

PUSHPANJALI TRUST VS STATE OF PUNJAB AND OTHERS

Present: Mr. Aditya Vikram Rametra, Managing Trustee of petitioner – society in person.

Mr. Jastej Singh, Adl. AG, Punjab.

Mr. Deepak Balyan, Addl. AG, Haryana.

Mr. Rakesh Sobti, Addl. Standing Counsel, UT Chandigarh.

Mr. Dheeraj Jain, Sr. Advocate, Sr. Panel Counsel with
Ms. Shreyanshi Verma, Central Govt. Counsel for UOI.

Mr. Sanyam Malhotra, Advocate for respondent No.8.

Pursuant to previous orders passed, an affidavit has been filed on behalf of the Chief Secretary, State of Punjab, stating that the rules though have been approved by the Central Government, but they are yet to be notified, as the rules are required to be placed before the Legislature. In the affidavit, reliance is placed upon Section 121(2) of the Mental Healthcare Act, 2017, which clearly manifests that after obtaining of approval from the Central Government, the rule would have to be notified and thereafter the rule so made shall be placed before the appropriate Legislature. It is, therefore, that the affidavit filed by the Chief Secretary is in the teeth of the statutory provisions.

Learned counsel representing the State of Punjab does not dispute the legal proposition and seeks deferment of proceedings by a week, so that the State may take necessary steps.

The Mental Healthcare Act, 2017, came into force on 29.05.2018. Section 45 of the Act provides for establishment of State Authority, which reads as under:-

“45. Every State Government shall, within a period of nine months from the date on which this Act receives the assent of the President, by notification, establish, for the purposes of this Act, an Authority to be known as the State Mental Health Authority.”

The formation of the State Authority as well as manner of filling of vacancies and the functions of the Authority have been specified in Section 55. Section 64 then talks of the preparation of annual report by the State Authority in such form and at such time as may be prescribed by the State Government. The Act obligated the competent authority to frame rules and regulations which are required to be notified and placed before the Legislature.

It transpires that though respective steps have been taken under the Act but its provisions have not been implemented in letter and spirit, as the formation of State Authority in terms of Section 45 has remained a matter of empty formality.

We may also indicate that the Mental Healthcare Act, 2017, is an important Legislation which is required to be implemented by the concerned authorities of the Central Government as well as State Governments in accordance with the provisions contained in the Act. We reiterate that due sensitivity on the part of the officials of the State would be required for implementing the provisions incorporated in the Parliamentary Legislation. We expect the State authorities to be more careful in ensuring compliance of the Legislation.

Since the State Mental Healthcare Authorities have already been constituted in both the States of Punjab and Haryana, we direct the concerned authorities of the two States to produce on record the annual reports of these authorities.

The Chandigarh Administration will also ensure that the Mental Healthcare Authorities are constituted within four weeks from today.

We, accordingly, direct the States of Punjab and Haryana as well as the Chandigarh Administration to ensure that all necessary institutions contemplated under the Act are made functional, so that the authorities constituted thereunder are able to effectively discharge the statutory obligations cast upon them and ensure availability of effective mental healthcare to the citizens.

List on 05.10.2026.

(ASHWANI KUMAR MISHRA)
CHIEF JUSTICE

(ROHIT KAPOOR)
JUDGE

15.09.2026
rajesh