

**IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

MONDAY, THE FIFTEENTH DAY OF JUNE  
TWO THOUSAND AND TWENTY

**: PRESENT:**

**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN  
AND  
THE HON'BLE SRI JUSTICE B VIJAYSEN REDDY  
WP(PIL) NO: 35 OF 2020**

**Between:**

In Re:

Letter submitted by the Member Secretary, Telangana State Legal Service Authority, Hyderabad

Petitioner

**AND**

1. The State of Telangana, represented by its Chief Secretary to Government of Telangana, Secretariat, Hyderabad.
2. The State of Telangana, represented by its Principal Secretary, Social Welfare Department, Secretariat, Hyderabad.
3. The State of Telangana, represented by its Principal Secretary, Women and Child Welfare Department, Secretariat, Hyderabad.
4. The District Collector, Hyderabad District at Hyderabad.
5. The District Collector, Ranga Reddy District at Samshabad
6. The District Social Welfare Officer, Hyderabad District.
7. The District Social Welfare Officer, Ranga Reddy District.
8. The Commissioner of Police, Twin cities Basheerbagh at Hyderabad.
9. The Commissioner of Police, Cyberabad at Hyderabad.
10. The Deputy Commissioner of Police, Malkajgiri Zone, Rachakonda Commissionerate Hyderabad.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the letter filed by the petitioner dated 27.01.2020, the High Court may be pleased to issue an appropriate Writ, Order or Orders more particularly in the nature of Writ of Mandamus to call for records and remarks from the respondents herein relating to the inaction of the respondents in connection with the state of affairs prevailing in the old age Homes in the Hyderabad and Ranga Reddy Districts, more particularly lack of basic amenities at Mamatha Old Age Home, Shilpa Nagar, Nagaram, which lacks basic amenities for human dwelling and consists of only two bedroom houses as one block, and kept 52 persons (old aged persons) in one house with only seven cots, for different aged persons and the Home is being maintained very unhealthily emanating foul smell from the rooms with only two toilets and unfit for human dwelling and the Circle Inspector of Police who visited the Home on 23/01/2020 found that some of the inmates were tied with chains and they are being treated inhumanly. Hence, this Hon'ble Court may be pleased to issue necessary orders or directions to the Respondents for proper maintenance of old age Homes within their Jurisdiction and further to direct the Respondents to provide adequate infrastructure facilities at the old age Homes for decent and dignified human dwelling

The petition coming on for hearing upon perusing the petition and report dated 27.01.2020 submitted by the petitioner filed herein and Sri B.S. Prasad Advocate General and Sri Sanjeev Kumar, Special GP for the respondents, the Court made the following

**ORDER:**

**In compliance of the order passed by this Court on 29.01.2020, a Report was submitted by the Member Secretary, Telangana State Legal Services Authority, with regard to the functioning of the Mamatha Old Age Home, Shilpa Nagar, Nagaram. Subsequently, this Court had also directed the Member Secretary, and the Secretary, DLSA, to inspect different Old Age Homes, which are being managed either by the Non Government Organisations (NGOs), or by the Government.**

Taking cognizance of the Report, and treating the same as *Suo Motu* Case by order dated 10.06.2020, this Court had appointed Ms. Vasudha Nagaraj, the learned counsel, as an *amicus curiae*. This Court had directed her to inspect the Old Age Homes functioning in the cities of Hyderabad and Secunderabad, and to submit a Report with regard to their conditions. Consequently, she has submitted an Interim Report, dated 13.06.2020. The same shall be taken on record.

According to the Report, the Old Age Homes are being run by NOGs. These NGOs are being funded by private donors, or by the payments they receive from the inmates. The Old Age Homes are of different categories. While some of them run free, without charging the inmates, others are charging Rs.2,000/- to Rs.30,000/- from the inmates. According to the Report, those Homes which are charging between Rs.6,000/- and Rs.30,000/-, these Homes having “a modicum of self regulation”, but other Homes which are charging less, are overcrowded, and suffering from lack of infrastructure.

According to the Report, in “Mother’s Nest Old Age Home”, twenty-four women are packed into three rooms. There is hardly any ventilation; there is hardly any sunlight in the said Home. Even a Home called “The Second Chance: a Home for the Dying and the Destitute” is so packed with cots, that there is insufficient space for free movement of the inmates. Moreover, according to the Reports, there is awful lack of sufficient number of staff to look after the inmates. The lack of staff is clearly reflected in the unhygienic condition of these Homes. In some of the Homes, the window pans are broken, and in others the cupboards are hanging loose, and in some, mattresses are soiled beyond recognition. Furthermore, according to the same Report, but for the Police, the Department of Social Welfare has not inspected the Homes for over six months. According to the Manager of these Homes, the Homes are, in fact, inspected, only once in a year, and many a times the Inspection was done at the time of registration.

Ms. Vasudha Nagaraj, the learned *amicus curiae*, further informs this Court that there is no segregation on the basis of gender. In one of the Homes visited by her, she was horrified to notice that elderly lady, who was bed stricken, was sleeping in the same room, where there were two active elderly men. Therefore, according to Ms. Vasudha Nagaraj, the physical safety of the women is a grave concern. Furthermore, because there is no Helpline, or Hotline Number available, the inmates of the Homes do not have access to the world outside, whereby they can share their plight, their concerns, and their interests. Most of the Homes are filled by people, who have been abandoned, or who are destitute, or who are mentally challenged. Such persons are abandoned by the Police, and left at the doors of these Homes.

Thus, the inmates are hapless and helpless elderly persons, who have been abandoned by their family, and are being ignored by the State.

The picture revealed by the Interim Report is, indeed, shocking. For, the picture clearly reveals that the fundamental rights of the elderly inmates are being violated, both by the Managers, who are supposed to run the Homes, and certainly by the State Government, who is legally bound to register, to maintain, to inspect, to fund, and to look after the rights of the elderly population.

Therefore, this Court directs both Mr. B. S. Prasad, the learned Advocate General, and Mr. Sanjeev Kunar, learned Government Pleader, to file a Report on behalf of the Principal Secretary, Social Welfare Department, respondent No.2, and the Principal Secretary, Women and Child Welfare, respondent No.3, with regard to the following information and issues:

Firstly, with regard to the number of Homes which are registered, or not registered, which are functioning within Hyderabad/Secunderabad/Ranga Reddy District;

Secondly, with regard to the funding, that is being released by the Government for the maintenance, upkeep, and for providing the basic necessities and infrastructure in these Homes;

Thirdly, with regard to the number of times that these Homes have been inspected by the Officers of the concerned Department. In case, these Homes are not being inspected on a monthly basis, the reason as to why the Government is ignoring the plight of the elderly inmates.

The respondent Nos.2 and 3 are further directed to immediately create a Helpline, or a Hotline. The Number of the Helpline/Hotline should be publicized through electronic and print media, and it should be made known to the inmates of all the Old Homes which are functioning not only in Hyderabad/Secunderabad/Ranga Reddy District, but to all the Old Age Homes functioning in other parts of the State. If a complaint is received on the Helpline/Hotline, the same should be attended immediately, both by the Department, and by the concerned Police Station. In case, any action needs to be taken by the Police, with regard to any alleged offence, the Police shall take the action immediately, and the concerned Station House Officer (SHO) shall inform the concerned Superintendent of Police of the District with regard to allegation so made, and with regard to the investigation made, and finally with regard to the outcome of the investigation carried by him/her.

The respondent Nos.2 and 3 are directed to circulate the copy of this Order to the NGOs running the Old Age Homes, and to the Companies in the Private Sector. The respondent No.2 is further directed to explore the possibility of seeking the

cooperation of the Corporate Sector under the Corporate Social Responsibility so that the Companies can take up and manage, or at least provide the best infrastructure that can be provided to the elderly inmates, keeping in mind their physical and mental needs.

Lastly, the respondent Nos.2 and 3 are also directed to consider the possibility of having the Old Homes along with Orphanage Children Homes, Shelter Homes, and other Homes, which are run under the Juvenile Justice Act. In case, the children were placed under the guidance and the care of the elderly people, such an arrangement will create a symbiotic relationship between the elderly people, who will get a chance to guide the children, and the children who desperately require the guidance from the adults.

Respondent Nos.2 and 3 are directed to inform this Court whether such an arrangement can be made throughout the State, or not?

The said Report shall be filed by respondent Nos.2 and 3, positively by 23.06.2020.

List this case on 24.06.2020.

//TRUE COPY//

SD/- K. SAILESHI  
ASSISTANT REGISTRAR

  
SECTION OFFICER

To,

1. The Principal Secretary, Social Welfare Department, State of Telangana, Secretariat, Hyderabad.
2. The Principal Secretary, Women and Child Welfare Department, State of Telangana, Secretariat, Hyderabad.
3. The Member Secretary, Telangana State Legal Service Authority, Hyderabad
4. One CC to Sri Vasudha Nagarj, Amicus curie, Advocate, High Court, Hyderabad
5. Two CC to Advocate General, High Court at Hyderabad (OUT)
6. Two CC to Special G.P., High Court at Hyderabad(OUT)
7. Two spare copies

Csk

HIGH COURT

HCJ  
&  
BVRJ

DATED: 15.06.2020

NOTE: LIST THE CASE ON 24.06.2020

ORDER

WP(PIL).No.35 of 2020



DIRECTION