

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Date of Decision :19.02.2020
CWP No.11120 of 2016**

Court on its own motion

.....Petitioner

Versus

The State of Punjab

..... Respondent

CWP No.167 of 2015

Court on its own motion

.....Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr. R.S.Bains, Amicus Curiae in CWP-11120-2016.
Ms. Divya Sharma, Amicus Curiae in CWP-167-2015.

Mr. Satyapal Jain, Addl. Solicitor General of India with
Mr. Dheeraj Jain, Senior Panel Counsel
for respondent-Union of India.

Mr. Deepak Balyan, Addl. A.G. Haryana.
Ms. Lavanya Paul, AAG, Punjab.

Mr. B.R. Rana, Advocate, for
Mr. J.S.Toor, Advocate for U.T. Chandigarh.

Mr. Manav Bazaz, Advocate, for
Mr. Sumeet Goel, Advocate
for Haryana Legal Service Authority.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral):

It is informed that only two issues i.e. the issues regarding
lodging of inmates in the Transit Camp at Central Jail, Amritsar, and the

second issue regarding persons who are mentally disabled and were not involved in crime but are subjected to harassment, neglect and deprivation at the hands of their family and are left to roam about at public places remains to be addressed.

Learned Addl. Solicitor General appearing for the Union of India submits that as far as the lodging of inmates is concerned the said issue has several ramifications and the authorities, as and when they receive information and confirmation regarding the nationality of the persons who are lodged in the transit camp, take appropriate steps and measures to repatriate them. Though, it is submitted that in most of the cases the inmates have stated that they belong to a particular place and country, the country concerned on inquiry has refused to acknowledge their citizenship. It is submitted that in such circumstances, the inmates remain lodged in the transit camp. It is submitted that as and when information is received the authorities shall take immediate steps to do the needful.

As far as the second issue is concerned, it is informed by the learned Assistant Advocate General appearing for the State of Punjab that State of Punjab has issued guidelines on 15.05.2015 and framed a policy for setting up community home for mentally disabled persons. It is further submitted that subsequently the Mental Health Care Act 2017, has been enacted and the authorities concerned are taking the necessary steps and shall continue to take the necessary steps to implement the aforesaid provisions of the Act and shall also look into any complaint representation etc. made by any authority, person or body in respect to the violation of the provisions and in case any further step is required to be taken by the State of

Punjab in this regard it shall do so.

In view of the aforesaid statements that have been made before us and the status report placed on record, we do not find any reason to retain the present petitions any further which are accordingly disposed of with the observation that the State would take all the necessary steps to ensure the implementation of the provisions of the Act and shall also take the necessary measures as and when required for mitigating the grievance relating to mentally disabled person who have no support from their family. It is further clarified that the authorities shall also look into the complaints and grievance, if any, made by any person in this regard.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

19.02.2020

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No