**Karnataka High Court**

**Karnataka State Legal Services ... vs State Of Karnataka on 21 April, 2022**

**Bench: Chief Justice, S R.Krishna Kumar**

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF APRIL, 2022

PRESENT

THE HON'BLE MR. RITU RAJ AWASTHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.18741 OF 1996 (GM-RES) PIL

BETWEEN:

KARNATAKA STATE LEGAL

SERVICES AUTHORITY

PALACE ROAD

BANGALORE - 560 001

REPRESENTED BY ITS

SECRETARY

... PETITIONER

(SUO MOTU PETITION

AMENDED VIDE ORDER DATED 26.08.2002

BY SRI M.N.UMASHANKAR, ADVOCATE)

AND:

1. STATE OF KARNATAKA

VIDHANA SOUDHA

BANGALORE - 560 001

REPRESENTED BY ITS

CHIEF SECRETARY

2. CITIZEN'S ACTION GROUP

JAWAN'S QUARTERS

BDA PARK, DOUBLE ROAD

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INDIRANAGAR, I STAGE

BANGALORE

REPRESENTED BY ITS

SECRETARY

3. UNION OF INDIA

BY ITS SECRETARY

DEPARTMENT OF HEALTH

AND FAMILY WELFARE

NIRMAN BHAVAN

NEW DELHI

... RESPONDENTS

(SRI DHYAN CHINNAPPA, ADDITIONAL ADVOCATE

GENERAL ALONG WITH

SMT.REVATHY ADINATH NARDE, SPECIAL COUNSEL

FOR RESPONDENT NO.1

SMT.LAILA OLLAPALLY, ADVOCATE FOR RESPONDENT

NO.2 - INTERVENER - VIDE COURT ORDER DATED

15.04.2002

SRI KUMAR M.N., CGC FOR RESPONDENT NO.3 -

VIDE COURT ORDER DATED 26.08.2002)

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THIS SUO MOTU WRIT PETITION IS INITIATED

PURSUANT TO THE ORDER DATED 05.09.1995 PASSED

BY THE HON'BLE SUPREME COURT IN THE CASE OF

SHEELA BARSE VS. UNION BANK OF INDIA AND

OTHERS REPORTED IN (1995) 5 SCC 654 AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY

HEARING THROUGH VIDEO CONFERENCING THIS DAY,

CHIEF JUSTICE MADE THE FOLLOWING:

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ORDER

Mr.Naveen Raj Singh, Principal Secretary, Health and Family Welfare (Medical Education), Government of Karnataka, is present before the Court.

2. This suo motu Public Interest Litigation has been registered pursuant to the Hon'ble Supreme Court's direction dated 05.09.1995. The order dated 05.09.1995, on reproduction, reads as under:

"A letter from Ms. Sheela Barse addressed to the Hon'ble Chief Justice of India with respect to the deplorable conditions in which mentally ill and insane women were locked up and kept in Presidency jail, Calcutta, was registered as a writ petition and certain orders passed. Subsequently, Ms.Sheela Barse withdrew from the matter. In her place, the Supreme Court Legal Aid Committee was substituted. Several orders were passed by this Court from time to time. Commissioners were also appointed to investigate and report on the conditions obtaining in places where women and children were being detained. Over the years, this Court has also been monitoring the implementation of its orders.

When this matter was placed before us on August 21, 1995, it was suggested by Sri S.

Muralidhar, learned counsel for the petitioner (Supreme Court Legal Aid Committee) and also by some of the learned counsel appearing for the respondents that it would be appropriate if the function of monitoring the implementation of the several orders passed by this Court is made over to respective High Courts. It was suggested that each High Court be requested to monitor and ensure proper and full implementation of the orders of this Court insofar as that particular State is concerned. We found the suggestion acceptable. Sri Muralidhar, learned counsel for the petitioner and Sri Harish Salve, learned counsel for the respondents have placed before us their suggestions. The following orders are made after hearing the learned counsel:

1. The office shall prepare requisite number of sets of the record of this case. The record shall be in two parts. Part-I shall contain the letter written by Ms. Sheela Barse (along with the enclosures thereto), the orders passed by this Court from time to time arranged in proper sequence and the reports of the Commissioners appointed by this Court, again in their proper sequence.

2. The office shall separate the affidavits, counter affidavits, rejoinders and further affidavits, if any, along with their annexures with respect to each State separately. If there are any affidavits, reports or other documents filed by the Union of India, the same may be included in each of such sets. This shall be treated as Part-II of the record. Obviously, it will be separate for each State concerned herein.

3. The cost of preparing both Parts-I and II shall be borne by the Union of India. After the record is prepared as directed above, the cost thereof shall be intimated to the learned counsel for the Union of India in this case who shall communicate the same to the concerned authority. The payment shall be made into the office of this Court within three months therefrom.

4. The office shall communicate a copy of Part-I to each of the High Courts. Along with Part-I, Part-II relating to that particular State shall also be enclosed.

5. The High Courts are requested to register the record so received by them as a Public Interest Litigation. The Hon'ble Chief Justice of each of the High Courts is requested to designate a Judge of that Court to deal with the matter. The High Court shall make all such necessary and appropriate orders as may be warranted, from time to time, for a proper implementation of the orders of this Court. The High Court shall also be free to pass such other and further orders as may be found necessary or appropriate to protect and improve the conditions obtaining in places where women and children - not accused or convicted of any crime - are detained.

6. The High Court Legal Aid Committee of each of the High Courts shall be treated as the petitioner in the matter in that High Court. Copies of Part-I (and Part-II, wherever applicable) shall be communicated to the respective Legal Aid Board in the High Court.

The High Court Legal Aid and Advice Board will assist the High Court in the matter of monitoring compliance with the orders and directions made by this Court. It will be entitled to apply for such further orders and directions from the High Court as may be found necessary in the matters.

7. It is made clear that the High Courts to whom the proceedings are being made over shall be fully free and competent to pass such further orders and make such further directions as they think appropriate in the light of the facts and circumstances obtaining in that particular State consistent with and to further the objectives underlying the orders of this Court.

8. So far as the State of Assam is concerned, the High Court shall ensure that the State of Assam complies with the several suggestions made in the report of the Commissioner, Sri Gopal Subramaniam, and the order made by this Court on October 3, 1994 on the basis of the said report.

With the above directions, the matter is closed."

3. During the pendency of the writ petition, directions were issued to the respondent-State regarding installation of MRI Scanning Machine at Dharwad Institute of Mental Health and Neurosciences (DIMHANS). The installation of the machine was required as per the respondent themselves, but for one or the other reason, it could not be installed.

4. Memo of compliance dated 20.04.2022 has been filed by the State stating therein that installation of 1.5 Tesla MRI Scanning Machine is complete and working and trial runs are in progress and further, the appointment of Medical Superintendent to DIMHANS has been completed and Dr.Saraswathi N has been appointed.

5. The above compliance is substantiated by production of the letter dated 19.04.2022 along with photographs of installation of MRI Scanning Machine and appointment order of the Medical Superintendent dated 19.04.2022 which are on record.

6. In view of the above, we feel that substantial compliance has been carried out by the respondent-

State and nothing remains for the Court to adjudicate.

The writ petition, as such, is finally disposed of.

7. In view of the above and disposal of this petition, the restraint order dated 05.04.2022 restraining disbursal of salary of the Principal Secretary, Health and Family Welfare (Medical Education), shall not be given effect to.

8. The pending interlocutory application does not survive for consideration and stands disposed of.

Sd/-

CHIEF JUSTICE Sd/-

JUDGE AHB