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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5502/2018

NARENDRA KUMAR VEER

..... Petitioner

Through: Mr Paranjay Chopra and Mr Kunal
Sharma, Advocates.

versus

GOVT. OF NCT OF DELHI AND ANR.

..... Respondents

Through: Mr Anupam Srivasta, ASC, GNCTD
with Mr Dhairya Gupta, Advocate for
R-1.

Mr Rahul Singh and Ms Meenu
Singh, Advocates for respondent.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **10.07.2018**

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

- “a) Issue a Writ in the nature of Mandamus for issuance of appropriate directions to the Institute of Human Behavior And Allied Sciences (IBHAS) for admitting the son of the petitioner for a minimum duration of 90 days who is suffering from alcohol and drug dependence and also from Schizo Affective Disorder.
- b) Issue a Writ in the nature of Mandamus for issuance of appropriate directions to Government of National Capital of Delhi to frame appropriate guidelines for patients suffering from alcohol and drug dependence and psychiatric disorder.”

2. The petitioner's son is stated to be suffering from alcohol and drug dependence as well as psychiatric disorder. He is currently admitted to respondent no.2 hospital (Institute of Human Behaviour and Allied Sciences hereafter – 'IHBAS'). He had been admitted to IHBAS on various occasions in the past and had been discharged after treatment.

3. The petitioner claims that minimum hospitalization of ninety days is necessary for treatment of his son. In view of the aforesaid contention, this Court had directed IHBAS not to discharge the petitioner's son without obtaining orders of this Court.

4. IHBAS has now filed its response, *inter alia*, stating that a Medical Board (consisting of four doctors) was constituted to examine the case of the petitioner's son. The said Medical Board had examined and interacted with the patient and, thereafter, submitted their report. The opinion of the Medical Board is set out below:-

- “1. The patient has Schizoaffective Disorder currently in partial remission with cannabis use disorder, alcohol use disorder with lifetime diagnosis of opioid use disorder with Borderline Intellectual Impairment with an IQ score of 77.
2. He does not require any further hospitalization and requires continued treatment on out-patient basis.
3. He has expressed his willingness to go back home after discharge and will follow up on OPD basis.
4. Currently patient has been repeatedly asking for discharge and the continuation of hospitalization, is now only because of High Court directions to IHBAs to approach the Court prior to discharge, which does not seem to be in accordance with the principles of UNCRPD and the current legal framework i.e., Mental Healthcare

Act, 2017.

5. Further rehabilitation plan can only be made after due discussion with the family, which has not been possible because of no active involvement of the family in the treatment process.”

5. It is apparent from the above that the Medical Board was of the view that the petitioner’s son does not require any further hospitalization but requires to continue treatment on an outpatient basis. It would also be necessary for the petitioner to have discussions with the treating doctors of IHBAS to evolve a rehabilitation plan for his son.

6. In view of the medical opinion as submitted to this Court, the relief as sought for by the petitioner cannot be granted. This Court finds no ground to direct that the petitioner’s son be continued to be kept in the hospital. Thus, IHBAS is permitted to discharge the petitioner’s son. The treating doctors are also requested to interact with the petitioner and try and evolve a feasible rehabilitation plan keeping the petitioner’s limitation in mind.

7. The petition is disposed of with the aforesaid observations.

VIBHU BAKHRU, J

JULY 10, 2018
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