

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5656 of 2020

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Rajiv Ranjan

... .. Petitioner/s

Versus

The State of Bihar & Ors.

... .. Respondent/s

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Appearance :

For the petitioner : Mr. Rajiv Ranjan (in person)
Mr. Ritesh Kumar, Advocate
Mr. Kundan Kumar Ojha, Advocate
Mr. Abhinay Priyadarshi, Advocate
Ms. 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 joined the proceedings through Video Conferencing from their residences/offices.)

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ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 19-05-2020 Petitioner has filed a supplementary affidavit
indicating that as per the information uploaded on the official



Website of the Disaster Management Department, Government of Bihar, as on 15th May, 2020, about 2,98,897 persons stand quarantined in 5765 camps at the block level.

In the supplementary affidavit filed by the petitioner it is averred that as per the information furnished on the official website of the Disaster Management Department, Government of Bihar, 348 trains are enroute in which approximately 4,16,587 persons would be entering Bihar from different parts of the country, more specifically Maharashtra and Delhi. Further out of 358 persons who entered the State and were found to be COVID positive, at least 115 persons had come from Delhi.

As per affidavit filed by the Principal Secretary, Disaster Management Department, Government of Bihar, in Bihar, there are 38 administrative districts and 534 Blocks, where 6209 quarantine camps have been set up at the Block levels where 5,87,117 persons can be housed. As on 16th of May, 2020, 3,44,655 person are staying in the centres and 6457 persons allowed to return to their native places.

A chart in a tabular form indicating the data, district and Block wise, is reproduced as under:-



COVID-19 : DAILY REPORT OF BLOCK QUARANTINE CAMP
Date:16.05.2020

SL. No	District	No. of Blocks	Total Number of Quarantine Camps set up at Block Level till date	Capacity of Quarantine Camps setup till date	Number of Quarantine Camps at Block Level (Functional)	No. of People Staying	Number of Persons Discharged upto 16th May 2020
1	Araria	9	255	23463	255	16816	399
2	Arwal	5	49	2513	49	2513	22
3	Aurangabad	11	51	7209	42	5122	233
4	Banka	11	126	14696	126	14696	30
5	Begusarai	18	151	16955	112	8182	313
6	Bhagalpur	16	92	15156	92	9412	60
7	Bhojpur	14	579	34891	147	8730	11
8	Buxar	11	119	12250	91	6335	127
9	Darbhanga	18	264	17570	264	14061	148
10	Gaya	24	397	34062	147	13069	261
11	Gopalganj	14	89	7619	88	5800	225
12	Jamui	10	86	7588	86	3116	37
13	Jehanabad	7	40	4882	27	2473	15
14	Kaimur	11	113	8953	47	2863	11
15	Katihar	16	237	20690	237	18567	438
16	Khagaria	7	138	14220	138	10419	86
17	Kishanganj	7	40	6790	40	2037	8
18	Lakhisarai	7	48	6967	33	3044	20
19	Madhepura	13	94	9089	69	6095	101
20	Madhubani	21	329	23305	177	12477	89
21	Munger	9	73	7923	59	3880	5
22	Muzaffarpur	16	209	16523	209	14030	19
23	Nalanda	20	145	14833	95	7168	71
24	Nawada	14	65	8884	59	6496	12
25	Pashchim Champaran	18	260	28173	260	21822	606
26	Patna	23	123	15528	61	5197	107
27	Purbi Champaran	27	217	23315	217	16922	554
28	Purnea	14	330	36076	292	21495	235
29	Rohtas	19	219	14706	219	5459	207
30	Saharsa	10	131	15000	131	10332	163
31	Samastipur	20	199	25819	199	13484	472
32	Saran	20	168	19150	160	12260	192
33	Sheikhpura	6	26	4054	25	3098	10
34	Sheohar	5	32	3500	32	2595	13
35	Sitamarhi	17	180	16082	127	9344	682
36	Siwan	19	182	14250	123	6850	199
37	Supaul	11	184	19501	147	11544	175
38	Vaishali	16	169	14932	129	6852	101
Total		534	6209	587117	4811	344655	6457

No doubt, in the affidavit filed by the Principal Secretary, Disaster Management Department, Government of Bihar, in Paragraphs 13, 16, 17 and 18, it is stated that the Government has taken all steps of providing food, security and other facilities at the quarantine centres, but we find such averments to be absolutely vague and unspecific. In our order dated 13th May, 2020, we had asked the Government to respond specifically on the issue which we had indicated therein, which we reproduce as under:-

“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.”

We find that the affidavit is conspicuously silent on certain issues and more specifically query (g) and (h). Also, the Principal Secretary has not provided the data indicating the number of employees deployed by the State in manning the Centres. In fact, he should indicate the mechanism and procedure evolved right from the point of identification of persons intending to return to Bihar upto the point of their housing at the Centres.

Undoubtedly the task is horrendous and the issue is of prime importance. If approximately more than four lakhs persons have already entered the State and are housed at these



quarantine centres, with an equal number expected to reach Bihar in the immediate future, the Administration must under all circumstances take measures in ensuring not only their safety and security, but also those who are already residing in the State.

In this matter, we are not dealing with the issue of medical testing but only express our concern of the need of increasing the number of tests to be conducted.

In one matter being CWJC No. 5609 of 2020 titled as Parul Prasad Versus the State of Bihar which is also listed today, the writ-petitioner therein highlighted the issue of Government's reservation in not associating the civil society in dealing with the current crisis, with which, the entire world is faced. We notice that in the said matter, several N.G.Os. had represented to the District Magistrates, expressing their concern, volunteering to help the administration by rendering social service, be it, in whatever form. It appears that very few such requests stood considered, much less favourably.

Well, we are of the considered view that perhaps it would be in public interest, as also that of the State, that the Government revisits its earlier policy of not engaging with the members of the civil society, on individual or organized basis, in dealing with the issue of at least manning the crowds at the



Railway Station/Destination or at the quarantine Centre established by the State at different places in Bihar. May be fully manning the quarantine centres. We see no harm in that, particularly when the Civil Society wants to do it on voluntary basis, without claiming any credit for rendering such service.

We have already expressed our opinion that in a democratic society, the Civil Society cannot be ignored, more so in the times of disaster.

We may only observe that under Section 35, Chapter V of the Disaster Management Act, 2005 it is mandatory for the Government to constitute the authorities, be it at the National level, the State level or the District level and the participatory role of the NGO's stands accepted and acknowledged by the Legislature in the same statute.

The Hon'ble Supreme Court in **Swaraj Abhiyan Versus the Union of India and others reported in (2016) 7 SCC 498** while dealing with the issue of drought in the State of Bihar had issued certain directions, one of which we reproduce as under:-

“97. Keeping all the factors in mind we issue the following directions:

.....

97.8. Humanitarian factors such as migrations from affected areas, suicides, extreme distress, the plight of women and children are some of the factors that



ought to be kept in mind by the State Governments in matters pertaining to drought and the Government of India in updating and revising the Manual. Availability of adequate foodgrains and water is certainly of utmost importance but they are not the only factors required to be taken note of.”

We are not sure as to whether all directions stand complied with by the State or not, but be that as it may, even though the directions were issued in the context of disaster caused by drought, would apply, with equal force, in fact, more so, in the current attending circumstances of pandemic COVID-19.

We have already indicated in our earlier order that 1/10th of population of India lives in Bihar and with almost eight lacs people coming home from different parts of the country, the problem of human management itself, let alone any thing else, needs to be addressed immediately for it cannot brook any delay, else it would adversely affect lives of each one residing in Bihar. The matter needs to be examined with a sense of urgency and seriousness.

We are of the considered view that perhaps, the issue of engagement of civil society, more so when it is so desired by the NITI Ayog, needs to be reconsidered at the highest level.

Mr. Shahi states that he shall positively invite attention of our concern with the appropriate authority. We only



hope that the decision making authorities would take a myopic view of the matter.

Our order dated 27.04.2020 passed in CWJC No.5609 of 2020 titled as Parul Prasad Versus the State of Bihar & Ors. be read as part of the present order.

Let the Principal Secretary, Disaster Management Department, Government of Bihar file his personal affidavit on all the issues highlighted before the next date.

List on 22nd of May, 2020.

(Sanjay Karol, CJ)

(S. Kumar, J)

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