

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 1496 OF 2018

GAURAV KUMAR BANSAL

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH

WRIT PETITION (C) NO. 976 OF 2019

WITH

WRIT PETITION (C) NO. 1145 OF 2021

O R D E R

1. These writ petitions have been filed by the petitioner - Mr. Gaurav Kumar Bansal under Article 32 of the Constitution of India with the following prayers:

"W.P. (C) No. 1496 of 2018

a. Issue Writ / Order / Direction in nature of Mandamus to Respondent No. 29 to immediately unchain the PERSONS WITH MENTAL ILLNESS placed near or inside FAITH BASED MENTAL ASYLUM situated near Mohalla Kabulpur, Police Station Kotwali, Badayun, Uttar Pradesh.

b. Issue Writ / Order / Direction in nature of Mandamus to Respondent No. 29 to provide Mental Healthcare and Treatment to the PERSONS WITH MENTAL ILLNESS placed near or inside FAITH BASED MENTAL ASYLUM situated near Mohalla Kabulpur, Police Station Kotwali, Badayun, Uttar Pradesh.

c. Issue Writ / Order / Direction in nature of Mandamus to Respondent No. 02 to Respondent No. 36 to start a project /programme to provide Mental Healthcare and Treatment to Persons with Mental illness placed near or inside FAITH BASED MENTAL ASYLUMS in their respective jurisdiction.

d. Issue Writ / Order / Direction in nature of Mandamus to Respondent No. 02 to Respondent No. 36 to constitute /establish State Mental health Authority as prescribed under Section 45 of Act-2017.

e. Issue Writ/ Order / Direction in nature of Mandamus to Respondent No.02 to Respondent No.36 to constitute State Mental Health Authority Fund as prescribed under section 62 of Act-2017.

f. Issue Writ / Order / Direction in nature of Mandamus to Respondent No.02 to Respondent No.36 to constitute Mental Health Review Boards as prescribed under Section 73 of Act 2017.

g. Issue Writ / Order / Direction in nature of Mandamus to Respondent No.02 to Respondent No.36 to frame Rules as provided under Section 121 of Act-2017.

h. Issue Writ / Order / Direction in nature of Mandamus to Respondent No.02 to Respondent No. 36 to frame Regulations as given under Section 123 of Act - 2017.

W. P. (C) NO. 976 OF 2019

Issue a Writ/Order/ Direction in nature of Certiorari for Quashing of Official letter dated 05/01/2019 issued by State of Maharashtra as the same is arbitrary, hence Ultra Vires of Article 14 of Constitution of India

W.P. (C) NO. 1145 OF 2021

a). Issue Writ/Order/Direction in nature of Mandamus against Respondent No. 04 to immediately unchain the PERSONS WITH MENTAL ILLNESS placed near or inside FAITH BASED MENTAL ASYLUM namely SHRINE OF HUSSAIN TEKRI, Jaora, District Ratlam, Madhya Pradesh;

b). Issue Writ/Order/Direction in nature of Mandamus against Respondent No. 04 to start a

project/program to provide Mental Healthcare and Treatment to Persons with Mental illness placed near or inside FAITH BASED MENTAL ASYLUMS in their respective jurisdiction;

c) Issue Writ/Order/Direction in nature of Mandamus against Respondent No. 04 to provide status report on implementation of provisions of Mental Healthcare Act - 2017"

2. Considering the importance of the issue arising for consideration, this Court had been monitoring the matter from time to time and in view of orders passed by this Court, some of the prayers stands answered. However, as regards other prayers in the writ petitions, coupled with those that have been raised by virtue of subsequently filing the interlocutory applications Mr. Gaurav Kumar Bansal submits that some more directions are necessary.

3. On 07.02.2025, after hearing Ms. Aishwarya Bhati, learned Additional Solicitor General, we directed as under:-

"1. The present Writ Petition(s) under Article 32 of the Constitution was filed on 08.12.2018, seeking certain directions with respect to the persons requiring mental healthcare.

2. Commencing from 03.01.2019, this Court has been passing orders from time to time in proceedings which were in the nature of continuing Mandamus. In the year 2017, Parliament enacted the Mental Healthcare Act, 2017. The 2017 legislation interalia contemplates establishment of Central Mental Health Authority (CMHA)(Sections 33-44), State Mental Health Authority (SMHA) (Sections 45-56), Mental Health Review Board (MHRB)(Sections 73- 85).

3. Ms. Aishwarya Bhati, learned Additional Solicitor General appears on behalf of the Union. We direct that Union of India shall file a detailed affidavit indicating the establishment and functioning of the Central Mental Health Authority, State Mental Health Authority and Mental Health Review Board. The affidavit shall also indicate the statutory and mandatory appointments to the authority and the review board. The said affidavit may be filed by 06.03.2025.

4. List on 21.03.2025."

4. Further, as per our direction dated 18.07.2025, National Human Rights Commission [NHRC] has been impleaded as party-respondent and Ms.Vanshaja Shukla, learned counsel, is appearing on behalf of NHRC.

5. Following our direction dated 07.02.2025, Mr. Bikash Ronjon Mahato, Under Secretary to the Govt. of India, Ministry of Health and Family Welfare, has filed an affidavit indicating the status of the authorities that have been constituted under the Mental Healthcare Act, 1917. It is important to extract the relevant portion of the affidavit, which is reproduced as under :-

"2. That this Hon'ble Court, vide its order dated 07.02.2025, directed the Union of India to file a detailed affidavit indicating the establishment and functioning of the Central Mental Health Authority (CMHA), State Mental Health Authority (SMHA), and Mental Health Review Board (MHRB), along with details of statutory and mandatory appointments therein.

3. *That in compliance with the said direction, it is respectfully submitted as under :-*

A. Central Mental Health Authority (CMHA)

i) The CMHA was constituted under the Mental Healthcare Act, 2017, and 1 notified in the Official Gazette on 04.12.2018.

ii) The notification for the nomination of new non-official Members of CMHA was published in the Gazette of India vide S.O. 5244(E) dated 11.11.2022.

iii) The CMHA has conducted six meetings to date, with the last meeting held on 19.03.2024.

B. State Mental Health Authorities (SMHA)

i) As per Section 45 of the Mental Healthcare Act, 2017, SMHAs have been established in States and Union Territory of Delhi, Puducherry and Andaman and Nicobar Islands. Ministry of Home Affairs vide Notification "S.O.1557(E) dated 1st April 2025 has in pursuance of clause (1) of Article 239 of the Constitution, "the President hereby directs that the Administrator of the Union Terriotry of Chandigarh, Lakshadweep, Andaman and Nicobar Islands and Dadra and Nagar Haveli and Daman and Diu, shall subject to the control of the President and until further orders, exercise the powers and discharge the functions of the appropriate Government under Sub-clause (I) of clause (b) of Sub-section (1) of Section 2 and the State Government under Section 121 of the Mental Healthcare Act, 2017 within their respective Union territory." Therefore, it is respectfully submitted that Union Territories without Legislature such as Chandigarh, Lakshadweep and Dadra and Nagar Haveli and Daman and Diu are in process of setting up the Authorities. Union Territory with Legislature Jammu and Kashmir vide letter dated 14.05.2025 has stated that establishment of the SMHA and appointing the ex-officio members and non-official members is under process.

ii) The respective State Governments have appointed the necessary members to the SMHAs, and

their functioning is in progress. In some States the ex-officio members only have been appointed as per data received.

C. State Mental Health Review Boards (SMHRB)

i) SMHRBs, as mandated under Sections 73-85 of the Act, have been constituted in various States and UTs. The process of full operationalization is underway.

ii) Details regarding the constitution and their respective jurisdictions has been documented as ANNEXURE-R-5

D. Statutory and Mandatory Appointments

Chief Executive, Officers have been appointed for various States, which has been documented as ANNEXURE-R-6.

E. Central Mental Health Authority

Chief Executive Officer's appointment is under process

4. It is respectfully submitted that efforts are underway to fill any remaining vacancies, and a compliance report shall be filed before the Hon'ble Court at the earliest. It is stated that the Union of India is committed to the effective implementation of the Mental Healthcare Act, 2017, and shall continue to take necessary measures for the same.

5. It is stated that the present affidavit is being filed in compliance with the Hon'ble Supreme Court's order and for the kind consideration of this Hon'ble Court."

6. Heard the petitioner-in-person and Ms. Aishwarya Bhati, learned Additional Solicitor General appearing for Union of India and Ms. Vanshaja Shukla, learned counsel

appearing for NHRC.

7. In view of the fact that the Central Mental Health Authority as well as the authorities constituted by the Union Territories have been functioning, we are of the opinion that interest of justice will be subserved if we direct the NHRC to monitor and pass necessary directions after hearing the statutory authorities.

8. In view of above, the writ petitions are transferred to the National Human Rights Commission. The Commission shall allocate appropriate numbers to these cases before it for monitoring and disposal as per relevant laws.

9. Before parting with the case, we place on record the assistance rendered by Mr. Gaurav Kumar Bansal.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[R. MAHADEVAN]

NEW DELHI;
OCTOBER 28, 2025.

ITEM NO.9

COURT NO.4

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

Writ Petition(s)(Civil) No(s). 1496/2018

GAURAV KUMAR BANSAL

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

IA No. 136698/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 44984/2019 - EXEMPTION FROM FILING O.T.
 IA No. 32370/2020 - EXEMPTION FROM FILING O.T.
 IA No. 180630/2018 - PERMISSION TO APPEAR AND ARGUE IN PERSON

WITH

W.P.(C) No. 976/2019 (PIL-W)
 IA No. 99854/2019 - EX-PARTE STAY
 IA No. 99861/2019 - PERMISSION TO APPEAR AND ARGUE IN PERSON

W.P.(C) No. 1145/2021 (PIL-W)
 IA No. 135115/2021 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 135117/2021 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 135114/2021 - PERMISSION TO APPEAR AND ARGUE IN PERSON

Date : 28-10-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
 HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) : Petitioner-in-person

For Respondent(s) : Ms. Aishwarya Bhati, A.S.G.
 Mr. Abhishek Atrey, Adv.
 Mr. Vanshaja Shukla, Adv.
 Mr. Anuj Udupa, Adv.
 Mr. Vatsal Joshi, Adv.
 Mr. Chitrangda Rashtravara, Adv.
 Ms. Shreya Jain, Adv.
 Mr. Sudarshan Lamba, AOR

Ms. Aishwarya Bhati, A.S.G.
 Mr. Abhishek Atrey, Adv.
 Ms. Vanshaja Shukla, Adv.
 Ms. Rajeshwari Shankar, Adv.
 Ms. Adya Jha, Adv.
 Dr. N. Visakamurthy, AOR

Ms. Aishwarya Bhati, A.S.G.
 Mr. Abhishek Atrey, Adv.
 Ms. Vanshaja Shukla, Adv.
 Ms. Rajeshwari Shankar, Adv.
 Ms. Adya Jha, Adv.
 Mr. Jagdish Chandra, Adv.
 Mr. Mukesh Kumar Maroria, AOR

Mr. Shrirang B. Varma, Adv.
 Mr. Siddharth Dharmadhikari, Adv.
 Mr. Aaditya Aniruddha Pande, AOR

Mr. Guntur Pramod Kumar, AOR
 Ms. Prerna Singh, Adv.
 Mr. Samarth Krishan Luthra, Adv.

Ms. Disha Singh, AOR
 Ms. Eliza Barr, Adv.

Mr. Shuvodeep Roy, AOR
 Mr. Saurabh Tripathi, Adv.
 Mr. Deepayan Dutta, Adv.

Mr. Sunny Choudhary, AOR

Mr. Manish Kumar, AOR
 Mr. Kumar Saurav, Adv.
 Mr. Divyansh Mishra, Adv.

Ms. Ankita Sharma, AOR
 Mr. Arjun D Singh, Adv.

Mr. Ruchira Gupta, Adv.
 Mr. Shishir Deshpande, AOR
 Ms. Pooja Tripathi, Adv.
 Mr. Amit Kumar, Adv.
 Mr. Abhishek Verma, Adv.

Ms. Swati Ghildiyal, AOR
 Ms. Neha Singh, Adv.

Mr. Shekhar Raj Sharma, A.A.G.
 Mr. Samar Vijay Singh, AOR
 Ms. Nidhi Narwal, Adv.
 Ms. Sabarni Som, Adv.
 Mr. Aman Dev Sharma, Adv.
 Ms. Shrishti Jain, Adv.
 Mr. Rayi Peddi Raju, Adv.
 Mr. Harsh Vardhan, Adv.

Mr. Rajat Sinha Roy, Adv.
Mr. Abhishek Kumar Suman, Adv.

Mr. Ankit Kumar Lal, AOR

Mr. Jayant Mohan, AOR
Ms. Adya Shree Dutta, Adv.
Ms. Dorjee Ongmu Lachungpa, Adv.

Mr. G.m.kawoosa, Adv.
Mr. Pashupathi Nath Razdan, AOR
Ms. Maitreyee Jagat Joshi, Adv.
Mr. Astik Gupta, Adv.
Ms. Akanksha Tomar, Adv.

Mr. Sanchit Garga, AOR
Mr. Kunal Rana, Adv.
Mr. Shashwat Jaiswal, Adv.

Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.
Mr. Santhosh K, Adv.
Mrs. Devika A.l., Adv.

Mr. Abhimanyu Singh, Adv.
Mr. Sarad Kumar Singhania, AOR
Ms. Rashmi Singhania, Adv.

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

Mr. Avijit Mani Tripathi, AOR
Mr. T.k. Nayak, Adv.
Mr. Vikas Bansal, Adv.
Ms. Marbiang Khongwir, Adv.

Mr. Anando Mukherjee, AOR
Mr. Shwetank Singh, Adv.
Mr. Dev Aaryan, Adv.
Mr. Utkarsh Anand, Adv.

Ms. K. Enatoli Sema, AOR
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.
Mr. Prang Newmai, Adv.
Ms. Yanmi Phazng, Adv.

Mr. Tushar Sannu, Adv.

Mr. Nihar Singh, Adv.
Ms. Aqsa, Adv.
Mr. Sahil Tagotra, AOR

Mr. Aravindh S., AOR
Ms. Anika Bansal, Adv.
Ms. Ekta Moyal, Adv.

Mr. Karan Sharma, AOR

Mr. Shiv Mangal Sharma, A.A.G.
Mr. Amogh Bansal, Adv.
Ms. Nidhi Jaswal, Adv.
Ms. Nidhi Jaswal, AOR

Mr. Sameer Abhyankar, AOR
Mr. Krishna Rastogi, Adv.
Mr. Rahul Kumar, Adv.
Mr. Aryan Srivastava, Adv.

Ms. Misha Rohatgi, AOR
Mr. Nakul Mohta, Adv.
Mr. Aditya Dhingra, Adv.
Mr. Ayush Kashyap, Adv.
Mr. Amulya Upadhyay, Adv.

Mr. Ajay Kumar Misra, Sr. Adv.
Mr. Sarvesh Singh Baghel, AOR

Ms. Suveni Bhagat, AOR
Ms. Rachna Gandhi, Adv.

Mr. Kunal Mimani, AOR
Mr. Afshaa Hakim, Adv.

Mr. Sravan Kumar Karanam, AOR
Mr. Kumar Nikhil, Adv.
Mr. Santosh Kumar Yadav, Adv.

Ms. G. Indira, AOR

Mr. Varun Chugh, Adv.
Mr. Mukesh Kumar Verma, Adv.
Mr. Krishna Kant Dubey, Adv.
Mr. Santosh Ramdurg, Adv.
Mr. Shreekant Neelappa Terdal, AOR

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 Mr. Chitrangda Rashtravara, Adv.
 Ms. Shreya Jain, Adv.
 Mr. Sudarshan Lamba, AOR

Ms. Aishwarya Bhati, ASG
 Ms. Shivika Mehra, Adv.
 Ms. Manisha Chhava, Adv.
 Mr. Sudarshan Lamba, Adv.

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

1. The Writ Petitions are transferred to the National Human Rights Commission for disposal in terms of the signed order.

2. The relevant portion of the order is reproduced as under :-

"7. In view of the fact that the Central Mental Health Authority as well as the authorities constituted by the Union Territories have been functioning, we are of the opinion that interest of justice will be subserved if we direct the NHRC to monitor and pass necessary directions after hearing the statutory authorities.

8. In view of above, the writ petitions are transferred to the National Human Rights Commission. The Commission shall allocate appropriate numbers to these cases before it for monitoring and disposal as per relevant laws.

9. Before parting with the case, we place on record the assistance rendered by Mr. Gaurav Kumar Bansal."

(JAYANT KUMAR ARORA)

(NIDHI WASON)

ASTT. REGISTRAR-cum-PS

ASSISTANT REGISTRAR

(Signed order is placed on the file)