHA, J.)

MST