



Orientation Course on the Mental Healthcare Act, 2017

For

ACMMs/MMs (Half of the Total Strength)

November 16, 2019

**Delhi Judicial Academy
Dwarka, Sector 14
New Delhi 110078
India**

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ORIENTATION COURSE ON THE MENTAL HEALTHCARE ACT, 2017

NOVEMBER 16, 2019

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2.	U.N. Commission on Human Rights titled "The Question of Death Penalty", Resolution 2005/59
3.	U.N. Commission on Human Rights titled "The Question of Death Penalty" Resolution 2000/65
4.	Guidelines for the Promotion of Human Rights of Persons with Mental Disorders (WHO), 1996
5.	Mental Healthcare Law: Ten Basic Principles (WHO), 1996
6.	The Protection of Person with Mental Illness and the Improvement of Mental Health Care, 1991
7.	United Nations Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care, 1991
8.	The Economic and Social Council Resolution, 1989/64
9.	Standard Minimum Rules for the Treatment of Prisoners (EcoSoc), 1977
10.	Universal Declaration on the Rights of Disabled Persons, 1975

IV. REPORTS/GUIDELINES/POLICIES

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Law Commission of India			
1.	Law Commission of India, 47 th Report, The Trial and Punishment of Social and Economic Offences (1972)	Law Commission of India	http://lawcommissionofindia.nic.in/1-50/report47.pdf
2.	Law Commission of India, 42 nd Report, Indian Penal Code	Law Commission of India	http://lawcommissionofindia.nic.in/1-

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			50/report42.pdf
Other Expert Government/Non-Government/International Committees			
1.	Report of the Special Rapporteur on Extra-judicial, Summary or Arbitrary Executions on a Gender-Sensitive Approach to Arbitrary Killings, 2017	United Nations Human Rights Council	www.ohchr.org/EN/HRBodies/HRC/RegularSessions/.../A_HRC_35_23_AEV.docx
2.	National Mental Health Policy, 2016	Ministry of Health & Family Welfare	http://pib.nic.in/newsite/Printrelease.aspx?relid=159376
3.	Report of the Special Rapporteur on the Right of Everyone to the Enjoyment to the Highest Attainable Standard of Physical and Mental Health, 2015	United Nations Human Rights Council	www.ohchr.org/EN/HRBodies/HRC/RegularSessions/.../A_HRC_29_33_ENG.DOCX
4.	National Mental Health Survey of India, 2015-16	Ministry of Health & Family Welfare	http://www.nimhans.ac.in/sites/default/files/u197/NMHS%20Report%20%28Prevalence%20patterns%20and%20outcomes%29%201.pdf
5.	Out of the Shadows: Making Mental Health a Global Development Priority, 2016	World Bank Group and World Health Organization	http://www.who.int/mental_health/WB_WHO_meeting_2016.pdf

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6.	Report of the Technical Committee on Mental Health, 2016	National Human Rights Commission	http://nhrc.nic.in/Documents/Mental_Health_report_vol_I_10_06_2016.pdf
7.	Care and Treatment in Mental Health Institutions: Some Glimpses in the Recent Period (2012)	National Human Rights Commission	http://nhrc.nic.in/Documents/Publications/Care_and_Mental_Health_2012.pdf
8.	Nations for Mental Health (2002)	World Health Organization	http://www.who.int/mental_health/media/en/400.pdf
9.	Delhi Prisons Rules, 2018	Government of the National Capital Territory of Delhi	https://delhi.gov.in/wps/wcm/connect/lib_centraljail/Central+Jail/Home/Acts+and+Rules
10.	Model Prison Manual, 2016	Ministry of Home Affairs	https://mha.gov.in/MHA1/PrisonReforms/NewPDF/PrisonManual2016.pdf
11.	Model Prison Manual for the Superintendence and Management of Prisons in India, 2003	Bureau of Police Research and Development, Ministry of Home Affairs, Government of India	http://mha1.nic.in/PrisonReforms/pdf/PrisonAdmin17072009.pdf
12.	National Policy on Prison Reforms and Correctional Administration, 2007	Bureau of Police Research and Development, Ministry of Home Affairs,	http://www.bprd.nic.in/WriteReadData/userfiles/file/526199152

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		Government of India	2-Part%20I.pdf
13.	Handbook on Health of Prisoners	Prison Administration and Correctional Services, Uttar Pradesh	http://upprison.gov.in/pdf/prisoner%20medical%20system.pdf
14.	Implementation of Mulla Committee Report on Jail Reforms-Volume I (1980-83)	Bureau of Police Research & Development, Ministry of Home Affairs	https://mha.gov.in/MA1/PrisonReforms/NewPDF/Mulla%20Committee%20implementation%20of%20recommendations%20-Vol%20I.pdf
15.	Implementation of Mulla Committee Report on Jail Reforms-Volume II (1980-83)	Bureau of Police Research & Development, Ministry of Home Affairs	https://mha.gov.in/MA1/PrisonReforms/NewPDF/Mulla%20Committee-implementation%20of%20recommendations%20-Vol%202.pdf

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4.	<i>Dr. Upendra Baxi (I) v. State of UP</i> (¶¶ 13, 24, 25)	(1983) 2 SCC 308
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4.	<i>Devender Pal Singh v. State of NCT</i> (¶¶ 21, 38, 46, 47)	AIR 2013 SC 1975
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2.	<i>Hari Singh Gond v. State of MP</i> (¶¶ 5, 6)	AIR 2009 SC 31
3.	<i>Bapu@Gajraj Singh v. State of Rajasthan</i> (¶ 7)	(2007) 8 SCC 66
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3.	<i>Shama Tudu v. State</i> (¶¶ 3-5)	1987 Cri L J 618 (Ori.)
4.	<i>Lakshmi v. State</i> (¶ 12)	AIR 1959 All 534
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4.	<i>Shrikant Anadrao Bhonsle v. State of Maharashtra</i> (¶¶ 16, 17)	AIR 2002 SC 3399
5.	<i>Ratan Lal v. State of MP</i> (¶ 2)	AIR 1971 SC 778
6.	<i>Dahyabhai Chhaganbhai Thakker v. State of Gujarat</i> (¶ 16)	AIR 1964 SC 1563
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5.	<i>Oyami Ayatu v. State of MP</i> (¶ 5)	AIR 1974 SC 216
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2.	<i>Nivrutti Dhondiba v. State of Maharashtra</i> (¶ 11)	1984 (2) Bom CR 722
3.	<i>State of MP v. Godhe Faguwa</i> (p. 4)	ILR (1976) MP 361
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	Other High Courts	
1.	<i>Salim Abhu Juneja v State of Gujrat</i> (¶¶18-20)	2013 SCC OnLine Guj 4913
2.	<i>Dimple v. State of Punjab</i> (¶¶ 15-18)	2009(1) RCR (Crim.) 602 (Punj.)
3.	<i>State of Jharkhand vs. Lakhan Rai</i> (¶¶19-20,22-23,26-27)	2007 Cri L J 2410
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1.	<i>Baswantrao Bajirao v. Emperor</i> (¶¶ 6, 7, 10, 18, 20, 24)	AIR 1949 Nag 66

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4. MENTAL HEALTHCARE ACT, 2017

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1.	<i>R.S. v. State</i> (¶¶17-22)	W.P. (Crl.) 2255/2019 Dated: 20.09.2019

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VI. GENERAL READINGS

S. No.	Title	Author	Source
Human Rights of the Mentally Ill			
1.	For a Rights-based Approach	Amita Dhanda, Professor, NALSAR	(<i>Frontline</i> , 16 Sept 2016) http://www.frontline.in/cover-story/for-a-rightsbased-approach/article9050228.e

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2.	Human Rights Violation in Mental Health: A Case Report from India	Anvar Sadath, Vranda Mysore Narasimha, Mukund Rao, Vijay Kumar, Muralidhar D, Shivarama Varambally, Gangadhar BN, Ashok Kori and Supraja A	(2014) 17 (3) Journal of Psychiatry
3.		Amar Shah	(2010) 14 (7) The International Journal of Human Rights, 1107-1116
4.	Human Rights and Privileges of Mentally Ill Persons	Shiv Gautam, Sanjay Jain, Lalit Batra, Rajesh Sharma and Deepti Munshi	http://www.indianjpsychiatry.org/cpg/cpg2009/article6.pdf
Institutionalization and Civil Commitment			
1.	Understanding Psychiatric Institutionalization: A Conceptual Review	Winnie S Chow and Stefan Priebe	(2013) 13 (169) BMC Psychiatry
2.	An Institutionalization Effect: The Impact of Mental Hospitalization and Imprisonment on Homicide in the United States	Bernard E Harcourt	(2011) 40 (1) The Journal of Legal Studies 39-83
3.	Civil Liberties and the Mentally Ill	Thomas S. Szasz	(1960) 9(3) Cleavland Marshal Law Review, 399-416
Mental Health & The Law			
1.	Mental Healthcare Law: Drastically Changes Understanding of Illness, but will it be Effective	Kartikeya Bahadur and Sumati Thusoo	(<i>Firstpost</i> 28, May 2019) https://www.firstpost.com/india/mental-healthcare-bill-drastically-changed-understanding-of-illness-but-will-it-be-effective-3642525.html

2.	Mental Health and the Law: An Overview and Need to Develop and Strengthen the Discipline of Forensic Psychiatry in India	Pratima Murthy, BC Malathesh, C Naveen Kumar and Suresh Bada Math	(2016) 58(Suppl 2) Indian J Psychiatry 181–186.
3.	The Criminal Justice System and Mental Health: An Overview	Mahesh R Gowda and Nikitha Harish	(2015) 2(1) IJBritish 49-54)
4.	Towards a No-force Paradigm in Mental Health Law	Malavika Prasad	5 NUJS L. Rev. (2012)
5.	Unreasonable Rights: Mental Illness and the Limits of the Law	Nikola Rose	Journal of Law & Society, Vol. 12, Number 2, Summer 1985
6.	The Sentencing of Mentally Disordered Offenders	Marc E. Schiffer, Osgoode Hall Law Journal (1976)	(1976) 14 (2) Osgoode Hall Law Journal 307-343
7.	The Mentally Ill Offender in Federal Criminal Law and Administration	George H Dession (Yale Law School)	(1944) 53 The Yale Law Journal 684-699
Mental Healthcare Act, 2017			
1.	Miles to Go: Why Celebration of the Mental Healthcare Act may be Premature	Pranav J Sharma (Caravan)	<i>(The Caravan, 01 June 2017)</i> https://caravanmagazine.in/perspectives/mental-healthcare-act-premature-celebration
2.	How the Celebrated Mental Healthcare Act Restricts Individual Liberty and Fails to Comply with International Standards	Amba Salelkar, Advocate	<i>(The Caravan, 11 April 2017)</i> https://caravanmagazine.in/vantage/mental-healthcare-act-restricts-

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3.	Reviewing the Mental Healthcare Act, 2017	Amba Salelkar, Advocate	(White Swan Foundation) https://www.whiteswanfoundation.org/article/reviewing-the-mental-healthcare-act-2017/
4.	Concordance of the Indian Mental Healthcare Act 2017 with the World Health Organization's Checklist on Mental Health Legislation	Richard M Duffy and Brendan D Kelly, International Journal of Mental Health Systems (2017)	(2017) 11:48 International Journal of Mental Health Systems 1-24
5.	Mental Healthcare Act, 2017 : An Evaluation	Gowthaman Ranganathan, Professor, NLU, Jodhpur	4.2 NLUJ LR (2017) 59
Determination and Treatment Decisions			
1.	Shared Decision Making in Mental Health: Prospects for Personalised Medicine	Robert E drake, Delia Cimpean and William C Torrey	(2009) 11(4) Dialogues in Clinical Neuroscience 455-463
Miscellaneous			
1.	Insanity Defence: Past, Present and Future	Suresh Bada Math, C. Naveen Kumar and Sydney Moirangthem	(2015) 37(4) Indian Journal of Psychological Medicine 381-387
2.	UNODC Handbook on Prisoners with Special Needs, 2009	UN Office on Drugs & Crime	https://www.unodc.org/pdf/criminal_justice/Handbook_on_Prisoners_with_Special_Needs.pdf
3.	Poverty and Common Mental Disorders in Developing Countries	Vikram Patel and Arthur Kleinman (Bulletin of the WHO)	(2003) 81 (8)Bulletin of the World Health Organization 609-615

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