



W.P. (MD) No. 16484 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 19.08.2021

CORAM

THE HON'BLE MR. JUSTICE N.KIRUBAKARAN

and

THE HON'BLE MR. JUSTICE B.PUGALENDHI

W.P. (MD) No. 16484 of 2020

K.R.Raja

Petitioner

Vs.

1. The State of Tamilnadu, Represented by
The Additional Chief Secretary
Home Department
Secretariat, Fort St. George
Chennai – 600 009.
2. The State of Tamilnadu, Represented by
The Principal Secretary
Health and Family Welfare Department
State of Tamilnadu, Secretariat
Fort St. George, Chennai-600 009.
3. The Director General of Prisons and Correctional Services
Department of Prisons and Correctional Services Tamilnadu
No.6, Whennals Road
Egmore, Chennai – 600 008.
4. The Union of India
Represented by its Secretary
Ministry of Family and Health Welfare
New Delhi.
5. Union of India



Represented by its Secretary
Ministry of Finance, New Delhi.

6. National Medical Commission
New Delhi.
7. University Grants Commission
New Delhi.
8. National Institute of Mental Health
And Neuro Sciences (NIMHANS)
Hombegowda Nagar, Bengaluru
Karnataka.
9. Indian Psychiatric Society (IPS)
Plot No. 43, Sector 55, Gurugram
Haryana – 123 003.

[R4 to R9 are *suo motu* impleaded vide
Court order dated 27.11.2020 in WP (MD)
No. 16484 of 2020 by NKKJ and BPJ]

10. M/s.Bakkyalakshmi Arumugam Institute
Of Mental Health and Neuro Sciences (BIMHANS)
Rep. by its Managing Trustee
Mr. N.Sivasubramanian
No.210, Poomkothai Nagar, Kalapatti Village
Civil Aerodrom Post
Coimbatore.

... Respondents

[R10 is *suo motu* impleaded vide
Curt order dated 14.12.2020 in
W.P. (MD) No. 16484 of 2020
by NKKJ and BPJ]

Prayer : Petition filed under Article 226 of the Constitution of India, praying
to issue a Writ of Mandamus, directing the Respondents setup a medical
wing in either Trichy Central Prison or Madurai Central Prison exclusively



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to provide mental health care facilities to the prisoners with mental illness and with round the clock availability of treatment by the Psychiatrist, clinical psychologist, Psychiatric social workers, Mental Health Nurses and other paramedical staffs like Institute of Mental Health setup in a central prison as per Section 103 and other relevant provisions of 'The Mental Health Care act, 2017' in accordance with within the time stipulated by this Hon'ble Court.

For Petitioner : Mr. R.Alagumani
For Respondents : Mrs. J.Padmavathi Devi
Special Government Pleader (For R1 to R3)
Mr. Victoria Gowri (For R4, R5 & R8)
Assistant Solicitor General of India
Mr. V.P.Raman (For R6)
Mr. Alaguram Jothi (For R7)
Mr. S.Madhavan (For R10)
No appearance - R9

ORDER

(Order of this Court was made by N.KIRUBAKARAN, J.)

This Writ Petition has been filed for a direction to the Respondents setup a medical wing in either Trichy Central Prison or Madurai Central Prison exclusively to provide mental health care facilities to the prisoners with mental illness and with round the clock availability of treatment by the Psychiatrist, clinical psychologist, Psychiatric social workers, Mental Health Nurses and other paramedical staffs like Institute of



Mental Health setup in a central prison as per Section 103 and other relevant provisions of 'The Mental Health Care act, 2017'

2. **“It is shocking to note that India is the most depressed country in the world”**. According to the World Health Organisation (in short 'WHO'), it is stated that over 90 Million Indians, viz., 7.5% of the country's population, are suffering from some form of mental illness. China and USA stand in Nos.2 and 3. In India, every 7th person suffers from some form of mental illness. Mental illness is considered as a leading contributor to disease burden and morbidity worldwide and may even result in suicide if left untreated.

3. All psychological problems are treatable, curable and preventable, provided we identify the illness early and initiate the treatment quickly coupled with appropriate rehabilitation. But unfortunately the prevalence of mental illness has doubled in the past 10 years because of the following facts:

- a)Lack of awareness & knowledge about the illness
- b)Inadequate human resources (less number of psychiatrists,psychologists, social workers and nurses)
- c)Inadequate treatment facilities.
- d)Long distance to travel to get the treatment.



- e) High cost of treatment
- f) Stigma

All these above factors contribute to the non-compliance of mental health services even for the middle class families which result in a treatable illness becoming untreatable and curable illness becoming incurable.

4. A Research, “**The Burden of Mental Disorders Across the States of India : The Global Burden of Disease Study 1990 – 2017**”, published on December 23, 2019, at Pages 148 – 161, of Volume 7, Issue 2, of **Lancet Psychiatry** concluded as follows:

“In conclusion, mental disorders adversely affect a large proportion of Indians. Given the poor coverage of mental health services, the lack of awareness, and the stigma attached to mental disorders in the country, India needs to invest heavily in mental health services to facilitate prevention where possible and to provide affordable treatment, care, and rehabilitation, as well as to attempt integration of mental and physical health services. The state-specific data trends in this report can be useful for mental health policies and programme planning at the individual state level and for India as a whole.”

5. WHO predicts that by the end of this year (2020), approximately 20% of the Indians will suffer from mental illness. 56 Millions of Indians



are suffering from depression and another 38 Millions of Indians are suffering from anxiety disorders. It also estimates that the economic loss in India due to mental health condition during 2012-2013 is 1.03 Trillions of 2010 Dollars.

6. A Survey “National Mental Health Survey of India, 2015-2016”, conducted by National Institute of Mental Health and Neuro Sciences (NIMHANS), Bengaluru, in collaboration with the Ministry of Health and Family Welfare, Government of India, revealed that 10.6% or 150 million Indians suffer from mental disability and need active help. Further, 9.8 Millions of teenagers in the age group of 13 – 17 years suffer from depression and other mental health disorders and they are in need of active intervention.

7. In 2019, a study conducted by a British Charity, “Mental Health Research – UK” found that 42.5% of employees in India's Corporate Companies suffer from depression or anxiety disorder.

8. When such is the given situation on the mental health front, only a very negligible amount is being allotted and spent towards mental health. It is stated that India's mental health care budget in 2018 was 528 Million



Rupees, out of which, 500 Million Rupees was for mental health. In 2019, it is stated to have been reduced to 400 Million Rupees. As per the media reports, India actually spent 50 Million Rupees only on mental health. The amount spent on mental health comes to 33 paise for mental health patient, given the number of 150 Million people requiring urgent care. It is reported in Parliament in March 2020 that a sum of 48 Crores Rupees only has been spent on mental health in the year 2018-2019, which approximately comes to Rs.2.40/- per patient in a year or approximately, 20 paise per month per patient.

9. The Mental Health Force also is very low in India and it is stated that there are about only 9000 psychiatrists, viz., one psychiatrist for every one lakh people alone is available, whereas the required number of psychiatrists is three for every one lakh people. It is stated that there is a shortage of 18,000 mental health doctors or psychiatrists and our country requires about 2700 new psychiatrists every year. That apart, only 49 child psychiatrists are there to take care of children of the entire country.

10. Though the Government, understanding the mental health problems, passed an Act, called “The Mental Healthcare Act, 2017”, no sufficient awareness programmes have been conducted. The taboo/social



stigma attached to persons with mental illness prevents the people to take proper treatment. Therefore, it is required to dispel the stigma attached to the mental illness or taking treatment under a psychiatrist or counselling with a psychologist by anti-stigma awareness plans. The people should be sensitised that mental disorder is like any other normal disease which is required to be treated, failing which, dangerous consequences would follow.

11. Though the Government recognised the prevalence of mental disorders on a large scale and the Union of India passed the Mental Healthcare Act, 2017 with an aim to provide the mental healthcare services for the persons with mental illness and to ensure that these persons have a right to life with dignity by not being discriminated against or harassed, however, as stated above, there is no sufficient budgetary allocation for mental healthcare which is required to be increased as one among seven persons is suffering from mental health disorders.

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12. Though the people are more health conscious, the mental health is not identified, recognised and physical health alone is taken care of



including medical insurance. Unless people's mental health is good and balanced, people cannot be normal and cannot lead a dignified life. Therefore, it is the primary duty of the Government to concentrate on the mental health of the people by having sufficient number of psychiatrists, psychologists, mental health workers and hospitals and other required infrastructures.

13. There is only one research Centre in the country, for mental health, called “National Institute of Mental Health and Neuro Sciences” (NIMHANS) at Bengaluru, which is a dedicated medical institution established in 1925. No such premier institution for mental health has been established after 1925. Every zone should have an institution like, NIMHANS. Similarly, psychiatry is not a subject in all the medical colleges and hence, psychiatry should be introduced in every medical college as the requirement of psychiatrists is more. Similarly, only a negligible number of mental hospitals are stated to be functioning in the country and for 130 Crore of population, more number of mental health care centres have to be established by the Central Government as well as by all the State Governments.



14. It is stated that the Government does not have a centralised portal for treatment or the mental disorders and only they have patient based data from three Central Institutes of Mental Health. At regular intervals, surveys of the prevalence of mental disorders across India have to be conducted and appropriate remedial measures have to be taken.

15. When such is the given scenario about the mental health, the present Public Interest Litigation has been filed seeking a writ of Mandamus, directing the respondents to set up a Medical Wing either in Trichy Central Prison or Madurai Central Prison exclusively to provide mental health care facilities to the prisoners with mental illness and with round the clock availability of treatment by Psychiatrists, Clinical Psychologists, Psychiatrist Social Workers, Mental Health Nurses and other Para Medical Staffs, like, Institute of Mental Health set up in a Central Prison as per Section 103 and other relevant provisions of the Mental Healthcare Act, 2017, in accordance with law within the time stipulated by this Court.

16. It is contended by the petitioner that there is no exclusive Medical Wing in Trichy Central Prison or Madurai Central Prison to provide mental



health care facilities to the prisoners with mental illness as per Section 103 of the Mental Healthcare Act, 2017.

17. Apart from the prayer sought for by the petitioner, as mentioned above, this Court would like to expand the scope of the writ petition to give comprehensive directions to the Central Government, Medical Council of India and the State Government to identify the patients at the earliest by diagnosing the disease to give proper treatment by improving the infrastructures, like, establishment of hospitals, increasing the number of psychiatrists, psychologists, psychiatrist social workers and allocation of more funds towards mental health, including the conduct of regular surveys.

18. Due to change in lifestyle and growth in economy and increase in the standard of living, the lifestyle got changed and consumption of alcohol also increased. It is stated that the youngsters including the school children have been addicted to alcohol and drugs. Alcohol and drugs also contribute to the mental illness, which is required to be addressed appropriately. Similarly, many families are breaking away, because of lack of mental adjustment or behavioural problems due to psychological disorders. It is evident from the number of cases coming before this Court. Therefore, it is



the need of the hour to have a Psychiatry Department in every District Headquarters Hospital and a Psychiatrist in every Taluk Level Hospital.

19. Any psychiatric treatment will not be complete without rehabilitation. So rehabilitation is an essential component in psychiatric treatment. For a country like India, community based rehabilitation is the only alternative to address this issue. Many people will not come forward to start the rehabilitation services because it is not a profit making venture and therefore, they should be encouraged. Steps have to be taken by the Governments

- i) to improve the man power.
- ii) to increase mental health service provision platforms.
- iii) to make basic mental health care easily accessible to the common man.
- iv) to reduce the treatment cost.
- v) to reduce and overcome the stigma.

20. Therefore, this Court, suo motu, impleads,

- (i) Union of India, represented by its Secretary, Ministry of Family and Health Welfare, New Delhi;



(ii) Union of India, represented by its Secretary, Ministry of Finance, New Delhi;

(iii) Medical Council of India, New Delhi;

(iv) University Grants Commission, New Delhi;

(v) National Institute of Mental Health and Neuro Sciences (NIMHANS), Hombegowda Nagar, Bengaluru, Karnataka.

[email id: ms@nimhans.kar.nic.in]

(vi) Indian Psychiatric Society (IPS), Plot No.43, Sector 55, Gurugram, Haryana-122003

[email id: ipssecretaryoffice@gmail.com]

as the respondents 4 to 9 in this writ petition. Registry is directed to carry out necessary amendments in the cause title.

21. Mrs. J. Padmavathi Devi, learned Special Government Pleader takes notice on behalf of the respondents 1 to 3 and Mrs. Victoria Gowri, learned Assistant Solicitor General of India takes notice on behalf of the newly impleaded respondents 4 and 5. Mr. K. K. Senthil, learned Counsel takes notice on behalf of the newly impleaded sixth respondent. Mr. N. Dilipkumar, learned Standing Counsel takes notice on behalf of the newly impleaded seventh respondent.



22. Considering the facts and circumstances of the case, the following queries are raised:

- a) *Is it a fact that one in seven persons of India's population is suffering from mental illness as stated by WHO?*
- b) *Whether any survey is being conducted by the Government or Government Hospitals / Health Organisations regarding the mental health of the India's population regularly?*
- c) *When such survey was conducted lastly?*
- d) *What are all the leading mental disorders among the people?*
- e) *Whether sufficient number of mental hospitals are available in India?*
- f) *If not, why not the Central Government/State Governments establish one mental hospital in each District or in each Zone of every State?*
- g) *Why not the respondents increase the number of Institutes offering psychiatry/psychology in higher studies?*
- h) *Why not the Central Government establish premier Institutes, like, National Institute of Mental Health and Neuro Sciences (NIMHANS), Bengaluru, in each Zone of the country, namely, North, East, West and Central?*
- i) *Is it a fact that only 50 Million Rupees have been spent for the mental healthcare in 2019?*



j) Why not the Central Government increase the allocation of funds towards mental health, especially, when one in seven persons of the population of the country is stated to be suffering from mental illness?

k) What is the required strength of psychiatrists, psychologists and/or psycho health workers in India?

l) Why not the Governments sensitise the people about the mental illness and remove the taboo/social stigma in the minds of the general public about the persons with mental illness and also the treatment for mental illness through Audio-Video programmes by conducting awareness camps?

m) Why not the data for co-ordinated action be collected by the Central Government and the State Government in the interest of the people suffering from mental illness?

n) Why not the Governments have one Department for Psychiatry in each District Headquarters Hospital and have at least one Psychiatrist in each Taluk Level Hospital?

o) Why not Central Government engage the services of Foreign Psychiatrists, Psychologists to teach and train medical students?

p) What steps Government has taken to establish the rehabilitation services?

q) What are the incentives given for starting the rehabilitation services?

r) What steps Government has taken to promote community



based rehabilitation? 7/9 <http://www.judis.nic.in> WP(MD)

No.16484 of 2020 s) Do we have sufficient rehabilitation professionals to manage rehabilitation homes?

t) What is the Government budget for rehabilitation? u)

What is the status of insurance coverage of mental illness?

v) What are the steps taken to promote school mental health and community based mental health services?

23. The above is the order passed on 27.11.2020 pursuant to that the Respondents filed response to the queries raised by this Court regarding the matter of health.

24. It is evident from the response filed by the Respondents that there is a regular survey conducted to assist the mental health of India's population. When Indians are the most depressed people, it is the duty of the Government to conduct regular survey to assist the mental health of the population at least in the uniform intervals so that mental illness could be assessed and the remedial treatment could be given.

25. It is stated that there are 47 Government run Mental Health Hospitals in the Country including three Central Mental Health Institutes, viz., National Institute of Mental Health and Neuro Sciences (NIMHANS),



Bengaluru, Central Institute of Psychiatry, Ranchi and Lokopriya Gopinath Bordoloi Regional Institute of Mental Health, Tezpur, Assam.

26. For the Country like India with 136 crores population having 47 mental health hospital is not enough. Therefore, the Central Government shall establish more central health institutions, like NIMHANS at least in each zone of the Country at the earliest.

27. There is acute shortage of psychiatrist and child psychiatrist and therefore, every medical college should have Department of Psychiatry and should have Psychiatry PG course, so that more number of Psychiatrists would be produced. The NIMHANS has reported that there are about 1 psychiatrist for 133000 population, whereas the Mental Health Report of 2003 recommended 1 psychiatrist and 1.5 psychologists per 1,00,000.

28. The concept of having only mental hospitals to provide psychiatric care is an outdated one. Now, it is believed that a majority of persons with mental illnesses can be managed in the community or through outpatient-care. Effort should be made to see that in every Taluk Headquarter's Hospital a Psychiatrist is available.



29. Though under Section 21(4) of the Mental Health Care Act, 2017 there is a provision for insurance coverage of mental illness, it is not known to the general public . Therefore, it is the bounden duty of the Respondents to sensitize the people about the availability of the insurance coverage to the patients with the mental illness. 700 psychiatrists passing out every year, which is not adequate for the population of 136 crore.

30. This Court raised a query with regard to the spending of 50 million rupees for the mental health care in 2019, the Respondent denied as incorrect. However, the exact expenditure has not been given. In any event, considering the higher number of people suffering from mental illness, the Central Government shall allot more fund for the mental health care.

31. It is stated that States such as Karnataka has devised digital monitoring mechanisms to oversee District Mental Health Program and the implementation of the Metal Healthcare Act, 2017. The Karnataka Mental Health management System (e-Manas) has been developed to be compliant for implementation of the MHA, 2017 with provisions for registering of



Mental Health Establishments and Mental Health Professionals and also facilitates the functioning of the State Mental Health Authority and Mental Health Review Boards. The Central Government and other State Governments have to follow the Karnataka Mental Health Management System in the interest of Public. Efforts should be made by the Central Government as well as respective State Governments to have a Taluk level Psychiatrist in the Taluk Headquarter's hospital so that the mental health in the Taluk level itself would be taken care of.

32. With regard to the query made by this Court as to what steps Government has taken to establish the rehabilitation service, the following reply is given:

“Among the many programmes that the central government has taken for rehabilitation, the following are prominent:

- a. *Establishment of National Institute of Mental Health Rehabilitation in Sehore, MP.*
- b. *Composite Regional Centers across many states.*
- c. *About 310 districts have been identified for establishing District Disability Rehabilitation centers under the Scheme for Implementation of rights of Persons with Disabilities act 2016.*



d. *Provision for establishing halfway homes under the Deendayal Disabled Rehabilitation scheme.*

e. *Psychiatric Rehabilitation services in NIMHANS, CIP Ranchi and LGBRIMH in Tezpur.*

f. *Many schemes under the Ministry of Social Justice and Empowerment, which are applicable to persons with disabilities are applicable to those with psychosocial disabilities as well.”*

33. The Central Government shall implement what has been stated above in the interest of the public. When the World Health Organization states that India is the most depressed country in the World, it is the duty of the Central Government along with all the State Governments to have a comprehensive coordinate action plan in identifying the patients with mental illness and giving appropriate treatment to those patients. It requires periodical survey.

34. The Patients have to be rehabilitated properly, to identify the patients there should be a periodical medical survey, to identify patients unless there is a coordination with the State and Central Government it is impossible to give a proper mental health care to the masses.



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35. With the above directions, this Writ Petition is disposed of. No costs.

[N.K.K., J.] [B.P., J.]
19.08.2021

Maya

Index: Yes

Internet: Yes

Speaking /Non-speaking order

To

1. The Additional Chief Secretary
Home Department
Secretariat, Fort St. George
Chennai – 600 009.
2. The Principal Secretary
Health and Family Welfare Department
State of Tamilnadu, Secretariat
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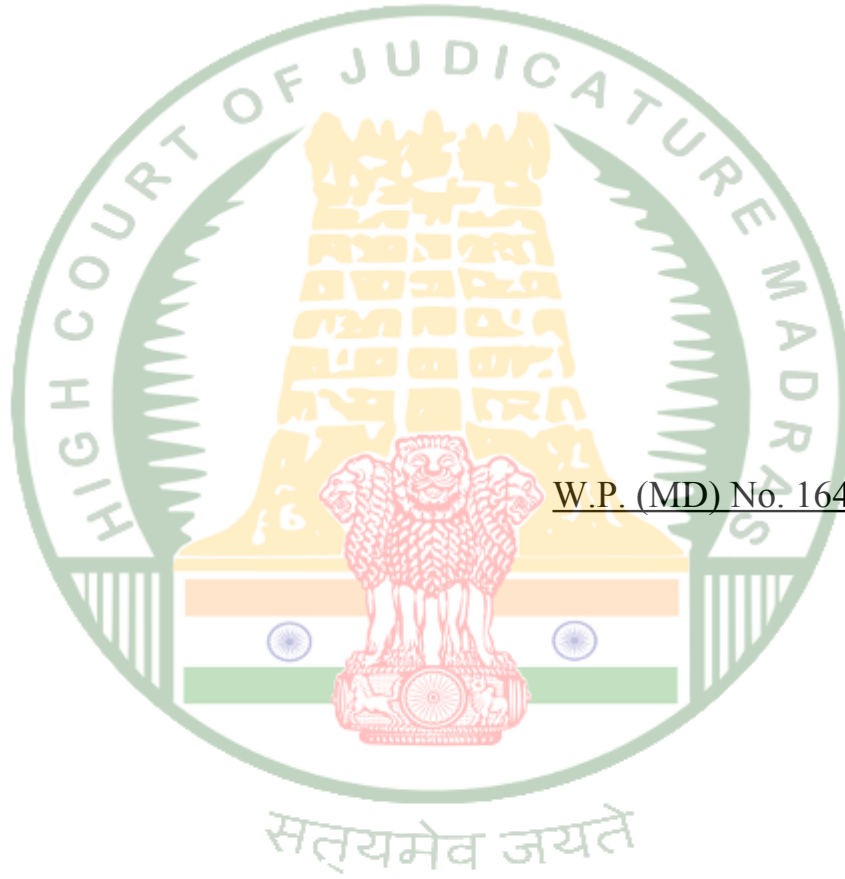
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**N.KIRUBAKARAN, J.
and
B.PUGALENDHI, J.**

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Dated : 19.08.2021