

Pushpanjali Trust Vs. State of Punjab and others

Present : Mr. Aditya Rametra—Managing Trustee of petitioner Trust in person.
Mr. Salil Sabhlok, Addl. Advocate General, Punjab.
Mr. Deepak Balyan, Addl. Advocate General, Haryana.

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1. Learned counsel for the State of Punjab assures that documental proof regarding deposit of cost of Rs. 5,000/- in terms of the order dated 16.05.2025, shall be filed on the next date of hearing.
2. Learned counsel for the States of Punjab and Haryana reveal that process of framing of Rules under the Mental Healthcare Act, 2017 (for short, ‘the Act of 2017’) is underway. They pray for four weeks’ time for finalisation and notification of the Rules.
3. Mr. Aditya Rametra, Managing Trustee of the petitioner Trust, who appears in person, has drawn attention of this Court to the provision of Section 27 of the Act of 2017, which provides thus :

27. Right to legal aid – (1) *A person with mental illness shall be entitled to receive free legal services to exercise any of his rights given under this Act.*

(2) *It shall be the duty of magistrate, police officer, person incharge of such custodial institution as may be prescribed or medical officer or mental health professional incharge of a mental health establishment to inform the person with mental illness that he is entitled to free legal services under the Legal Services Authorities Act, 1987 (39 of 1987) or other relevant laws or under any order of the court if so ordered and provide the contact details of the availability of services.”*

4. A perusal of the aforesaid provision reveals that a duty has been cast upon every Magistrate, police officer and person in-charge of such custodial institution as may be prescribed, to inform the person suffering from

mental ailment that he/she is entitled to free legal services under the Legal Services Authorities Act, 1987 and Rules framed thereunder.

4.1 It is also informed that no orientation programme for making Judicial Officers aware of this statutory duty is undertaken by the Chandigarh Judicial Academy or any other institution, including the Legal Aid institutions.

4.2 Registry is directed to inform the Chandigarh Judicial Academy; the State Legal Services Authorities of the States of Punjab and Haryana; Union Territory Chandigarh as well as the High Court Legal Services Committee, to take appropriate steps in that regard.

5. Registry is directed to implead Union of India through the Ministry of Health and Family Welfare as party to the petition, for which no separate application is required to be filed. Copy of this petition be served on Shri Satya Pal Jain, learned Additional Solicitor General of India, who shall also submit reply/affidavit within a period of four weeks.

5.1 Shri Jain is also requested to file reply on the point that there is no notification by the Government of India for constitution of Medical Health Review Board under Section 73 of the Act of 2017 for Union Territory, Chandigarh.

6. List on 04.09.2025.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

July 24, 2025
narotam