

(1989) 05 SC CK 0039

In the Supreme Court Of India

Case No : Writ Petition (Criminal) No's. 1777-78 and 2848 of 1983

B.R. Kapoor and Another

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 09-05-1989

Acts Referred:

Constitution of India, 1950 — Article 32

Citation : AIR 1990 SC 752 : (1989) 2 JT 330 : (1989) 1 SCALE 1571 : (1989) 3 SCC 387 : (1989) 2 UJ 119

Hon'ble Judges : Ranganath Misra, J; M. N. Venkatachaliah, J

Bench : Division Bench

Judgement

1. These writ petitions under Article 32 of the Constitution have been registered by way of public interest litigation and they relate to the mismanagement of the Hospital for Mental Diseases located at Shahdara, an institution maintained and run by the Delhi Administration. On February 27, 1984, this Court appointed a Committee of Experts consisting of four eminent psychiatrists to visit the Hospital and ascertain the prevailing ecological atmosphere, make an assessment of the treatment given to the patients and also look into certain specific allegations which had been made to the Court. This Court also requested the said Committee to suggest remedial measures to improve the conditions as also explore rehabilitation programmes and establishment of congenial atmosphere from the humanitarian point of view. The Committee took some time to look into all aspects and ultimately made a report running into three volumes covering various aspects. The Court in its order dated April 29, 1987 felt that the enquiry report 'seems to contain valuable material in regard to the state of affairs prevailing in the Hospital and the Committee appears to have made some useful suggestions for the amelioration of the conditions in which the patients are maintained in that Hospital'. Thirty-five specific suggestions were made by the Committee which cover questions like admission into the Hospital, nature of treatment available, problems related to discharge of patients, the Constitution of a proper Board of Visitors, lack of liaison between government agencies, the

question of criminal lunatics from Tihar Jail, ecological atmosphere, availability of water and the existing sanitary conditions, food, kitchen and the dining facilities available. It also suggested improving hospital services with reference to OPD service, emergency service, ambulance service, in-patient service, location of cells, investigation facilities, treatment facilities, staffing pattern, in-service training, training of medical and nursing personnel, ill-treatment of patients by staff, attempts of inmates to commit suicide; deaths of patients in Hospital, availability of doctors and nurses without the premises and rehabilitation. For convenience, it catalogued 35 recommendations as an appendix to the report.

2. The Court directed the Delhi Administration to rectify the defects pointed out and attend to the aspects indicated by way of recommendations. It is true that the 35 items covered a wide range of matters but the Delhi Administration was very slow in responding to the matter and about three years were taken ultimately to file an affidavit before this Court responding to the 35 recommendations item-wise. The affidavit dated 10.11.1988 filed by Shri Nathu Ram, Joint Secretary (Medical), Delhi Administration indicates that most of the items have been complied with and a few that could not be are being examined with a view to effecting compliance.

3. This Court is of the view that the Mental Hospital located at the capital of the country should be run by the Union of India and not the Delhi Administration. The take-over of this Hospital by the Union of India would have certain natural advantages. Sometime back this Court had to deal with the Mental Hospital located at Kanke near Ranchi. That institution once upon a time enjoyed international reputation and patients from outside India used to come for treatment. But the complaints which this Court received about the said institution about five years back were lowly. This Court made some directions and even suggested that the institution could be modelled after NIMHANS at Bangalore.

4. We are of the view that the Mental Hospital located at Shahdara should be taken over by the Union of India from the Delhi Administration and modelled on the lines of similar psychiatric specially obtaining at institution run by NIMHANS at Bangalore. Possibly with the allocation of more funds a wider range of modern amenities and treatment facilities geared up with modern equipment and super-specialist talent can be made available so that when this large country of ours would be marching into the twenty-first century, a modern well-equipped mental hospital-so indispensable to today's society-would be at the service of the nation at the country's capital. It could also be examined whether the hospital could be attached to a teaching institution which has post-graduate specialisation in psychiatry. Neurology and Neuro-psychiatry.

5. We recommend to the Union of India in the appropriate Ministry to look into the matter with due care and concern and indicate a positive response when the matter is called on 19th of July, 1989 for further directions.