

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) No.334 OF 2001

IN RE: DEATH OF 25 CHAINED INMATES IN ASYLUM
FIRE IN TAMIL NADU

.....PETITIONER

VERSUS

UNION OF INDIA & ORS.

.....RESPONDENTS

WITH

WRIT PETITION (CIVIL) No.562 OF 2001
WRIT PETITION (CIVIL) No.118 OF 2004
WRIT PETITION (CIVIL) No.613 OF 2004
SPECIAL LEAVE PETITION (C)No.19178 of 2012

O R D E R

W.P.(C)No.334 of 2001

1. This petition in public interest came to be filed as far back as in the year 2001. It came to be initiated as a consequence of the death of 25 chained inmates in an asylum fire, in Tamil Nadu.

2. During the course of proceedings in this matter, the Union of India enacted an express legislation on the subject under consideration. Learned Additional Solicitor General informed us today, that the Parliament has since enacted the Mental Health Care Act, 2017, which received the assent of the President of India, on 07.04.2017. Learned Additional Solicitor General points out, that the Mental Health Care Act fully satisfies all the prayers made in the instant writ petition.

3. Dr.A.M.Singhvi, Senior Advocate and amicus curiae,

acknowledges that most of the prayers made in the writ petition have been taken care of by the new legislation. Learned amicus curiae has however invited our attention to an order passed by this Court, in this case, on 12.04.2002. He states, that the directions contained in the above order to the Central Government in paragraph 4 thereof, and to the State Governments in paragraph 5 be required to be implemented. The paragraphs relied upon by the learned amicus are extracted hereunder:

"4. Further Union of India is directed -

a) To frame a Policy and initiate steps for establishment of at least one Central Government run Mental Health Hospital in each State (As provided under Section 5 of the Act);

b) To examine the feasibility of formulating uniform rules regarding standard of services for both public and private sector Mental Health Institutes;

c) To constitute a committee to give recommendations on the issue of care of mentally challenged persons who have no immediate relatives or who have been abandoned by relatives;

d) To frame norms for Non-Government Organisations working in the field of Mental Health and to ensure that the services rendered by them are supervised by qualified/trained persons.

5. All State Governments are also directed to frame Policy and initiate steps for establishment of at least one State Government run Mental Health Hospital in each State. It is clarified that a Mental Health Hospital as stated above means a full-fledged Hospital catering only to mentally challenged persons and does not include a separate psychiatric ward in a Medical college or Government Hospital."

4. Having given our thoughtful consideration to the

proposition canvassed, we are satisfied to require the Union of India as also the concerned State Governments, to give effect to the above directions as may be feasible, depending upon the availability of resources. Ordered accordingly.

5. Even though, certain additional issues have been canvassed on the provisions of the Mental Health Care Act, 2017, on behalf of the petitioner, we find no justification to deal with the same insofar as the disposal of the present writ petition is concerned. We however leave it open to the amicus curiae to challenge the provisions of the Mental Health Care Act, 2017, if he is so advised, in accordance with law, by filing a separate petition.

6. The writ petition is disposed of, in the above terms.

WRIT PETITION (CIVIL) No.562 OF 2001, WRIT PETITION (CIVIL) No.118 OF 2004, WRIT PETITION (CIVIL) No.613 OF 2004 AND SPECIAL LEAVE PETITION (C)No.19178 of 2012

7. The petitions are disposed of in terms of the order passed by us in W.P.(C)No.334 of 2001 (In Re: Death of 25 chained inmates in asylum fire in Tamil Nadu vs. Union of India and others) today.

.....CJI.
(JAGDISH SINGH KHEHAR)

.....J.
(Dr.D.Y.CHANDRACHUD)

NEW DELHI;
AUGUST 21, 2017.

ITEM NO.4

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
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s).334/2001

IN RE: DEATH OF 25 CHAINED INMATES IN ASYLUM FIRE IN TAMIL NADU
Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR INTERVENTION/IMPLEADMENT ON IA 8/2004
FOR INTERVENTION APPLICATION ON IA 4/2014
FOR ON IA 9/2014
FOR ON IA 10/2014)

WITH

W.P. (C) No.118/2004 (PIL-W)
(FOR ON IA 1/2006)
SLP(C) No.19178/2012 (IV-A)
W.P. (C) No.562/2001 (PIL-W)
(FOR INTERVENTION APPLICATION ON IA 3/2004)
W.P. (C) No. 613/2004 (PIL-W)

Date : 21-08-2017 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

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

W.P. (C)No.334 of 2001

The writ petition is disposed of in terms of the signed order.

Pending interlocutory application(s), if any, also stand(s) disposed of.

WRIT PETITION (CIVIL) No.562 OF 2001, WRIT PETITION (CIVIL) No.118 OF 2004, WRIT PETITION (CIVIL) No.613 OF 2004 AND SPECIAL LEAVE PETITION (C)No.19178 of 2012

The petitions are disposed of in terms of the order passed by us in W.P.(C)No.334 of 2001 (In Re: Death of 25 chained inmates in asylum fire in Tamil Nadu vs. Union of India and others) today.

Pending interlocutory application(s), if any, also stand(s) disposed of.

(SATISH KUMAR YADAV)
AR-CUM-PS

(RENUKA SADANA)
ASST.REGISTRAR

(Signed order is placed on the file)