

**SUPREME COURT OF INDIA**

Upendra Baxi

Vs

State of Uttar Pradesh

(P.N.Bhagwati and R.S. Pathak, JJ.)

13.04.1982

**ORDER**

**P.N.Bhagwati, J.**

1. We had given various directions by orders made by us in this writ petition from time to time and we find from the statement dated March 31, 1982 filed by Miss Tej Srivastava and the statement dated April 2, 1982 filed by Mr. S. S. L. Srivastava, Deputy Director, Harijan and Social Welfare, Agra that most of these directions have been carried out by the State Government. We are happy to note that the State Government has responded to the various directions given by us and taken steps with a view to improving the conditions of living of inmates of the Agra Protective Home so as to ensure them a life of basic human dignity. There are however three matters in respect of which funds have been sought by the Superintendent of the Agra Protective Home and one of them is provision of two flush latrines. It is absolutely necessary for the purpose of maintaining hygienic conditions that two flush latrines should be provided at the earliest and we hope and trust that the necessary funds will be immediately made available by the State Government so that two flush latrines may be constructed without any undue delay. The State Government has also been moved for the purpose of providing funds for installing a hand pump since water is not available for 24 hours. We have no doubt that the State Government will respond quickly and provide necessary funds for this purpose. We are glad to find that 19 mentally retarded inmates of the Agra Protective Home have been shifted to Avikasis Balkon Ka Vidyalaya, Lucknow (Mentally Retarded School, Lucknow) and three minor inmates have been moved to Rajkiya Balika Niketan, Almora. The State Government will supply a list containing the names of these 22 inmates to the Court before the next hearing of the writ petition containing and will also furnish a copy of the same to the petitioners.

2. We must also express our deep sense of appreciation for the medical examination carried out and the medical facilities provided by the panel of doctors appointed by us also by the Principal of S. N. Medical College, Agra. They have responded generously to the request made by us and have carried out the work of medical examination and provision of medical facilities without charging any fees as a matter of public service. We are indeed thankful to them for the grace and courtesy shown by them. It has been our happy experience that whenever we have requested any medical examination of inmates of homes or prisoners, the medical profession has always extended its unstinted cooperation to the Court. We have no doubt that the medical profession will continue to extend its cooperation to us in the same way as it has been doing in the past.

3. It appears from the record that the Board of Visitors has been constituted by the State Government. We would suggest to the State Government additionally the District Judge or an additional District Judge to be nominated by him may be appointed as a permanent invitee to the meetings of Board of Visitors so that the Board of Visitors may have the assistance of a judicial officer in the discharge of its functions. We would like the State Government to make this appointment within two months from today. The District Judge, Agra will also visit Protective Home once every month and take care to ensure that the various facilities which are now being provided by the State Government as set out in the Statements filed before us and which are required to be provided under the Rules are continued to be made available to the inmates. If the District Judge finds that any of these facilities are not provided or any of the directions given by us are not carried out, the District Judge will make a report to us. We would also direct the State Government to take necessary steps for the purpose of rehabilitation of the inmates of the Agra Protective Home and put forward a Scheme for such rehabilitation before the next hearing of the writ petition. The writ petition will stand adjourned to July 19, 1982.