

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN
&
THE HONOURABLE MR. JUSTICE BASANT BALAJI

Tuesday, the 18th day of August 2026 / 27th Sravana, 1948
WP(C) NO. 16603 OF 2026(S)

PETITIONER:

THE HIGH COURT LEGAL SERVICES COMMITTEE,
REPRESENTED BY ITS SECRETARY

RESPONDENTS:

1. THE STATE OF KERALA, REP. BY THE SECRETARY TO GOVERNMENT,
HEALTH DEPARTMENT, THIRUVANANTHAPURAM

AND 22 OTHERS

This Writ petition coming on for orders on 18/08/2026, perusing the petition and upon hearing the arguments of STATE ATTORNEY, GOVERNMENT PLEADER, DEPUTY SOLICITOR GENERAL OF INDIA, SMT.ATHIRA A. MENON, STANDING COUNSEL for KeLSA, ADV.PARVATHI A MENON, PROJECT CO-ORDINATOR, VICTIM RIGHTS CENTRE and of SRI. V RAMKUMAR NAMBIAR & SMT. SATHYASREEPRIYA EASWARAN, AMICI CURIAE, the court on the same day passed the following:

P.T.O.

TUESDAY, THE 18TH DAY OF AUGUST 2026

WP(C) No. 16603 of 2026

THE HIGH COURT LEGAL SERVICES COMMITTEE & ANOTHER

VS

THE STATE OF KERALA & OTHERS

ADVS FOR PETITIONER/S:

X, SUO MOTU (Party-in-person)

ADVS FOR RESPONDENT/S:

GOVERNMENT PLEADER, SHRI.ASP.KURUP, SRI.SUNIL SHANKAR, SC, INDIAN OVERSEAS BANK, SPECIAL GOVERNMENT PLEADER, SHRI.LITTO VARGHESE PALATHINKAL, SMT.THANUJA ROSHAN, DR.S.GOPAKUMARAN NAIR (SR.), SRI.ABRAHAM GEORGE JACOB, SMT.ATHIRA A.MENON, SRI.ISAAC THOMAS, KUM.S.KRISHNA, SRI.N.ASHOK KUMAR, SRI.LIJI.J.VADAKEDOM, SRI.K.ANAND, SRI.SONU AUGUSTINE, SHRI.N.MANOJ KUMAR, STATE ATTORNEY, SHRI.K.R.RANJITH, GOVERNMENT PLEADER WITH STATE ATTORNEY, O.M.SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA, SHRI.C.MURALIKRISHNAN (PAYYANUR), SHRI.AKSHAY R, SMT.N.N.GIRIJA, SHRI.SHARAD JOSEPH KODANTHARA, SHRI.ALEXANDER JOSEPH MARKOS, SRI.P.G.CHANDAPILLAI ABRAHAM, SMT.MARIAMMA GEORGE MARANGOLY, SHRI.S.PRASANTH, SRI.SOORAJ T.ELENJICKAL, SRI.K.ARJUN VENUGOPAL, SHRI.ASWIN KUMAR M J, SHRI.ARUN ROY, SHRI.SUVIN R.MENON, SENIOR PANEL COUNSEL, SRI.SADCHITH.P.KURUP, SHRI.SUNIL SHANKER, SMT.ASHLIN SAJU

WP(C) No. 16603 of 2026

2

DEVAN RAMACHANDRAN & BASANT BALAJI, JJ.

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WP(C) No.16603 of 2026

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Dated this the 18th day of August, 2026**ORDER****PART B - INSPECTION**

We visited the Mental Health Centre, Calicut on 16.08.2026; and thus the inspection of all such Centres have been completed.

2. The situation at Calicut was as expected and anticipated, and not different from what we saw at the other two Centres.

3. The condition of the isolation wards/closed cells were as horrific as we saw in the other two Centres; while, the infrastructure was equally crumbling - they virtually fitting a century past, and not for the modern times.

4. The dearth of sufficient staff, particularly attenders, security personnel, cooks, dhobis, cleaning staff and such other, was glaring in this Centre also.

5. The ultimate sufferers are the patients!

6. The cries we heard from those who are confined to the isolation wards/closed cells still ring in our ears; and, all we said in the orders dated 21.07.2026 and 29.07.2026, regarding the Mental Health Centres at Thiruvananthapuram and Thrissur,

WP(C) No. 16603 of 2026

3

stands true to Kozhikode Centre also, without much of a change.

7. The time has come for our Society to sit up and take notice, especially the gross human rights violations to which the patients are being subjected to.

8. We cannot blame doctors or medical personnel, whom we found to be committed; and without whom the Centres would collapse; but they are forced to function within the conspectus of the dilapidation conspicuous all around. The Cells in Calicut were not different from what we saw in the other two Centres and resemble cages, rather than hospital spaces. No one with any sanity left would be able to bear the pressure, if to be housed in such spaces; but the doctors and the nurses say they have no other option, but to accommodate patients in them for want of alternate ones.

9. One can certainly not countenance, in these modern times, that human beings are kept in such manner. For modern societies, it would be revolting to keep men or women in such conditions; but when it comes to the Mental Health Centres, not much of a thought appear to go into this, probably because the condition has continued like this for the last several decades.

10. The patients in these Centres, particularly those who are

WP(C) No. 16603 of 2026

4

kept segregated and in single accommodation, are also our citizens, with the same fundamental guarantees as are available to the others. These cannot be breached for whatever reason one might ascribe; especially when they are vulnerable and statutorily declared to be deserving special treatment.

11. The status of the patients, particularly in the isolation wards, is so mind wrenching, that it will be difficult for one who is not exposed to this earlier, to suffer the sights and the sounds therein.

12. When patients are subjected to human rights violations, *albeit* under the cause of treatment, the Government cannot wait for a better time, to make changes. Violations of fundamental rights, particularly the right to live in dignity are to be dealt with imminently; and any delay in such would have to be seen to be culpable.

13. The patients are not the children of any lesser God, but are as equal as any other in the Society; with the same liberties and rights as are guaranteed fundamentally to every Indian.

14. Smt.Sathyasree Priya – learned Amicus Curiae, voices the same concerns as above, asserting that institutionalization cannot operate as a suspension of constitutional protection. She

WP(C) No. 16603 of 2026

5

submitted that the State, while providing healthcare to vulnerable persons, is enjoined with an enhanced obligation to ensure that institutional care does not degenerate into neglect, humiliation, degraded treatment or arbitrary deprivation of liberty; and then impressed upon us that Section 97(1) of the Mental HealthCare Act, 2017, renders seclusion or solitary confinement to be unlawful, and that the said provision permits physical restraint only in extremely rare circumstances, where it is the only means available to prevent immediate harm, or authorised by a Psychiatrist.

15. As a constitutional Court, we cannot be blind to the condition we have seen, which is exacerbated and confounded by the absolute lack of infrastructure and dearth of necessary personnel.

16. We have said this before and we want to say it again: in modern Psychiatry, patients are recognised to respond to treatment better in open spaces and freedom, rather than being constrained to cage like structures. The wards in the Centres are also nothing to speak of, except that the patients are not isolated.

17. The absence of sufficient personnel makes it difficult for doctors and healthcare personnel to allow the patients the

WP(C) No. 16603 of 2026

6

freedom they require; and this is made worse by the total lack of security in the Centres. In fact, many of the doctors and personnel told us that they are working against odds, even fearing physical attacks from patients, or their bystanders, on a regular basis; and that the police personnel - who are one or two in number is clearly insufficient.

18. All the three Centres are manned by a sergeant or two, with three or four security personnel under them; and this becomes totally impossible for securing the perimeter of the Centres.

19. Added to this, is the absence of the compound walls all around; and all this leads to a situation where the patients cannot be let out, but are forced to remain within the confines of the wards or cells.

20. This is a shame because the Centres are all very verdant, with wonderful sights around; but which the patients are unable to access or experience.

21. Overall, the condition of all the three Centres are, for want of a better word, shocking.

22. The patients certainly deserve a much better deal, since they are our own brothers and sisters.

WP(C) No. 16603 of 2026

7

23. The State cannot remain as a mere spectator; and to reiterate, cannot use the excuse of lack of resources when human and fundamental rights stand violated. If this is to be done, their cardinal responsibility as the repositories of the trust of the people and of the Constitution, will stand violated.

24. We are surely aware that the revamping of the Centres would require large amount of effort and resources; but, cannot afford to wait for things to get better.

25. In the midst of this, we saw that the enrollment of patients in the "Aadhar" has not been completed; but are told by Smt.Parvathi Menon – Project Coordinator of VRC, that on account of our intervention, it has been completed in the Mental Health Centre, Thrissur. In fact, this was confirmed to us by Dr.Sharmila Mary Joseph, Secretary, Health and Family Welfare Department, when she accompanied us for the inspection at Kozhikode. This will have to be done in the case of the patients in the other two centres also and this must be done quickly, not merely for the ones who are presently available but also for the ones who come in future.

26. We are refraining from recording many other equally compelling concerns, for fear of this order becoming prolix –

WP(C) No. 16603 of 2026

8

since, by so, the specific issues become less adverted to.

27. Suffice to say, fundamental issues with respect to the three Centres are in common and no different from each other; namely,

(a) The horrific nature of the isolation cells/segregated area.

(b) the crumbling infrastructure, including buildings and the upkeep of the campus, without the minimum guarantee of avoiding exposure of doctors, staff and patients to snakes and other wild animals.

(c) the lack of proper support for securing the most essential medicines and other medical equipment.

(d) the lack of a proper compound wall across the Centres and security personnel, to ensure its safety and integrity.

(e) lack of proper lighting within the campus, which makes the situation far more grave and serious, particularly when it is infested with snakes and other dangerous creatures.

(f) The lack of proper vehicles to carry food from the kitchen to the various wards; consequently, it being contaminated or even destroyed during transfer.

(g) The lack of attenders, security, staff, cooks, laundry attenders (dhobis) and gardeners among others.

WP(C) No. 16603 of 2026

9

(h) Enrollment of all patients in the “Aadhar”, to enable them to obtain their entitled benefits.

28. The afore are in addition to the specific issues covered by our orders dated 29.07.2026 (issued in the case of Mental Health Centre, Thrissur), and 21.07.2026 (in the case of Mental Health Centre, Thiruvananthapuram).

29. This Bench now requires a comprehensive evaluation of all aspects by the competent Authorities.

We, therefore, direct the Secretary, Health and Social Welfare Department; and Secretary, Social Justice Department, to advert to each of our observations in this order and to file a comprehensive report independently on them, stating the remedial measures taken, or to be taken; with time frames required to complete and address the same. This shall be done by the next posting date.

List on 08.09.2026.

Sd/- DEVAN RAMACHANDRAN,
JUDGE

Sd/- BASANT BALAJI,
JUDGE

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