

**BIHAR HUMAN RIGHTS COMMISSION**  
**9, Bailey Road, Patna – 15**

File No **BHRC/COMP. 374/13**

**Case of Kameshwari Priya Poor Home, Darbhanga**

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This proceeding was initiated on receipt of bunch of complaints regarding the affairs of Kameshwari Priya Poor Home, Darbhanga. Having regard to the public importance of the complaint, the Commission held a public hearing in the premises of the Kameshwari Priya Poor Home at Darbhanga on 17.2.2013. Some 20 plus people spoke as to how the premises meant for the destitutes, beggars, abandoned children, widows and infirm persons was being used by a handful of persons for personal gains by running an eye-hospital disregarding the objects for which the Poor Home was founded by Maharajadhiraj Kameshwar Singh of Darbhanga Raj.

The complaints clearly involved human right issues and the Commission accordingly took up the matter, and issued notice to the Social Welfare Department, Government of Bihar and District Magistrate, Darbhanga – besides, the management of the Kameshwari Priya Poor Home and the Manager, Darbhanga Raj. The Commission noted that a deaf & dumb school and a blind school managed by the Social Welfare Department of the State Government, are already running in portion of the premises.

Pursuant to notice, the Social Welfare Department and the District Administration, Darbhanga filed their reports. The management of Kameshwari Priya Poor Home and Darbhanga Raj also field their response. In fact, the management of Kameshwari Priya Poor Home filed a number of responses/objections. They also submitted documents in support of their stand. The matter was heard on different dates. While Sri

Shishir Kumar Singh, Assistant Director, Social Security and Sri Shambhu Prasad, Assistant Director, Social Security appeared respectively, on behalf of the Social Welfare Department and District Magistrate, Darbhanga, the management of Kameshwari Priya Poor Home was represented by Sri Siddheshwari Prasad Singh, Sr. Advocate, assisted by Sri Ratan Kumar Sinha, Advocate and Darbhanga Raj was represented by Shri Arun Kumar Kuer; Sri Jaishankar Jha represented the applicants.

At this stage it may be mentioned that Kameshwari Priya Poor Home (for the sake of brevity, hereinafter referred to as the 'Poor Home') was founded by the then Maharaja of Darbhanga Raj Sir Kameshwar Singh in memory of and to fulfil the wishes of his deceased wife Maharani Adhirani Kameshwari Priya, as a society registered under the Societies Registration Act in January 1942. The objects of the Society/Poor Home were mentioned in the Memorandum of Association as hereunder:-

“4. Objects: To do social and humanitarian services by reclaiming and bringing out moral, material, social and economic uplifts of the downtrodden people, specially destitute persons, beggars, abandoned childrens, widows, handicapped, aged; sick and infirm person and to help the suffering humanity by reclaiming and providing them with shldter and helping them to pick up independent means of livelihood in such a manner that they would never depend on charity and remain burden on the family so as to lead a pure, normal healthy and happy life.

5. To arrange for the education either general, vocational or technical for the inhabitants in general and of the inmates of the Home in particular, and for which no fee will be charged.

6. To plan, initiate, organise; undertake, operate, carry on and undertake voluntary services in the

matter of welfare activities for the people independently or in co-operation of other charitable agencies.

7. To prevent professional begging by educating public opinion or by seeking legislation or otherwise.

8. To reclaim children generally found with beggars and to settle them in society after proper education and training and do find suitable employment for them when they grow up.

9. To create, promote and foster healthy and intelligent interest among the people in general in the matter of voluntary services, welfare activities and to render help and assistance to others particularly the people in distress and need.

10. To affiliate, take over and to receive aid from any other Society, Association, Government and other person engaged or interested in the objects with a view for obtaining advantages or benefits for the purposes of furtherance of its objects.

11. To educate public opinion regarding the aims and objects of the Home and to obtain provisional order or act of legislatures for enabling the Home to obtain all the powers and authorities necessary or expedient to carry out or to extend any of the objects of the Home or for any other purposes which may seem expedient and to oppose proceedings or applications which have been calculated directly or indirectly prejudicial of the Home's interest.

12. And generally to do all other lawful acts and things as are incidental and conducive to the attainment of the above cognate objects.”

The Maharaja also donated money for construction of a building called ‘Danby Block’ for the poor and destitutes etc. and in order to make the Poor Home self-reliant and self-sustaining, built 80 shops – known as Harahi Market (close to Darbhanga Railway Station) so that the rental from the shops

could be utilised for the welfare of the inmates and maintenance of the Poor Home.

The distant history of the Poor Home as to the time the poor and the destitutes lived in the Poor Home is not clear. But this much is clear – and more or less admitted – that not a single destitute or beggar etc. has lived in the premises of the Poor Home in the last few decades or is living at present. The Poor Home/Society was to be managed by a Committee, and how persons – presently managing the ‘Poor Home’ came in control of its affairs is also not a quite clear. It is however apparent that a group of persons has taken control of the Poor Home for their personal gains – in total disregard of the aims and objects for which the Poor Home was founded.

In course of hearing the management of the ‘Poor Home’ produced documents to show that it has been functioning in accordance with law and returns are being filed as per law. On behalf of the applicants/complainants on the other hand, it was stated that the documents are sham; the fact is that the present managing committee did not hold any Annual General Meeting between 19879 and 2010. On behalf of the Darbhanga Raj it was submitted that the Poor Home was set up as a ‘Society’ but it was illegally converted into a ‘trust’ and the status of the managing committee itself is questionable.

The Commission does not wish to go into disputed questions. It would also like to clarify that it does not propose to question the running of an eye-hospital in portion of the premises – notwithstanding the stand of the applicants that the hospital is not doing any charitable work. What the Commission wants to emphasize is that the Poor Home or its premises should not be run or managed in a manner that the aims and objects of the Poor Home are totally overlooked. It hardly needs

to be pointed out that in all cases of gift, donations and charitable endowments the wishes of the settler should be given due respect especially when they are in accord with the human rights of the poor & the needy. No body can claim that there are no beggars or destitutes in Darbhanga. A host of them can be found at a 'stone's throw distance' – at Railway Station or Bus Stand and the like – from the premises of the Poor Home. As a matter of fact, the Danby Block was found to be in a dilapidated condition, the eye-hospital is running in a single storeyed house across the said building.

A question was raised about the jurisdiction of the Commission to entertain the complaint and intervene in the matter. Section 12 of the Protection of Human Rights Act – under which the Human Rights Commissions have been constituted – empowers the Commission, among other things, “to make enquiry, suo motu or on a petition presented to it by a victim or any person on his behalf, into complaint of (i) violation of human rights or abetment thereto; or (ii) negligence in prevention of such violation by a public servant”. The Commission thus has jurisdiction to intervene in cases of not only violation of human rights by a public servant but also in cases of failure to prevent such violations by way of deprivation of human rights – by any public servant. The Commission finds that rights of the poor, destitutes etc – created under the Memorandum of Association stand usurped by the management of the Poor Home. There cannot be any doubt that rights created in favour of the poor, destitutes, beggars etc. were in the nature of 'human rights' and if they are being deprived of those rights – and the Administration is doing precious little about the same, it amounts to failure to prevent violation or

deprivation of those rights and the Commission is competent to make an enquiry and intervene in the matter.

It was for this reason that notice was issued to the Social Welfare Department and the District Administration but they seem to be unmindful of their duties and obligations. The reports submitted by them are stereotyped and do not address the issues involved.

It is to be kept in mind that a deaf & dumb school and blind school are already running under the aegis of the Social Welfare Department and the Commission expected the Social Welfare Department to show due awareness and come forward with a scheme as to how the premises of the Poor Home could be properly utilised for the benefit of those for whom it was founded. The Poor Home has a sprawling campus – spread over five acres – situate at a prime location in the heart of Darbhanga town and has an immense potential which can be used in different ways. Availability of land is a big problem and a bottleneck which the authorities often find hard to tackle but here is a case where the land is available aplenty but not being made use of for the good of the poor and downtrodden for whom it was meant.

The Commission is conscious of the fact that the government/administration may not straightway take over the land and/or otherwise interfere in the management of the Poor Home. But if without interfering with the management of the eye hospital, the deaf & dumb and blind school can run in portion of the premises, it is for consideration as to how other portions of the land/premises which are as of now vacant can be properly utilised. In fact, the Commission at one stage made an endeavour for agreement and some deliberations took place amongst the management of the Poor Home; representatives of

the Darbhanga Raj and the applicants/public at large, but no consensus or agreement could be arrived at.

The Commission is of the view that a committee should be constituted – comprising of representatives of Darbhanga Raj, management of the Poor Home, the government officials and the public at large to devise ways and means for optimal utilisation of the premises keeping in view the wishes of the settlers as expressed in the Memorandum of Association.

Sri Siddheshwari Prasad Singh on behalf of Poor Home submitted that a committee is already in existence and looking after the affairs of the Poor Home. As of now, the management by the present managing committee is shrouded in secrecy, and there is total lack of transparency. The Commission is of the view that the committee should be broad based consisting of different sections of the society and things should be done in a transparent manner.

Having given due consideration to the matter the Commission hereby constitutes a committee consisting of:-

- (i) Sri Kumar Kapileshwar Singh
- (ii) Sri Arun Kumar Kuerji
- (iii) Sri Vinod Kumar (Journalist)  
– representing Darbhanga Raj
- (iv) Dr. Raman Kumar Verma
- (v) Dr. Manzar Suleiman
- (vi) Sri K.K. Mishra (Retired Bank Manager)  
– representing the present management of  
Kameshwari Priya Poor Home
- (vii) Sri R.K. Roy, IAS (Retd.)
- (viii) Dr. (Smt.) Abha Jha
- (ix) Dr. Anju Agarwal  
– representing the applicants

- (x) Deputy Development Commissioner, Darbhanga  
and
- (xi) Mayor, Darbhanga  
– (Ex-officio Members)

The Committee shall choose a convenor from amongst themselves and take such steps as are necessary and conducive to the fulfilment of objects of the Poor Home and its proper management. The District Administration of Darbhanga and the Department of Social Welfare, Government of Bihar shall extend all cooperation and also take necessary steps as may be required of them for fulfilment of the objects and management of the Poor Home – as above.

Let copy each of this order be sent to (i) Sri. R. K. Roy, IAS (Retd.) Balbhadrapur, Lahariasarai, Darbhanga, (ii) Manager, Raj Darbhanga Maharaj, office Kameshwar Nagar Darbhanga, (iii) Director/Manager, Kameshwar Priya Poor Home, Darbhanga, (iv) Secretary, Social Welfare Department, Government of Bihar, and (v) District Magistrate, Darbhanga.

Date: 22.10.2013

Justice S.N. Jha  
Chairperson