

ITEM NO.20

COURT NO.1

SECTION PIL-W

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

CONMT.PET.(C) No. 1653/2018 in W.P.(C) No. 412/2016

GAURAV KUMAR BANSAL

Petitioner(s)

VERSUS

MR.DINESH KUMAR &amp; ORS.

Respondent(s)

(WITH IA No. 107760/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 107762/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 84969/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 23289/2019 - EXEMPTION FROM FILING O.T., IA No. 24260/2020 - EXEMPTION FROM FILING O.T., IA No. 35579/2019 - EXEMPTION FROM FILING O.T., IA No. 31994/2019 - EXEMPTION FROM FILING O.T., IA No. 24258/2020 - EXEMPTION FROM PERSONAL APPEARANCE, IA No. 122705/2018 - PERMISSION TO APPEAR AND ARGUE IN PERSON, IA No. 196981/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

MA 2352/2018 in W.P.(C) No. 412/2016 (PIL-W)

(WITH IA No. 86502/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 86503/2021 - EXEMPTION FROM FILING AFFIDAVIT)

Date : 20-03-2023 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA  
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s)      Petitioner-in-person

For Respondent(s)      Ms. Madhavi Divan, A.S.G.  
Mr. Gurmeet Singh Makker, AOR  
Ms. Sunita Sharma, Adv.  
Ms. Seema Bengani, Adv.  
Mr. Adit Khorana, Adv.  
Ms. Vishakha, Adv.  
Mr. T S Sabarish, Adv.  
Dr. Arun Kumar Yadav, Adv.

Ms. Madhavi Divan, A.S.G.  
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Mr. Shiv Mangal Sharma, Adv.  
Mr. C K Sucharita, Adv.  
Mr. Amit Sharma (b), Adv.  
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Mr. Mukesh K Verma, Adv.  
Ms. Indira Bhakar, Adv.  
Ms. Mrinal Elker Mazumdar, Adv.  
Ms. Priyanka Sharma, Adv.  
Mr. Prahil Sharma, Adv.  
Mr. Harender Singh, Adv.  
Mr. Ambuj Saraswat, Adv.

Ms. Diksha Rai, AOR  
Ms. Ragini Pandey, Adv.

Ms. Astha Sharma, AOR  
Mr. Srisatya Mohanty, Adv.  
Mr. Sanjeev Kaushik, Adv.  
Ms. Mantika Haryani, Adv.  
Mr. Shreyas Awasthi, Adv.  
Mr. Himanshu Chakravarty, Adv.  
Ms. Ripul Swati Kumari, Adv.  
Mr. Bhanu Mishra, Adv.  
Mr. Devvrat Singh, Adv.  
Ms. Muskan Surana, Adv.

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Mr. Dhanesh Ieshdhan, Adv.  
Mr. Varun Varma, Adv.

Mr. Saurabh Mishra, A.A.G.  
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Mr. Shiv Sagar Tiwari, Adv.

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Mr. Prang Newmai, Adv.

Mr. Tushar Sannu, Adv.  
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Mr. Alim Anvar, Adv.

Mrs. Anil Katiyar, AOR

Mr. Jagjit Singh Chhabra, AOR  
Mr. Ankit Goel, AOR  
Mr. S.. Udaya Kumar Sagar, AOR  
Mr. Shree Pal Singh, AOR

Mr. Pukhrambam Ramesh Kumar, AOR  
Ms. Anupama Ngangom, Adv.  
Mr. Karun Sharma, Adv.

**UPON hearing the counsel the Court made the following  
O R D E R**

- 1 Ms Madhavi Divan, Additional Solicitor General, informed the Court, at the outset, that a dashboard has been prepared by the Department of Empowerment of Persons with Disabilities<sup>1</sup> in the Ministry of Social Justice and Empowerment<sup>2</sup>.
  
- 2 A presentation of the dashboard has been made before the Court by Mr Rajesh Yadav, Joint Secretary in MSJE. The dashboard which is titled “Manoashraya”, *inter alia*, contains details of:
  - (i) The total number of States/UTs having government run Rehabilitation Homes<sup>3</sup>/Halfway Homes<sup>4</sup>;
  - (ii) The intake capacities of these RH/HH (bifurcated between male and female inmates);
  - (iii) Occupancy in the RH/HH; and
  - (iv) Number of persons who are “languishing” in mental health institutions.
  
- 3 The dashboard contains specific details of the RH/HH, including contact details, number of male and female inmates and a map of the country with locations of these homes and facilities available.

1 “DEPD”

2 “MSJE”

3 “RH”

4 “HH”

- 4 The Union Ministry of Health and Family Welfare<sup>5</sup> specifically deals with mental health institutions as a part of its broader remit to cover the area of medical health.
- 5 The Court has been apprised of the fact that MoHFW has prepared its own helpline called tele-MANAS and e-MANAS. There would be a need to integrate tele-MANAS and e-MANAS with the dashboard “Manoashraya” prepared by MSJE.
- 6 Since the way forward would require proper collaboration between MoHFW and MSJE, we request Ms Madhavi Divan to take up the matter at the Secretarial level in both the Ministries. On the next date of listing, the way forward may be presented by the Joint Secretaries in both the Ministries.
- 7 We clarify that the present proceedings are not intended to be adversarial. The Court is intending to utilise its position as a facilitator to ensure that the purpose of having RH and HH is duly fulfilled, particularly, having regard to the large number of persons who are languishing in mental health institutions.
- 8 The Court also acknowledges the assistance which has been rendered by Ms Sejal Pawal, Consultant to the DEPD. We appreciate the presentation which has been made by the Joint Secretary in MSJE.
- 9 List the matters on 21 April 2023.

**(SANJAY KUMAR-I)**  
**DEPUTY REGISTRAR**

**(SAROJ KUMARI GAUR)**  
**ASSISTANT REGISTRAR**