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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 10790/2024**

SAMADHAN ABHIYAN

.....Petitioner

Through: **Mr. Abhigyan Siddhant, Mr. Anurag Sahay, Mr. Rohit Kumar, Advocates**

versus

GOVERNEMNT OF NCT OF DELHI & ORS.Respondents

Through: **Mr.Manu Chaturvedi, standing counsel with Ms.Devika Singh Roy, Advocate for MCD**

Mr. Sameer Vashisht, ASC (Civil) GNCTD with Mr. Vanshay Kaul, Advocate for GNCTD.

Ms. Sangeeta Bharti, Standing Counsel, DJB with Ms. Malvi Balyan and Ms. Vidushi Gupta, Advocates for DJB/R-3

Mr. Vinod P. Kavle, Secretary with Ms.Anjali Sehrawat, Director for Department of Social Welfare, and Mr. Rahul Agarwal, Administrator, Asha Kiran Home

Mr. Anurag Ahluwalia, CGSC with Ms.Hridyanshi Sharma, Advocate for CBI/R-4.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA



ORDER
12.08.2024

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1. In pursuance to the last order, the Secretary, Department of Social Welfare, GNCTD is personally present. He has handed over a status report dated 12th August, 2024. In the said status report, it has been averred as under:-

“...5.1 It was informed that after the reports about recent 14 deaths in Asha Kiran Home in the month of July, 2024 as reported on 02.08.2024, the following health experts have been posted in the Asha Kiran Home:

Sl. No.	Name of Post	Sanctioned Post	Staff Position as on 02.08.2024	Additional Staff posted after 02.08.2024	Vacant posts as on 11.08.2024
1.	Specialist (Medicine)	01	00	01	00
2.	GDMO	08	06	02	00
3.	Paediatrician	01	00	01	00
4.	Specialist (Psychiatrist)	01	01	00	00
5.	Physiotherapist	01	00	01	00
6.	Clinical Psychologist	03	00	01	02
7.	Pharmacist	01	01	00	00
8.	Dresser	03	00	03	00
9.	Nursing Orderly	03	02	03	00
10.	Occupational Therapist	01	01	00	00
11.	Assistant Dietician	01	00	01	00

5.2 Institute of Human Behaviour & Allied Sciences (IHBAS) informed about non-availability of Clinical Psychologist for posting in Asha Kiran Home at present. Therefore, it was decided that the IHBAS shall engage two Clinical Psychologist on outsourcing / contractual basis expeditiously for deployment in the Asha Kiran Home. Such action shall be completed by Director, IHBAS within a period of 30 days.

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6.1 It was informed that after the reports about recent 14 deaths in Asha Kiran Home in the month of July, 2024 as reported on 02.08.2024, the following teachers / instructors have been posted in the Asha Kiran Home:



Sl. No.	Name of Post	Sanctioned Post	Staff Position as on 02.08.2024	Additional Staff posted after 02.08.2024	Vacant posts as on 11.08.2024
1.	Physical Education Teacher	04	00	04	00
2.	Special Educator	06	00	06	00
3.	Craft Instructor	04	00	04	00
4.	Music Teacher	01	00	01	00

6.2 It was observed that all the sanctioned posts have been filled.

7. **Shortage of adequate administrative and supportive staff**

7.1 It was informed that after the reports about recent 14 deaths in Asha Kiran Home in the month of July, 2024 as reported on 02.08.2024, the following administrative and supportive staff have been posted in the Asha Kiran Home:

Sl. No.	Name of Post	Sanctioned Post	Staff Position as on 02.08.2024	Additional Staff posted after 02.08.2024	Vacant posts as on 11.08.2024
1.	AAO	01	00	01	00
2.	Welfare Officer	18	19	00	00 (1 additional Welfare Officer is working)
3.	House Aunty / Caregiver	450	417* (360 are working in Asha Kiran and 57 are working in Asha Deep Home and Asha Jyoti Home which are extended arms of Asha Kiran)	29 (posted in Asha Kiran)	04



4.	<i>Nursing Officer</i>	20	21	00	00 (1 additional Nursing Officer is working)
5.	<i>ANM</i>	73	62	03	08
6.	<i>Kitchen Helper</i>	20	17	03	00
7.	<i>Cook</i>	03	01	01	01
8.	<i>Washer Man</i>	03	00	01	02
9.	<i>Washerwomen</i>	02	00	00	02
10.	<i>Driver</i>	01	03	00	00 (2 additional Driver is working)
11.	<i>Superintendent</i>	04	04* (02 Superintendents are working in Asha Deep and Asha Jyoti Homes which are extended arms of Asha Kiran)	00	00

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8 Decongestion of Asha Kiran Home

8.1 It was informed that 14 male residents have been shifted from Asha Kiran Home to Asha Deep Home, 10 female residents of mild and moderate category identified by the CMO have been shifted from Asha Kiran Home to Asha Jyoti Home, adult male dormitory No.6 at Asha Kiran Home has been made functional and auditorium at Asha Kiran Home has been put to use as a Dormitory on temporary basis considering its large size and availability of ACs in it.

8.2 Shifting of Female Detention Centre for Foreign Detainees from Mahila Sadan in Asha Jyoti Complex to Shehzada Bagh FRRO Centre – A joint inspection of Shehzada Bagh FRRO Centre was conducted by the Secretary, Social Welfare, Director SW and officials of FRRO, Tihar Jail, DUSIB, so as to explore the possibility of shifting the 20 female foreign detainees housed at Mahila Sadan at Asha Jyoti Home to Shehzada Bagh FRRO Centre. It was decided that these 20 female foreign detainees should be shifted to Shehzada Bagh FRRO Centre within a week's time to decongest Asha Jyoti Home. It shall pave the way to shift residents from Asha Kiran Complex to Asha Jyoti Home at Hari Nagar.



8.3 MCD's Building of Nursing College & Hostel – A request has been made to the Commissioner, MCD by the Secretary, Department of Social Welfare to hand over the building of Nursing College & Hostel on rental basis to shift residents of Asha Kiran Home. MCD Commissioner has agreed in principle, subject to approval of the MCD's House which may take time up to 02 months.

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8.5. Construction of Home for intellectually challenged 456 persons in Mamurpur – It was informed that the Department of Social Welfare has submitted a proposal for Administrative Approval and Expenditure Sanction of Rs.98.22 crores for construction of a new home for mentally challenged residents with capacity of 456 residents at village Mamurpur, Narela. The construction of this building will definitely reduce the burden of Asha Kiran infrastructure. It was observed that approval of the Government is awaited.....”

2. During the hearing, the learned Secretary, Social Welfare, has clarified that one store room at Asha Jyoti Home has been converted to a dormitory to accommodate ten female inmates. He further states that after the Shehzada FRRO Centre is made available to the Department of Social Welfare, which is likely within a week's time, 40 inmates (classified as mild and moderate cases) shall be shifted to the said centre.

3. Keeping in view the fact that Asha Kiran Home has 928 inmates against a capacity of 570 inmates, there is urgent need to decongest the said centre. Accordingly, this Court directs FRRO and Delhi Police to cooperate with the Department of Social Welfare, GNCTD in closing the FRRO centre at Shehzada Bagh and in immediately shifting the inmates.

4. Further as the MCD Commissioner has agreed in principle to handing over the nursing college and hostel to Department of Social Welfare and sanction of the Full House of MCD as well as its Standing Committee (which is yet to be constituted) will take considerable time, this Court directs the Commissioner, MCD to hand over the nursing college and hostel to the Department of Social Welfare, GNCTD forthwith so that after making



considerable changes, the inmates of Asha Kiran Home can be shifted there immediately. This Court directs that post facto sanction of the Full House of the MDC as well as its Standing Committee shall be obtained.

5. At this stage, the Secretary, Department of Social Welfare, GNCTD states that GNCTD has agreed to purchase the MCD's Nursing College & Hostel at a price to be determined by the MCD. Learned counsel for the MCD confirms the said fact. He states that the asset value shall be conveyed to the Department of Social Welfare, GNCTD in due course.

6. Let a fresh status report be filed within four weeks.

7. The personal presence of the Secretary, Department of Social Welfare, GNCTD is dispensed with till further orders. List on 30th September, 2024.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

AUGUST 12, 2024
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