

ITEM NO.37

COURT NO.8

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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

GAURAV KUMAR BANSAL

PETITIONER(S)

VERSUS

MR.DINESH KUMAR & ORS.

RESPONDENT(S)

(IA No. 35579/2019-EXEMPTION FROM FILING O.T. and IA No. 31994/2019-EXEMPTION FROM FILING O.T. and IA No.23289/2019 - EXEMPTION FROM FILING O.T. and IA No.122705/2018-PERMISSION TO APPEAR AND ARGUE IN PERSON)

WITH

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

Date : 02-12-2019 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s)

Petitioner-in-person

For Respondent(s)

Ms.Madhvi Diwan, ASG
Ms.Binu Tamta, Adv.
Ms.Sunita Sharma, Adv.
Mr.G.S.Makker, Adv.
Mrs.Anil Katiyar, Adv.
Mr.Raj Bahadur Yadav, Adv.
Ms.N.K.Gokhale, Adv.
Mr.B.V.Balram Das, Adv.

Mr.V.N.Raghupathy, Adv.
Mr.Manendra Pal Gupta, Adv.
Mr.Prakash Jhadhav, Adv.

Mr.Shuvodeep Roy, Adv.
Mr.Kabir Shankar Bose, Adv.
Mr.Sataroop Das, Adv.

- (Allahabad H.C.) Mr.Jagjit Singh Chabbra, Adv.
Mr.Yashvardhan, Adv.
Mr.Kanishk Rana, Adv.
- (State of Sikkim) Mr.Raghvendra Kumar, Adv.
Mr.Anand Kumar Dubey, Adv.
Ms.Aruna Mathur, Adv.
- (State of Mizoram) Mr.Siddhesh Kotwal, Adv.
Ms.Bansuri Swaraj, Adv.
Ms.Arshiya Ghose, Adv.
Mr.Divyansh Tiwari, Adv.
Ms.Ana Upadhyay, Adv.
- (State of Odisha) Mr.Pawan Upadhyay, Adv.
Mr.Sarvjit Pratap Singh, Adv.
Ms.Sharmila Upadhyay, Adv.
Mr.Binod Kumar Behera, Adv.
Ms.Swati Smita Pali, Adv.
- (State of Goa) Ms.Ruchira Gupta, Adv.
Mr.Anurag Sharma, Adv.
Mr.Shishir Deshpande, Adv.
- (State of Manipur) Mr.Leishangthem Roshmani Kh, AOR
- (Andaman & Nicobar) Ms.G.Indira, Adv.
Mr.K.V.Jagdishvaran, Adv.
- (State of M.P.) Mr.Rahul Kaushik, Adv.
Ms.Bhuvneshwari Pathak, Adv.
Ms.Shilpi Satyapriya Satyam, Adv.
Mr.Rahul Khatri, Adv.
Ms.Indrani Dey, Adv.
- (Gov.of Puduchery) Mr.Aniruddha P Mayee, Adv.
Ms.Deepanwita Priyanka, Adv.
- (Gov.of Puduchery) Mr.V.G.Pragasam, Adv.
Mr.S.Prabu Ramasubramanian, Adv.
Mr.S.Manuraj, Adv.
- (State of Kerala) Mr.Nishe Rajen Shonker, Adv.
Mr.Anu K. Joy, Adv.
Mr.Alim Anvar, Adv.
Mr.Nebel Nizar, Adv.

- (Arunachal Pradesh) Mr.Shree Pal Singh, Adv.
Mr.A.Tewari, Adv.
Ms.Eliza Bar, Adv.
- (Uttarakhand) Mr.Jatinder Kumar Sethi, Adv. (DAG)
Mr.Abhishek Atrey, Adv.
Ms.Vidhyothma, Adv.
- Mr.Vishnu Shankar Jain, Adv.
- Mr.Ranjan Mukherjee, Adv.
Mr.K.V.Kharlyngdoh, Adv.
Mr.Daniel Stone Lyngdoh, Adv.
Mr.T.K.Nayak, Adv.
- Mr.Ranjan Mukherjee, Adv.
Mr.Upendra Mishra, Adv.
- Mr.Anil Grover, Adv.
Dr.Monika Gusain, Adv.
- (Tamil Nadu) Mr.T.R.B.Sivakumar, Adv.
- (State of Bihar) Mr.Abhinav Mukerji, Adv.
Ms.Pratishtha Vij, Adv.
Mrs.B.Sharma, Adv.
Mr.Samarth Khanna, Adv.
- (Maharashtra) Mr.Nishant R. Katneshwarkar, Adv.
Mr.Anoop Kandari, Adv.
- (State of Assam) Ms.Diksha Rai, Adv.
Ms.Palak Mahajan, Adv.
- Mr.Suhaan Mukerji, Adv.
Ms.Astha Sharma, Adv.
Mr.Amit Verma, Adv.
Mr.Abhishek Manchanda, Adv.
Mr.Prastut Dalvi, Adv.
Mr.Naveen Kumar, Adv.
PLR Chambers & Co.
- (State of Nagaland) Mrs.K.Enatoli Sema, Adv.
Mr.Amit Kumar Singh, Adv.

Mr.Akshay Amritanshu, Adv.
Mr.Ankit Kumar Lal, Adv.

(State of Punjab) Ms.Uttara Babbar, Adv.
Ms.Bhavana Duhoon, Adv.
Mr.Manan Bansal, Adv.

(Chandigarh) Mr.Ankit Goel, Adv.
Mr.R.K.Gupta, Adv.

(State of A.P.) Mr.G.N.Reddy, Adv.
Mr.T.Vijaya Bhaskar Reddy, Adv.
Ms.Sujatha Bagadhi, Adv.

(J&K) Mr.M.Shoeb Alam, Adv.
Mr.Mojahid Karim Khan, Adv.

Dr.Manish Singhvi, Sr.Adv.
Mr.Shailja Nanda Mishra, Adv.
Mr.Arpit Parkash, Adv.
Mr.Satyendra Kumar, Adv.
Mr.Sandeep Kumar Jha, Adv.

(State of Haryana) Mr.Anil Grover, Adv. (AAG)
Ms.Noopur Singhal, Adv.
Dr.Monika Gusain, Adv.

(Jharkhand) Mr.Gopal Prasad, Adv.
Mr.Jayesh Gaurav, Adv.
Ms.Shalya Agarwal, Adv.

Mr.Arjun Garg, AOR

Ms.Ruchi Kohli, AOR

M/s.Arputham Aruna & Co.

Ms.Rachana Srivastava, AOR

Mr.P.V.Yogeswaran, AOR

Mr.Rohit K. Singh, AOR

Mr.Sanjay Kumar Visen, AOR

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

Ms.Madhavi Divan, learned Additional Solicitor General has placed in the record a status report of the Union of India in the Ministry of Social Justice and Empowerment, pursuant to the previous order dated 26 July 2019. The learned Additional Solicitor General submits that by communications dated 16 August 2019 and 7 October 2019, Chief Secretaries of the States and Union Territories were directed (i) to constitute the Monitoring Committee under the auspices of the Chief Secretaries as decided in the meeting held on 22 April 2019; (ii) to submit a status report on the implementation of the road map envisaged for the rehabilitation of persons who have been treated for mental disabilities and whose continued presence in the treating institutions is no longer required. Ms.Divan states that no information has been furnished by the following States or, as the case may be, Union Territories: (i) Jammu & Kashmir; (ii) Uttarakhand; (iii) Bihar; (iv) Goa; (v) Gujarat; (vi) Haryana; (vii) Himachal Pradesh; (viii) Jharkhand; (ix) Karnataka; (x) Kerala; (xi) Maharashtra; (xii) Madhya Pradesh; (xiii) Orissa; (xiv) Tripura; (xv) West Bengal; (xvi) Arunachal Pradesh; (xvii) Daman & Diu; (xviii) Dadra and Nagar Haveli; and (xix) Puducherry. Some of the counsel representing them are present before the Court. Learned counsel appearing

on behalf of the State of Gujarat states that information has been furnished on 3 November 2019. Similarly, learned counsel appearing on behalf of State of Kerala states that a Committee has been constituted and a status report has been filed.

Ms.Madhavi Divan, learned ASG has handed over a copy of the task force report in pursuance of the previous order in this Court. The report is under consideration of the Ministry of Social Justice and Empowerment.

We grant three weeks time to each of the State governments and Union Territories who are in default to respond to the communications of the Ministry of Social Justice and Empowerment dated 16 August 2019 and 7 October 2019. In the event that there is non-compliance, we will be constrained to require the personal presence of the Chief Secretaries on the next date of listing. To obviate this consequence, we grant one final opportunity for effecting compliance and direct that these proceedings be listed for hearing in the second week of January 2020.

Learned counsel appearing on behalf of the respective State governments would be at liberty to take copies of the status report which has been filed.

The petitioner who has appeared in person submits that there are serious discrepancies in regard to the number of mentally challenged patients. In the earlier status report of the Director in the Department of Empowerment, the total number of LSPs was stated to be 2217. However, in the status report which has been submitted on 30 November 2019 (based on data which has been furnished by some of the States and Union Territories) the total number is stated to be 194. On the other hand it has been submitted that according to the Task Force Report which has been made available to the Court during the course of the hearing today, the figure is determined to be 4,888 i.e. around 4,900 persons.

We are of the view that this discrepancy in the figures needs to be explained. On the next date of hearing, we request a response from the Union of India in regard to the discrepancy which has been adverted to by the the petitioner in person.

(Ashok Raj Singh)
Court Master

(Saroj Kumari Gaur)
Court Master