

Rakesh Chandra Narayan vs State Of Bihar on 27 September, 1988

Equivalent citations: 1989 AIR 348, 1988 SCR SUPL. (3) 306, AIR 1989 SUPREME COURT 348, (1988) 4 JT 233 (SC), 1989 BLJR 13, 1989 SCC (SUPP) 1 644, (1989) BLJ 360

Author: Misra Rangnath

Bench: Misra Rangnath

PETITIONER:
RAKESH CHANDRA NARAYAN

Vs.

RESPONDENT:
STATE OF BIHAR

DATE OF JUDGMENT 27/09/1988

BENCH:
MISRA RANGNATH
BENCH:
MISRA RANGNATH
VENKATACHALLIAH, M.N. (J)

CITATION:
1989 AIR 348 1988 SCR Supl. (3) 306
1989 SCC Supl. (1) 644 JT 1988 (4) 233
1988 SCALE (2) 965

ACT:
Constitution of India, 1950--Article 32--Public Interest Litigation --Mental Hospital Ranchi--Chief Judicial Magistrate's report-- Considered--Committee of Management appointed for the hospital.

HEADNOTE:

A letter petition in regard to the Mental Hospital at Ranchi was considered as a public interest application under Article 32 of the Constitution, and the Court called upon the State of Bihar to file its counter affidavit. At the same time, the Court directed the Chief Judicial Magistrate to visit the hospital and submit a report about the conditions prevailing there. The hospital was in the

sole management of the Health Department of the State of Bihar. The State of Bihar received financial contributions from the States of West Bengal and Orissa on the basis of the number of beds reserved for each State.

The report submitted by the Chief Judicial Magistrate made a painful reading. In the affidavit submitted by the State of Bihar it was stated that the Government was aware of the conditions and had since taken some steps to improve the working of the hospital, and had also drawn up a scheme to develop the hospital on the lines of NIMHANS in Bangalore.

From time to time, the Court had issued directions and made specific orders regarding provision of better food, clothing, medical treatment, housing and improvement of sanitation, etc.

While keeping the matter pending, the Court,

HELD: (1) In a welfare State it is the obligation of the State to provide medical attention to every citizen. The State has to realise its obligation and the Government of the day has got to perform its duties by running the hospital in a perfect standard and serving the patients in an appropriate way. [318D-E]

(2) It is clear that inspite of several orders made by this Court and assurances held out by the State Government of Bihar, the defects were not being remedied. The awareness

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of the governmental authorities of the sordid situation prevailing in the hospital, as admitted in the scheme furnished to the Court, the non-compliance in an effective way with the directions made from time to time by the Court and the general lethargy shown in rising from slumber leaves a clear impression that the institution cannot be run as a mental hospital of that magnitude unless there be change in the administrative set-up, the control is altered and a new service to patient-oriented thrust given to the institution. [318-C]

(3) The scheme which was furnished to the Court was a halfhearted one and no attempt therein was made to bring about any improvement except attending to certain obvious deficiencies and short-falls. The Court had looked forward to a scheme of re-orientation which the scheme did not even remotely touch. [318F-G]

(4) The State Government authorities have not been able to assess the priorities. There does not seem to be the slightest interest on the part of the persons handling the matter, to improve the environment. In these circumstances, it is difficult to leave the management exclusively to the Health Department of the State of Bihar if the institution has to run as a good and useful hospital. Association of the States of West Bengal and Orissa in the management is likely to bring about some positive result. It would, therefore, be much better if a Committee of Management is appointed with full powers to look after all aspects of the institution.

[319A; B-D]

(5) The Court accordingly constituted a Committee of Management for the Mental Hospital and gave directions regarding the financial contribution from the participating States, and also laid down guidelines regarding the functioning and management of the hospital. The Court further directed that the Committee shall take expeditious steps to explore the possibility of transforming the hospital into the pattern obtaining in the hospital run by NIMHANS at Bangalore. [321C-D]

JUDGMENT:

ORIGINAL JURISDICTION: Writ Petition (Civil) No. 339 of 1986.

(Under Article 32 of the Constitution of India) S.P. Pandey and Mrs Rekha Pandey for the Petitioner. J.R Dass, D.K Sinha, D Goburdhan and R.K. Mehta for the Respondent.

PG NO 308 The Judgment of the Court was delivered by RANGANATH MISRA, J. A letter addressed to the learned Chief Justice of this Court from two citizens of Patna in regard to the Mental Hospital at Kanke near Ranchi in Bihar State was considered as a public interest litigation and registered as an application under Article 32 of the Constitution. On 7.4.1986, this Court called upon the State of Bihar to file its counter affidavit and the Chief Judicial Magistrate of Ranchi or any other Judicial Magistrate nominated by him to visit the hospital and submit a report about the conditions prevailing in the Hospital.

The Chief Judicial Magistrate visited the hospital on 8.6.1986, and on several other occasions thereafter and submitted a detailed report on 15th of July, 1986. He found that there were 1580 beds. The Hospital was in the sole management of the Health Department of the State of Bihar. The State received financial contributions from West Bengal and Orissa. There is a Managing Committee of the Hospital consisting of 14 members in all with the Commissioner of South Chotanagpur Division as its Chairman. The sanctioned strength of medical officers was 16 but only 9 had been filled-up and there were 7 vacancies. In the Hospital the male patients wing had 10 blocks in all, apart from the Isolation Ward, the Medical Ward and the Infirmary Ward. These are in 10 double storied blocks and three single storied wards in charge of separate doctors. The female patients' unit consisted of two double storied and two single storied blocks. Each block had the capacity of 120 patients. Some of the patients had to pay for their treatment while the treatment to the general category was intended to be free. All the three residential quarters within the complex meant for the medical officers were occupied by others, one by the suspended Superintendent, the other by the retired Superintendent and the third one was by the Acting Superintendent. Three doctors were residing in the quarters meant for non-gazetted officers and the remaining doctors were staying in private houses at Ranchi about 11 kilometers away.

The Chief Judicial Magistrate found that there was acute shortage of water in the Hospital. There was only one tubewell within the campus located in the male block. There were five ordinary wells

but there was no motor pumps installed in any one of them. These wells were the only source of supply of water. Several representations had been made to the State Government for supplying water on permanent basis to the Hospital but there was no response from the Government.

PG NO 309 The Chief Judicial Magistrate was surprised that none of the toilets within the hospital complex was in order. The sanitary fittings were not operating having got choked. The patients were, therefor, forced to ease themselves in the adjacent open field. Consequently the environment had become polluted and unhygienic. Though there were fan points and even electric fans were hanging from the roof in some places, no fan excepting the one in the chamber of the Superintendent was in working condition. He also found that though there were electric connections with bulbs and tubes yet light was not available and, therefore, total darkness prevailed in the campus between dusk and dawn. The Superintendent explained to the Chief Judicial Magistrate that the Hospital had no electrician and the Institution had to depend upon the mercy of the State Electricity Board and despite correspondence there was no response.

He found that old iron cots had been provided in the year 1925 and only 300 more had been added by purchase. The total number of patients were 1580. Most of the iron cots having been broken were out of use and, therefore, only 300 beds were actually available.

None of the wards had doors and windows in working condition. The Superintendent pointed to him that he had made repeated requests to the Public Works Department of the State Government but no letter had even been acknowledged. In the absence of device to close the doors and windows there had been occasions when mentally ill patients had jumped through the windows or had run out from the rooms. To meet such situations, the broken cots were mostly used to block the passages.

The Chief Judicial Magistrate further found that the mattresses and linen were in very bad shape, he noticed several patients to be lying on the bare floor; some of the patients were using a single blanket both as mattress and cover. Some patients were naked in the absence of clothing and others were found wearing torn shirts and pants. Mosquito nets were not available pillows were not provided and the patients were left to their fate. The Chief Judicial Magistrate noticed marks of bug bitings as also mosquito biting on the body of the patients. In the absence of clothing the patients were forced to wear the same shirt and pant for four to six weeks without a wash on account of unavailability of water. The Superintendent told the Chief Judicial Magistrate that Government of Bihar had sanctioned Rs. 3 a day per patient for the two meals and breakfast and it was wholly inadequate. The Managing Committee had recommended for sanction of Rs. 10 per patient per day but PG NO 310 there had been no response. The diet as prescribed included an egg, 250 gms. of milk every day and meat and fish, once in a week, but in the absence of appropriate funds those had been discontinued for years.

The Chief Judicial Magistrate having visited the place on several occasions noticed that there was no account of the stock of medicines; life-saving drugs were not stored properly in the absence of a refrigerator. The instruments were not in working condition and the employees meant for working the instruments were idly away their time. The patients were now referred to Medical College

Hospital at Ranchi for X-ray and E.C.G. as and when necessary. Many of the patients told the Chief Judicial Magistrate that they had not been getting any medicine for months together.

The Chief Judicial Magistrate had noticed that several doctors were not available in the Hospital for days together. Some of the patients in the wards complained to him that the doctor was not visiting the ward even for one hour in a week; he came across a weak and emaciated patient who told him that he had not been given any food for two days on the plea that he was suffering from diarrhoea and he had not even been given any treatment. On the 11th of July, 1980, when he visited the Hospital along with the local Additional District Magistrate, he found not a single doctor on duty though that was the time when all the doctors, were supposed to be on duty within the campus. Though this was the actual position, the attendance register showed all the doctors to be present as required according to the duty chart.

The Chief Judicial Magistrate collected the death rate from the Superintendent for the period between 1977 and 1986 which are as per the particulars given below:

----- Year Male Female Total				

1977	38	11	49	
1978	72	12	84	
1979	74	31	105	
1980	66	24	90	
1981	39	33	172	
1982	173	50	231	
1983	87	44	131	
1984	152	94	246	
1985	90	69	159	
From				
1-1- 1986				
30-6- 1986	49	25	74	

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In Paragraph 28 of the Report the Chief Judicial Magistrate stated:

"This chart clearly shows abrupt rise in the graph of death rate after 1980. 1984 was the most unfortunate year for Arogyashala, when maximum escapes and deaths took place. Mass scale escapes and deaths of patients in 1984 is said to be the result of internal politics in the Arogyashala campus, for which, the then Superintendent and Dr. Durga Bhagat and Deputy Superintendent. Dr. B.B. Singh are said to be largely responsible."

The Magistrate further reported that the present acting Superintendent had failed to improve the administration. He lacked adequate control over his colleagues and the staff. The out-going Superintendent residing within the campus was inciting the people and the acting Superintendent

was gradually losing his grip and control over the administration. The innocent, miserable and voiceless patients were the victims of the situation. The practice prevailing in the Hospital had been that the Superintendent alone was competent to admit patients and as such the guardians and attendants of the patients seeking admission into the Hospital had been exploited by a group of persons friendly with the Superintendent and those who did not come to terms with the Superintendent had been denied the benefits of the Hospital. This led to friction and unpleasant relationship. He recommended that a non-medical man, if possible, a retired army officer or a District Judge could be posted as the head of the Hospital to take control and tone up the deteriorating situation. He found that a large garden was attached to the Hospital but on account of the all-pervading mismanagement there was no return but one Dr. Buxy had recently been put in charge of the garden and had improved the same.

Last of all in his report he adverted to the fact that some patients who had recovered--and their number he found was about 300, being both men and women--were not in a position either to return to their take to any employment in the absence of any facility. He found that these persons who PG NO 312 no more required treatment should be removed from the Hospital so that there would be room available for patients who required treatment; unnecessary expenditure on such large number of people could be avoided and the standard of discipline within the Institution could be improved and there could be a general toning up of the atmosphere. Along with the report he gave various relevant details in the annexures. Annexure -11 is a list of criminal patients who had come from different jails for treatment and had been declared fit for discharge.

We may refer to the case of one Rupa Santhal. This person was admitted to the Hospital on 28.9.1947 at the instance of the Superintendent of Chittagang Hill Tract Jail, where on being convicted by the Deputy Commissioner of Chittagang Hill Tract for an offence punishable under Section 326 IPC, he had been imprisoned for undergoing the sentence. Obviously he could not have been detained in jail for 41 years for the offence under Section 326 IPC. Several letters were sent from the Hospital but there was no response. We may also refer to the case of Madhu Mahanta who was admitted to the Hospital on 15.11.1950 at the instance of the Superintendent, District Jail, Keonjhar in the State of Orissa. He had been convicted under Section 302 IPC and was languishing in the Hospital for 36 years though he had been cured several years back. The Magistrate has given a list of 13 persons of this category.

We are astonished that even when prisoners are transferred for treatment from jails where they were undergoing sentences of imprisonment, no follow-up action has been taken from the jails on their own and even when the Hospital authorities had required the prisoners to be taken back no response has been made. This only exhibits total callousness. We have given sumptuous extracts from the report of the Chief Judicial Magistrate with a view to bringing out as clear a picture as possible of the shocking and savage conditions that prevail in the mental hospital. There can be no two opinion that the hospital was in a shape- a shade worse than Oliver Twist's Orphanage. From all accounts, perhaps, many of zoos housing animals have better conditions than those that prevail in this hospital. While the mentally-ill require a soothing environment for treatment, as psychiatrists say, the State of Bihar has converted what was once a prestigious mental hospital into a den to house about sixteen hundred patients. The reports of the Chief Judicial Magistrate gives the reader the

feeling of a medieval torture- house. On 11.8.1986, the Court noticed the report and observed:

PG NO 313 "The report makes a painful reading and shows how badly is this institution managed and in what in human condition the patients are made to live & work there. It is surprising that the State of Bihar has allowed this institution to degenerate into the present condition. It is necessary that immediate steps should be taken to improve the functioning of this institution in all respects. We would therefore direct the Chief Secretary and Health Secretary to the Government of Bihar to file affidavit or affidavits putting forth a definite scheme for improving the working of the Institution and for remedying the drawbacks and deficiencies pointed out in the report, including the neglect of patients by the Medical Superintendent attached to the Institution. This matter must have urgent priority since it concerns the well-being of the mentally handicapped. We would therefore direct that the affidavit be filed within three weeks from today setting out a time bound programme for improving the functioning of the Institution. We would like to observe that the Chief Judicial Magistrate has made an excellent job of the task assigned to him and we express our sense of appreciation for the work done by him. These observations may be sent to the High Court of Patna and the Chief Judicial Magistrate".

On 1.9.1986, the Health Secretary filed a short affidavit together with a scheme for the improvement of the Hospital. The opening words of the scheme have to be quoted to be believed:

"The Government of Bihar are aware of the conditions prevailing in the Mansik Arogyashala, Kanke, and the Government for sometime in past have been discussing measures to be taken for improvement of the same. The subject was discussed by the representatives of the State of Bihar with the members of the Planning Commission at a meeting held at New Delhi in the month of January, 1986, and accordingly it is contemplated to develop the Mansik Arogyashala, Ranchi on the lines of NIMHANS in Bangalore. The scheme indicated that a letter had been written to the Director, NIMHANS at Bangalore for information on 17th of April, 1986, i.e. 4 1/2 months before the scheme was filed PG NO 314 in this Court. There is no indication as to what was received from the Director or as to what further follow-up action was taken during the 4 1/2 months. The scheme indicated that out of 16 sanctioned posts three posts were earmarked for West Bengal Government and were vacant; out of 13 posts, 9 had been filled up and 4 were vacant and were to be filled-up by October, 1986. The scheme admitted with reference to the water supply system that the internal system was choked and was not functioning. In the year 1985- 86, Rs.10 lakhs had been sanctioned for renovation of water supply system and the Public Health Engineering Department could utilise only Rs.61,000 during the financial year; therefore, the balance amount of Rs.9,39,000 was again to be sanctioned in the year 1986-87.

The lavatories and bathrooms were not in working condition as accepted and the scheme proposed that the Superintendent of the Hospital is to supervise the sanitary

system.

In regard to electricity it was indicated that the electric fittings, fixtures and other equipments would be replaced by March, 1987 which meant six months beyond the date when the scheme was framed. It was proposed that a 100 KV Generator set was to be installed. In regard to cots and mattresses it was stated that 400 of them would be acquired in the year 1986-87 and the remainder in the year 1987-88. It was stated that the doors and windows required total replacement and it was indicated that Rupees six lakhs were sanctioned during the financial year for repair work. In regard to diet it was indicated in the scheme: "In the State of Bihar, the rate of the diet per patient for the hospital is Rs.3.00 per day except the T.B. patient to whom the rate of diet is Rs.4.15 per day. In the year 1986- 87, rate of diet per patient has been increased to Rs.3.55. The Superintendent of Kanke hospital has been directed to improve dietary management".

It was admitted that E.C.G. machine was out of order and efforts would be made to instal the machine in the financial year. It was also proposed in the scheme that there would be a regular Superintendent posted soon. In regard to supply of medicines it was stated that the prescribed rate was Rs.1.00 per patient per day and it has been increased to Rs.1.90 per patient per day from 1986.

PG NO 315 On 20th of October, 1986, this Court made the following order:

- "1. In respect of each patient in the Ranchi Mansik Arogayashala the daily allocation for diet will be increased from the existing inadequate articles of that value shall be supplied to each patient.
2. Arrangements should be made forthwith to supply adequate quantity of pure drinking water to the hospital, if necessary, by engaging water tankers to transport potable water from outside.
3. Immediate arrangements should be made for the restoration of proper sanitary conditions in the laboratories and bathrooms of the hospital.
4. All patients in the hospital who are not at present having mattresses and blankets should be immediately supplied the same within 15 days from today. Such of the patients who have not been given cots should also be provided cots within six weeks from today so that no patient shall be thereafter without a cot.
5. The ceiling limit at present invogue in respect of cost of medicines allowable for each patient will stand removed, with immediate effect and the patients will be supplied medecines according to the prescription made by the doctors irrespective of the costs.

6. The State Government shall forthwith take steps to appoint a qualified Psychiatrist and a Medical Superintendent for the hospital and they should be posted and takecharge in the Institution within six weeks from today.

The Chief Judicial Magistrate, Ranchi to whom a copy of this order will be forwarded by the Registry shall visit the hospital once in 3 weeks and submit quarterly reports to this Court as to whether the aforesaid directions given by us are being complied with."

On 20th of November, 1986, the Health Secretary gave a report as to programme relating to aspects covered by the scheme. It indicated that no reply had been received from NIMHANS and therefore, an officer had been sent from Bihar PG NO 316 to obtain the information. The medical officers against the vacant posts had been posted; water supply and electricity were yet to be attended to. The repair to the building was in progress and other aspects were yet to be attended. A Superintendent in the rank of Civil Surgeon had been posted. The Chief Judicial Magistrate furnished a further report in December, 1986. While he noticed certain improvements, he pointed out that there were 400 female patients and there was only one lady doctor in the Hospital. There was no lady Psychiatrist or Psychologist. The Superintendent had written to the Government about it but there has been no response. On 14th of September, 1987, the Court noticed the fact that the State of West Bengal was in huge arrears in the matter of payment of contribution to the running of the Hospital. Counsel for State of Bihar had agreed to send details of the arrears to the State of West Bengal within a fortnight and the Court directed the West Bengal Government to pay the same.

The State of West Bengal filed its affidavit through the Joint Secretary in the Department of Health and Family Welfare. The affidavit while accepting the fact that 38% of the seats in the hospital were reserved for West Bengal alleged that in the absence of furnishing of proper accounts by the State of Bihar, the payment of contribution had not been made in time by the State of West Bengal after 1979-80. It agreed to pay Rs.20 lakhs during the year and the balance in suitable instalments in future.

The State of Orissa has pointed out in its affidavit that it has been regularly paying its contribution of Rs.3 lakhs and was not in arrears.

The Deputy Director (Medical) Health Services, Government of Bihar filed an affidavit claiming that the rate of diet had been enhanced with effect from 1.12.1986 and in diet all the patients were provided rice, bread, dal, vegetable, egg, milk, loaf, biscutt, tea, fruit . Fish, meat and chicken were being provided alternatively thrice a week. Old Pipe lines had been replaced and the flow of water was increased; storage facility for water had been arranged. Medicine as per requirement is being provided without refering to any ceiling limit. new X-ray machine has been purchased; the old E.C.G. machine has been condemned and a new one has been purchased. One of the petitioners filed an affidavit denying many of the aforesaid claims. On 14th of March, 1988, this Court made the following order:

PG NO 317 "We have perused the affidavit filed by Shri Subodh Chandhra Naryayan, one of the petitioners, wherein several allegations of mismanagement have been made. It has also been alleged that in spite of the direction of this Court that the daily diet expenses should be Rs.10 per patient actually Rs.7 is being spent and though this Court had directed that there should be no ceiling of expenses for medicines beyond Rs.2 per patient is not being issued. We are of the view that copy of the affidavit should be sent to the Chief Secretary, State of Bihar with a direction that he would personally look into the matter and should send a report within four weeks. "

A report, beyond the time indicated in the order dated 14th of March, 1988, was furnished by the Chief Secretary and the same was covered by an affidavit of the Joint Secretary of Department of Health and Family Welfare of the State Government. The Chief Secretary reported: "The entire hospital complex is spread over a sprawling area. The buildings are old. but they have been extensively repaired and white-washed. Many old cots. mattresses linen etc. have been replaced by new ones. Government has spent several lakhs of rupees on improvements in the running of the Agrogyashala during the last two years. In course of my visit, I did not find that patients were being given inadequate food or medicine." He also found that the toilets had not been attended to, the position of water supply was not satisfactory, the automatic boiler had not yet been repaired or replaced. The Court's Order of 14th of March, 1988, indicated that the affidavit filed by Subodh Chandra Narayan containing several allegations of mismanagement was to be forwarded to the Chief Secretary and with reference to the allegations therein, he was to send his report. We do not find that the report of the Chief Secretary covers all the aspects. The hospital authorities would not, in their own interests, be too ready to expose their own deficiencies during the visit of the Chief Secretary. Therefore, to have been satisfied and to report that during his visit he did not find any patient being given inadequate food or medicine is no appraisal of the situation. The fact that lakhs of rupees had been spent on improvement is indeed of no consequence PG NO 318 until the Agorgyashala is restored to acceptable hospital standards. The report gives us a feeling that the Chief Secretary was more conscious about the expenditure made by the State Government than assessing the actual situation. From his report, however, it is clear that inspite of several orders made by this Court and assurances held out by the State Government of Bihar, the defects were not being remedied. The awareness of the governmental authorities of the sordid situation prevailing in the hospital, as admitted in the scheme furnished to this Court, the non-compliance in an effective way with the directions made from time to time by this Court and the general lethargy shown in rising from slumber leaves a clear impression in our mind that the institution cannot be run as a mental hospital of that magnitude unless there be change in the administrative set- up, the control is altered and a total new service to patient-oriented thrust given to the institution. In a welfare State--and we take it that the State of Bihar considers itself to be one such--it is the obligation of the State to provide medical attention to every citizen. Running of the mental hospital, therefore, is in the discharge of the State's obligation to the citizens and the fact that lakhs of

rupees have been spent from the public exchequer (perhaps without or inadequate return) is not of any consequence. The State has to realise its obligation and the Government of the day has got to perform its duties by running the hospital in a perfect standard and serving the patients in an appropriate way. The reports and affidavits of the Government of Bihar and its officers (not the reports furnished to the Court by the judicial officers) have not given us the satisfaction of the touch of appropriate sincerity in action.

The scheme which was furnished to the Court was a half-hearted one and no attempt therein was made to bring about any improvement except attending to certain obvious deficiencies and shortfalls. The hospital has been in existence from pre-independence period. There have been epoch making breaks--through in the field of psychiatry and treatment of psychiatric patients. The approach to mental health and the techniques of psychiatry have changed. Psychologists have developed their art and their tools. The method of care and attention for the mentally-ill has also undergone a sea change. When we had called upon the State of Bihar to give a scheme for improving the conditions of the hospital, this Court had not intended a scheme for removing the deficiencies in the old hospital; we had really intended to look forward to a scheme of re-orientation which the scheme did not even remotely touch except to say that NIMHANS at Bangalore has contacted.

PG NO 319 The state Government authorities have not been able to assess the priorities. Provision of beds, though the scheme indicated had to be fully made by end of March, 1988, the report of the Chief Secretary and the accompanying affidavit have not cleared that position. Provision for electricity and water has taken too long, though both are basic necessities of life. The fact that the existing lavatories have taken more than two years to repair is a slur on the administration. There does not seem to be the slightest interest on the part of the persons handling the matter, to improve the environment. In these circumstances, it becomes difficult for the Court with any sense of confidence to leave the management to the Health Department of the State of Bihar if the institution has to run as a good and useful hospital.

We are cognizant of the position that it is difficult for the Court to monitor the management of a hospital-- particularly when it is located a thousand kilometres away; but since there have been some improvements with the Court's intervention, to get out of the picture at this stage would only mean that the situation will again deteriorate no sooner the Court's attention is withdrawn. As we have already pointed out mere restoration of the hospital to its old position would only bring into existence an archaic institution sans modernism. In our opinion, it will be much better if a Committee of Management is appointed with full powers to look after all aspects of the institution. It is appropriate to take note of the position that this institution receives contribution from two other States. 38 % of these beds, being about 600, are reserved for the State of West Bengal and the Government of West Bengal is to pay for the same. Similarly 75 beds are reserved for the State of Orissa and a sum of Rs. 3

lakhs is payable by the Orissa Government. There is no reason why the management of the hospital should be left exclusively to the Health Department of State of Bihar and the participating Governments should not be associated in such management. Taking note of the performances of the State administration of Bihar in regard to the hospital we are of the view that association of the States of West Bengal and Orissa in the management is likely to bring about some positive result. We would, accordingly, constitute a Committee of Management for the Mental Hospital in the manner indicated below.

Chairman--A consenting sitting Judge of the Patna High Court, Ranchi Bench, to be nominated by the Chief Justice of Patna High Court.

PG NO 320 Members (1) Commissioner of Ranchi Division.

(2) Station Commander, Ramgarh area, Ranchi. (3) Secretary of Health, Bihar Government. (4) Secretary of Health, West Bengal Government. (5) Secretary of Health, Orissa Government. (6) Deputy Commission of Ranchi.

(7) Principal of the Ranchi Medical College. (8) District Judge, Ranchi.

(9) Superintendent of the Hospital.

The Commissioner of Ranchi Division and the Station Commander shall be Vice-Chairmen and in the absence of the Chairman, shall in the order indicated act as Chairman when any of them too is absent. The Superintendent shall act as the Secretary. We hope and expect that the concerned Governments and authorities would accord the necessary consent/permission to the nominated officers to act on the Committee and the Committee would be able to have its first meeting in the first half of November, 1988. The Committee should meet every month in the first six months with a view to removing the defects and deficiencies within a time frame--say of six months at the most and for reviewing the improvements in the conditions of the hospital. If it is satisfied that the situation has improved, the meetings thereafter may be quarterly. The Commissioner of the Ranchi Division shall make a monthly report with in 2 weeks of the end of every month about the state of the hospital during the first year and such reports as and when received by the Registry should be placed before the Court. The State of West Bengal is in arrears in regard to its contribution for several years. Though counsel for the State of Bihar had undertaken to furnish accounts, the same has not yet been done. The Committee shall ensure that the accounts are furnished to the State of West Bengal by the 15th of December, 1988. In its affidavit, the State of West Bengal has indicated that it would pay Rs.20 lakhs out of the dues during the current financial year and would pay the balance in suitable instalments. As the improvement to the hospital would involve huge expenditure, we direct the State PG NO 321 of West Bengal to pay Rs.50 lakhs out of its dues by 31st of March, 1989 and the balance amount shall be paid in two six- monthly instalments, one by 30th of September, 1989, and the other by 31st of March, 1990. The Government of West Bengal and the Committee shall ensure that this time- frame is adhered to. The entire arrears collected from the West Bengal Government shall be earmarked for development of the hospital to be expended in the

manner approved by the Committee and no portion thereof would be otherwise spent. We are of the view that if the hospital is transformed into a better one, just as the hospital run by NIMHANS at Bangalore, the quality of the hospital would improve and the patients would have the benefit of modern scientific treatment. The Committee shall, therefore, take expeditious steps to explore the possibility of transforming the Mental Hospital at Ranchi into the pattern obtaining in the hospital run by NIMHANS at Bangalore by taking such steps as are necessary and furnish a report to this Court by the end of February, 1989 when that question will have to be considered by this Court after hearing the concerned State Governments and the parties. The State of Bihar shall provide a basic fund of Rs.50 lakhs in the year ending 31st of March, 1989, to be spent for improvement of the Hospital in the manner approved by the Committee and in case the Committee is of the view that further funds are necessary, it would be open to the Committee to make a report to this Court whereupon appropriate directions shall be given. There have been repeated allegations that the lady patients who have already been cured are not being released from the hospital. At one stage the explanation offered by the hospital authorities and the State administration was that the relations, even though notified, are not taking them back. The hospital is not a place where cured people should be allowed to stay. It is, therefore, necessary that there should be a rehabilitation centre for those who after being cured are not in a position to return to their families or on their own seek useful employment. The Committee shall, therefore, take immediate steps to have a rehabilitation centre at a convenient place around Ranchi where appropriate rehabilitation schemes may be operated and the patients after being cured, irrespective of being male or female, if they are not being taken back by the members of their families could be rehabilitated. The funds made available to the Committee may be utilised for such purpose.

PG NO 322 We must reiterate that Court-monitoring of an institution like the present one is indeed difficult but we cannot close the proceedings at this stage for the reasons we have already indicated. Parties including the Committee shall have liberty to move this Court from time to time. We make it clear that the directions regarding payment of the funds are pre-emptory in nature and no application for modification thereof shall be entertained. This matter shall be deemed to be pending to deal with the various reports from the Committee and for purposes of giving other directions.

C R.S.S.