



**Orientation Course on the Mental Healthcare Act, 2017
& Related Issues**

for

**CMMs/ACMM's/MMs (including all i.e. General/Mahila Court/NI
Act/Reliever), Mental Health Professionals in the NCR of Delhi
& Officials of Delhi Police**

28th July 2023

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

For Private and Internal Circulation only

INDEX

I. STATUTES

| S. No. | Title |
|--------|---|
| 1. | Code of Civil Procedure, 1908 |
| 2. | Code of Criminal Procedure Act, 1973 |
| 3. | Constitution of India, 1950 |
| 4. | Indian Contract Act 1872 |
| 5. | Indian Evidence Act, 1872 |
| 6. | Indian Penal Code, 1860 |
| 7. | Indian Lunacy Act, 1912 |
| 8. | Mental Health Act, 1987 |
| 9. | Mental Healthcare Act, 2017 |
| 10. | Medical Termination of Pregnancy Act, 1971 |
| 11. | National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Mental Disabilities Act, 1999 |
| 12. | The Prisoners Act, 1900 |
| 13. | Rehabilitation Council of India Act, 1992 |
| 14. | Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 |
| 15. | Rights of Persons with Disabilities Act, 2016 |

II. RULES

| S. No. | Title |
|--------|---|
| 1. | Lunatics (Chapter XVII), Delhi High Court Rules |
| 2. | NALSA (Legal Services to the Mentally Ill and Mentally Disabled Persons) Scheme, 2015 |
| 3. | Rehabilitation Council of India Regulations, 1997 |
| 4. | The Mental Healthcare (State Mental Health Authority) Rules, 2018 |
| 5. | The Mental Healthcare (Central Mental Health Authority and Mental Health Review Boards) Rules, 2018 |
| 6. | The National Trust Regulations, 2001 |
| 7. | The National Trust Rules, 2000 |

III. INTERNATIONAL CONVENTIONS/INSTRUMENTS

| S. No. | Title |
|--------|--|
| 1. | United Nations Convention on the Rights of Persons with Disabilities, 2006 |

For Private and Internal Circulation only

| | |
|----|---|
| 2. | U.N. Commission on Human Rights titled “The Question of Death Penalty”, Resolution A/HRC/21/29 |
| 3. | Guidelines for the Promotion of Human Rights of Persons with Mental Disorders (WHO), 1996 |
| 4. | Mental Healthcare Law: Ten Basic Principles (WHO), 1996 |
| 5. | The Protection of Person with Mental Illness and the Improvement of Mental Health Care, 1991 |
| 6. | United Nations Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care, 1991 |
| 7. | The Economic and Social Council Resolution, 1989/64 |
| 8. | Standard Minimum Rules for the Treatment of Prisoners (EcoSoc), 1977 |
| 9. | Universal Declaration on the Rights of Disabled Persons, 1975 |

IV. REPORTS/GUIDELINES/POLICIES

| S. No. | Title | Author | Source |
|---------------------------------------|--|--|---|
| Law Commission of India | | | |
| 1. | 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. | 42 nd Report: Indian Penal Code (1971) | Law Commission of India | http://lawcommissionofindia.nic.in/1-50/report42.pdf |
| Jail Manual and Prison Reforms | | | |
| 3. | 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 |
| 4. | Model Prison Manual, 2016 | Ministry of Home Affairs | https://mha.gov.in/MHA1/PrisonReforms/NewPDF/PrisonManual2016.pdf |
| 5. | 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 |
| 6. | National Policy on Prison Reforms and Correctional Administration, 2007 | Bureau of Police Research and Development, Ministry of Home Affairs, Government of India | http://www.bprd.nic.in/WriteReadData/userfiles/file/5261991522-Part%20I.pdf |
| 7. | Handbook on Health of Prisoners | Prison Administration and Correctional Services, Uttar Pradesh | http://upprison.gov.in/pdf/prisoner%20medical%20system.pdf |

For Private and Internal Circulation only

| | | | |
|--|---|---|---|
| 8. | Implementation of Mulla Committee Report on Jail Reforms-Volume I (1980-83) | Bureau of Police Research & Development, Ministry of Home Affairs | Vol I: https://mha.gov.in/MHA1/PrisonReforms/NewPDF/Mulla%20Committee%20implementation%20of%20recommendations%20-Vol%20I.pdf Vol II: https://mha.gov.in/MHA1/PrisonReforms/NewPDF/Mulla%20Committee-implementation%20of%20recommendations%20-Vol%202.pdf |
| Other Expert Government/Non-Government/International Committees | | | |
| 9. | COVID-19 and the Need for Action on Mental Health, 2020 | United Nations | https://unsdg.un.org/sites/default/files/2020-05/UN-Policy-Brief-COVID-19-and-mental-health.pdf |
| 10. | National Mental Health Policy of India, 2014: New Pathways, New Hope | Ministry of Health & Family Welfare | https://nhm.gov.in/WriteReadData/1892s/6479141851472451026.pdf |
| 11. | 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 |
| 12. | 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 |
| 13. | 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 |
| 14. | 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 |
| 15. | Nations for Mental Health, 2002 | World Health Organization | http://www.who.int/mental_health/media/en/400.pdf |

For Private and Internal Circulation only

| | | | |
|-----|---|---|---|
| 16. | Addressing Mental Health Issues of Inmates and Staff in Prisons and Correctional Facilities during Covid-19 | No. 17013/19/2021-PR; Ministry of Home Affairs, Government of India (June 24, 2021) | https://www.mha.gov.in/sites/default/files/Advisorymentalhealthissuesprisoners_24062021.pdf |
| 17. | The e-Committee, Supreme Court of India's special initiative to Make the Digital Infrastructure of the Indian Judiciary More Accessible to the Disabled | e-Committee, Supreme Court of India | https://pib.gov.in/PressReleasePage.aspx?PRID=1730627 |

V. CASE LAWS

1. MENTAL HEALTHCARE ACT, 2017

| S. No. | Title | Citation |
|-----------|--|--------------------------|
| A. | Concept of Mental Health | |
| | Supreme Court | |
| 1. | <i>Mahendra K.C. v. State of Karnataka</i> (¶32) | (2022) 2 SCC 129 |
| 2. | <i>Ravinder Kumar Dhariwal and Ors. v. Union of India and Ors.</i> (¶¶106, 107) | MANU/SC/1275/2021 |
| 3. | <i>Navtej Singh Johar v. UOI</i> (¶¶336-349) | (2018) 10 SCC 1 |
| 4. | <i>Eera v. State (NCT of Delhi) and Another</i> (¶¶81-89) | (2017) 15 SCC 133 |
| 5. | <i>Suchita Srivastava v. Chandigarh Administration</i> (¶¶4, 11-16) | AIR 2010 SC 235 |
| | Other High Courts | |
| 1. | <i>S. Sushma and Another v. Commissioner of Police and Others</i> (¶¶11, 19, 53) | 2021 SCC OnLine Mad 2096 |
| B. | Rights of Persons with Mental Illness | |
| a) | Healthcare, Legal Services and Confidentiality | |
| | Supreme Court | |
| 1. | <i>Pushpa M. Rawtani v. Madhya Pradesh</i> (¶6) | MANU/SCOR/23897/2017 |
| | High Court of Delhi | |
| 1. | <i>R. S. v. State and Ors.</i> (¶¶13, 19-22) | MANU/DE/3107/2019 |

For Private and Internal Circulation only

| | | |
|-----------|---|--------------------------|
| b) | Advance Directive | |
| | Supreme Court | |
| 1. | <i>Common Cause (A Regd. Society) v. Union of India</i> (¶¶477, 574) | AIR 2018 SC 1665 |
| | Other High Courts | |
| 1. | <i>Anil Kumar Bansal v. State of Himachal Pradesh and Ors.</i> (¶¶21-42) | MANU/HP/0935/2018 |
| | Foreign Judgment | |
| 1. | <i>Carter v. Canada (Attorney General)</i> (¶¶1-4) | 2015 SCC OnLine Can SC 1 |
| 2. | <i>Starson v. Swayze (Canada's Beautiful Mind case)</i> | (2003) S.C.J. No. 33 |
| 3. | <i>O'Connor v. Donaldson</i> | 422 U.S. 563 (1975) |
| | | |
| c) | Nominated Representative | |
| | High Court of Delhi | |
| 1. | <i>Satula Devi v. Govt. of NCT of Delhi and Ors.</i> (¶¶1, 165-167, 180-197, 221-234) | 2021 SCC OnLine Del 4856 |
| C. | Mental Health of Children | |
| | Other High Courts | |
| 1. | <i>T.R. Ramanathan v. Tamil Nadu State Mental Health Authority Rep. by its Chief Executive Officer, Kilpauk, Chennai and Other</i> (¶¶5-16) | 2022 SCC OnLine Mad 3032 |
| 2. | <i>Dr. Vijay Verma v. Union of India</i> (¶¶1, 2, 35, 37, 38, 41-46, 50, 52) | 2018 SCC OnLine Utt 519 |
| | | |
| D. | Responsibilities of Duty Holders | |
| | High Court of Delhi | |
| 1. | <i>Ravinder v. Govt. of NCT of Delhi</i> (¶¶100, 102, 104, 106, 110-112, 114) | 2018 SCC OnLine Del 8578 |
| | Other High Courts | |
| 1. | <i>Mrs. Suba v. Superintendent of Prison Thoothukudi District & Ors.</i> (¶¶5-10, 12, 14, 15) | MANU/TN/8349/2021 |
| 2. | <i>Rajmohan L. v. Sindhu P.B.</i> (¶¶16, 18) | 2020 SCC OnLine Ker 4331 |
| 3. | <i>Anil Kumar Bansal v. State of Himachal Pradesh</i> (¶¶42) | MANU/HP/0935/2018 |

For Private and Internal Circulation only

| | | |
|-----------|---|---|
| E. | Section 115, Mental Healthcare Act, 2017 – Presumption of Severe Stress in case of Attempt to Commit Suicide | |
| | Supreme Court | |
| 1. | <i>Common Cause (A Regd. Society) v. Union of India</i> (¶356) | AIR 2018 SC 1665 |
| | Other High Courts | |
| 1. | <i>Simi C.N. v. State of Kerala</i> (¶¶8-11) | 2022 SCC OnLine Ker 2184 |
| 2. | <i>Pratibha Das v. The State of Orissa</i> (¶7) | 2019 SCC OnLine Ori 217 |
| 3. | <i>Pratibha Sharma v. State of Himachal Pradesh and Ors.</i> (¶¶20-30) | 2019 SCC OnLine HP 2619 |
| F. | Section 116, Mental Healthcare Act, 2017 – Bar of Jurisdiction | |
| | Other High Courts | |
| 1. | <i>Kishori Lal v. Vijay Kumar Sood and Ors.</i> (¶18) | MANU/HP/1274/2019 |
| G. | Rights of Vulnerable Persons | |
| | Supreme Court | |
| 1. | <i>Smruti Tukaram Badade v. State of Maharashtra</i> | 2022 SCC OnLine SC 78 |
| 2. | <i>State of Maharashtra v. Bandu</i> (¶¶3, 10-12) | (2018) 11 SCC 163 |
| | High Court of Delhi | |
| 1. | <i>Sr. Sephy v. CBI & Ors.</i> (¶¶92-100) | 2023 SCC Online Del 717 |
| H. | Rehabilitation | |
| | Supreme Court | |
| 1. | <i>Gaurav Kumar Bansal v. Mr. Dinesh Kumar</i> (¶¶1, 10) | MANU/SCOR/07095/2019 Order Dated: 25.02.2019 |
| 2. | <i>Gaurav Kumar Bansal v. State of Uttar Pradesh and Ors.</i> (¶1) | MANU/SCOR/25231/2017 Order Dated: 10.07.2017 |

For Private and Internal Circulation only

| | | |
|-----------|---|--------------------|
| I. | Proceedings Pending under the Old Act | |
| | High Court of Delhi | |
| 1. | <i>Meenu Seth v. Binu Seth & Ors.</i> (¶16) | (2017) 245 DLT 683 |

2. MENTAL HEALTH: THE CONSTITUTIONAL VISION

| S. No. | Title | Citation |
|-----------|--|--------------------------|
| A. | Reproductive Rights of Persons Suffering from Mental Retardation and Persons with Mental Illness (including Termination of Pregnancy) | |
| | Supreme Court | |
| 1. | <i>X v. Health & Family Welfare Department, Govt. of NCT of Delhi and Anr.</i> | 2022 SCC OnLine SC 1321 |
| 2. | <i>Z v. The State of Bihar and Ors.</i> (¶¶23, 39, 53-54) | (2018) 11 SCC 572 |
| 3. | <i>Suchita Srivastava and Ors. v. Chandigarh Administration</i> (¶¶10-16) | AIR 2010 SC 235 |
| | Other High Courts | |
| 1. | <i>Mansi v. The State of Punjab and Others</i> (¶¶11, 14) | MANU/PH/2197/2022 |
| 2. | <i>Runa Majhi v. The State of Odisha represented through the Secretary, Health and Family Welfare Department & Ors.</i> | 2020 SCC OnLine Ori 677 |
| 3. | <i>"ABC" v. The State of Maharashtra and Ors.</i> (¶¶15, 18) | MANU/MH/0162/2018 |
| 4. | <i>X v. Union of India</i> (¶13) | 2017 SCC OnLine Bom 9334 |
| B. | Mental Health of Prisoners/Inmates | |
| | Supreme Court | |
| 1. | <i>Accused 'X' v. State of Maharashtra</i> (¶¶77-78) | MANU/SC/0536/2019 |
| 2. | <i>Sheela Barse v. Union of India and Another</i> (¶¶8, 9, 12) | (1993) 4 SCC 204 |
| 3. | <i>B. R. Kapoor v. Union of India</i> (¶¶1, 4) | AIR 1990 SC 752 |
| 4. | <i>Rakesh Chandra Narayan v. State of Bihar</i> (¶¶27, 28) | MANU/SC/0395/1988 |
| 5. | <i>Dr. Upendra Baxi (I) v. State of UP</i> (¶¶13, 24, 25) | (1983) 2 SCC 308 |
| 6. | <i>Veena Sethi v. State of Bihar</i> (¶¶2, 12) | AIR 1983 SC 339 |
| | High Court of Delhi | |
| 1. | <i>Charanjit Singh and NHRC v. State</i> (¶¶8, 15, 16, 18, 23) | MANU/DE/0308/2005 |
| | Other High Courts | |
| 1. | <i>Suo Motu v. State of Kerala</i> (¶¶7, 8, 10, 11, 14) | 2021 SCC OnLine Ker 3496 |

For Private and Internal Circulation only

| | | |
|---|---|--------------------------|
| 2. | <i>Surendra Singh Sandhu v. State of Uttarakhand</i> (¶¶16-17, 36- 38) | MANU/UC/0007/2017 |
| C. Illegal Detention - Violation of Right to Life & Liberty (Article 21) | | |
| Supreme Court | | |
| 1. | <i>News Item “38 Yrs In Jail Without Trial” Published In The Hindustan Times, In Re v. Union of India</i> (¶26) | (2007) 15 SCC 18 |
| High Court of Delhi | | |
| 1. | <i>Ravinder v. Govt. of NCT of Delhi</i> (¶¶66, 68, 73, 80, 81, 83, 102, 123, 134, 149) | 2018 SCC OnLine Del 8578 |
| 2. | <i>Sangamitra Acharya v. State (NCT of Delhi)</i> (¶¶4, 57, 62, 83, 92, 123, 128, 134, 152, 160, 161) | 2018 SCC OnLine Del 8450 |
| D. Mental Health Assessment & Privacy | | |
| Supreme Court | | |
| 1. | <i>Sharda v. Dharmpal</i> (¶¶51, 81) | AIR 2003 SC 3450 |
| High Court of Delhi | | |
| 1. | <i>Mehraz Bano v. Director, IBHAS & Anr.</i> (¶¶6, 8-10, 12) | 2021 SCC OnLine Del 2467 |
| Other High Courts | | |
| 1. | <i>Ajay Ram Pandit v. The State of Maharashtra</i> (¶¶9, 16, 17) | 2022 SCC OnLine Bom 3920 |
| 2. | <i>T.R. Ramanathan v. Tamil Nadu State Mental Health Authority Rep. by its Chief Executive Officer, Kilpauk, Chennai and Other</i> (¶¶5-15) | 2022 SCC OnLine Mad 3032 |
| 3. | <i>S. Hariprakash v. Madras High Court</i> (¶¶25, 81) | 2014 SCC OnLine Mad 7331 |
| E. Inordinate Delay in Execution of Death Sentence | | |
| Supreme Court | | |
| 1. | <i>Accused ‘X’ v. State of Maharashtra</i> (¶¶33-34, 40-43, 46, 68-70, 72-74) | MANU/SC/0536/2019 |
| 2. | <i>Navneet Kaur v. State (NCT of Delhi)</i> (¶¶4-12) | (2014) 7 SCC 264 |
| 3. | <i>Shatrughan Chauhan v. Union of India</i> (¶¶ 72, 79, 190, 259) | 2014 (1) SCALE 437 |
| 4. | <i>Madhu Mehta v. Union of India</i> (¶3) | AIR 1989 SC 2299 |
| 5. | <i>Vivian Rodrick v. State of West Bengal</i> (¶¶2, 6) | AIR 1971 SC 1584 |

For Private and Internal Circulation only

| | | |
|-----------|--|----------------|
| F. | Right to Prepare Defense and Legal Representation | |
| | Supreme Court | |
| 1. | <i>Mohd. Ajmal Amir Kasab v. State of Maharashtra</i> (¶¶436, 459, 461-475, 477, 478, 483-487) | (2012) 9 SCC 1 |

3. MENTAL DISABILITY AND CRIMINAL RESPONSIBILITY

| S. No. | Title | Citation |
|-----------|---|--------------------------|
| A. | Defence of Insanity under Section 84 of IPC (Unsoundness of Mind) based on Mc' Naughten Rule | |
| a) | 'Legal Insanity' & 'Medical Insanity': Distinguished | |
| | Supreme Court | |
| 1. | <i>Surendra Mishra v. State of Jharkhand</i> (¶9) | AIR 2011 SC 627 |
| 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 |
| 4. | <i>Shrikant Anandrao Bhosale v. State of Maharashtra</i> | AIR 2002 SC 3399 |
| 5. | <i>Ratanlal v. State of Madhya Pradesh</i> | MANU/SC/0180/1970 |
| | Other High Courts | |
| 1. | <i>Pratap v. State of M.P.</i> (¶¶40, 47) | 2017 SCC OnLine MP 2144 |
| 2. | <i>Saji v. State of Kerala</i> (¶¶22, 23) | 2017 (3) KHC 262 |
| 3. | <i>Dhebuja Rajowar v. State of Assam</i> (¶21) | 2008 Cri LJ 3981 (Gau.) |
| 4. | <i>Shama Tudu v. State</i> (¶¶3-5) | 1987 Cri LJ 618 (Ori.) |
| 5. | <i>Lakshmi v. State</i> (¶12) | AIR 1959 All 534 |
| 6. | <i>Narain Sahi v. Emperor</i> (¶20) | AIR 1947 Pat 222 |
| b) | 'Nature of the Act' | |
| | Supreme Court | |
| 1. | <i>Sudhakaran v. State of Kerala</i> (¶¶17, 21) | AIR 2011 SC 265 |
| 2. | <i>Hari Singh Gond v. State of MP</i> (¶6) | AIR 2009 SC 31 |
| 3. | <i>Bapu @ Gajraj Singh v. State of Rajasthan</i> (¶¶7, 8) | (2007) 8 SCC 66 |
| 4. | <i>Baswantrao Bajirao v. Emperor</i> (¶¶6, 7, 18, 24) | AIR 1949 Nag 66 |
| 5. | <i>Queen-Empress v. Kader Nasyer Shah</i> (¶¶8, 9) | (1896) ILR 23 Cal 604 |
| | Other High Courts | |
| 1. | <i>Kaliyappan v. State</i> | 2020 SCC Online Mad 2030 |
| 2. | <i>Siddheswari Bora v. The State of Assam</i> (¶¶3, 5) | (1981) 1 GLR 134 (Gau.) |

For Private and Internal Circulation only

| | | |
|-----------|---|----------------------------|
| 3. | <i>Ashiruddin Ahmed v. The King</i> (¶¶7, 8) | AIR 1949 Cal 182 |
| c) | ‘At the Time of Doing’ | |
| | Supreme Court | |
| 1. | <i>Uttam Nandram Somwanshi v. State of Maharashtra</i> (¶¶6-7) | 2016 13 SCC 205 |
| 2. | <i>Sudhakaran v. State of Kerala</i> (¶19) | AIR 2011 SC 265 |
| 3. | <i>Hari Singh Gond v. State of MP</i> (¶9) | AIR 2009 SC 31 |
| 4. | <i>Shrikant Anandrao Bhonsle v. State of Maharashtra</i> (¶¶16, 17) | AIR 2002 SC 3399 |
| 5. | <i>Ratan Lal v. State of Madhya Pradesh</i> (¶2) | AIR 1971 SC 778 |
| 6. | <i>Dahyabhai Chhaganbhai Thakker v. State of Gujarat</i> (¶16) | AIR 1964 SC 1563 |
| 7. | <i>State of Madhya Pradesh v. Ahmadullah</i> (¶¶7, 8) | AIR 1961 SC 998 |
| | Other High Courts | |
| 1. | <i>Saji v. State of Kerala</i> (¶¶22, 23) | 2017 (3) KHC 262 |
| 2. | <i>In Re: Govindaswami Padayachi</i> (¶4) | AIR 1952 Mad 174 |
| 3. | <i>Bagga v. Emperor</i> (¶6) | AIR 1931 Lah 276 |
| d) | ‘Offence Committed During Period of Lucidity’ | |
| | Other High Courts | |
| 1. | <i>Ramchandran v. State of Kerala</i> (¶¶13-15) | 1985 Ker LJ 696 |
| B. | Burden of Proof | |
| i. | Relevant Factors to Discharge this Burden | |
| | Supreme Court | |
| 1. | <i>Siddhapal Kamala Yadav v. State of Maharashtra</i> (¶¶7-13) | AIR 2009 SC 97 |
| 2. | <i>Hari Singh Gond v. State of MP</i> (¶¶9, 10) | AIR 2009 SC 31 |
| 3. | <i>Bapu @ Gajraj Singh v. State of Rajasthan</i> (¶¶7, 8) | (2007) 8 SCC 66 |
| 4. | <i>Shrikant Anandrao Bhonsle v. State of Maharashtra</i> (¶¶14, 18) | AIR 2002 SC 3399 |
| 5. | <i>Oyami Ayatu v. The State of Madhya Pradesh</i> (¶5) | AIR 1974 SC 216 |
| 6. | <i>Sheralli Wali Mohammed v. State of Maharashtra</i> (¶13) | AIR 1972 SC 2443 |
| | High Court of Delhi | |
| 1. | <i>WX v. State</i> (¶¶28, 29, 32, 36) | 2018 SCC OnLine Del 8015 |
| 2. | <i>X v. State of NCT</i> (¶¶27, 48-50) | 246 (2018) DLT 204 |
| | Other High Courts | |
| 1. | <i>Lalitha @ Latha v. State of Kerala</i> (¶¶13-19, 25-29, 32) | 2021 SCC OnLine Ker 2426 |
| 2. | <i>Kumari Chandra v. State of Rajasthan</i> (¶¶29-30) | 2018 (3) RLW 2382 (Raj HC) |

For Private and Internal Circulation only

| | | |
|--|--|-------------------------------|
| 3. | <i>Ram Swarup Thakur v. State of Bihar</i> (¶16) | 2000 Cri LJ 426 (Pat.) |
| 4. | <i>State of Madhya Pradesh v. Godhe Faguwa</i> | ILR (1976) MP 361 |
| ii. Standard of Proof | | |
| Supreme Court | | |
| 1. | <i>Mohd. Anwar v. State (NCT of Delhi)</i> (¶¶12-19) | (2020) 7 SCC 391 |
| 2. | <i>Bapu @ Gajraj Singh v. State of Rajasthan</i> (¶¶7, 8) | (2007) 8 SCC 66 |
| 3. | <i>Dahyabhai Chhaganbhai Thakker v. State of Gujarat</i> (¶¶7, 13) | AIR 1964 SC 1563 |
| Other High Courts | | |
| 1. | <i>Nivrutti Dhondiba Shinde v. State of Maharashtra</i> (¶11) | 1984 (2) Bom CR 722 |
| 2. | <i>State of Madhya Pradesh v. Godhe Faguwa</i> (p. 4) | ILR (1976) MP 361 |
| 3. | <i>State v. Emerciano Lemos</i> (¶8) | AIR 1970 Goa, Daman and Diu 1 |
| 4. | <i>Kamla Singh v. State</i> (¶¶11, 12) | AIR 1955 Pat 209 |
| C. Procedure under Section 328 and Section 329 Code of Criminal Procedure, 1973 | | |
| Supreme Court | | |
| 1. | <i>Sheila Kaul through Deepa Kaul v. State through C.B.I.</i> (¶¶8-10) | (2014) 12 SCC 453 |
| 2. | <i>News Item “38 Yrs in Jail without Trial” published in Hindustan Times, In re v. UOI</i> (¶¶7-8, 26-28) | (2007) 15 SCC 18 |
| 3. | <i>State of Maharashtra v. Sindhi</i> (¶¶11, 14-15, 17, 19, 20) | (1975) 1 SCC 647 |
| 4. | <i>Jai Shanker (Lunatic) through Vijay Shanker Brother Guardian v. State of Himachal Pradesh</i> (¶¶11-12) | AIR 1972 SC 2267 |
| 5. | <i>IV Sivaswami v. State of Mysore</i> (¶¶1-3, 23) | AIR 1971 SC 1638 |
| High Court of Delhi | | |
| 1. | <i>Kamal Bhardwaj v. The State (NCT of Delhi) and Ors.</i> (¶10) | 2016 SCC OnLine Del 4315 |
| 2. | <i>G.S. Dhillon v. State (NCT of Delhi)</i> (¶¶8-9) | 98 (2002) DLT 341 |
| 3. | <i>Yogesh Kumar v. The State</i> (¶¶6-7) | 1996 SCC OnLine Del 932 |
| Other High Courts | | |
| 1. | <i>Kaliyappan v. State</i> (¶¶21-36, 43-47, 49, 50, 52-55) | 2020 SCC OnLine Mad 2030 |
| 2. | <i>State of Gujarat v. Manjuben</i> (¶¶19-49, 51) | 2019 SCC OnLine Guj 6937 |
| 3. | <i>Balu Ganpat v. State of Maharashtra</i> (¶7) | 2016 SCC OnLine Del 4315 |

For Private and Internal Circulation only

| | | |
|--|--|----------------------------------|
| 4. | <i>Salim Abhu Juneja v. State of Gujarat</i> (¶¶18-20) | 2013 SCC OnLine Guj 4913 |
| 5. | <i>Dimple v. State of Punjab</i> (¶¶ 15-18) | 2009 (1) RCR (Crim.) 602 (Punj.) |
| 6. | <i>State of Jharkhand v. Lakhan Rai</i> (¶¶19-20, 22-23, 26-27) | 2007 Cri LJ 2410 |
| 7. | <i>State of Manipur v. Saikhom Ramo Singh</i> (¶¶11-13) | 2003 SCC OnLine Gau 81 |
| 8. | <i>Gurjit Singh v. State of Punjab</i> (¶¶8, 10) | 1986 Cri L.J. 1505 (Punj.) |
| D. Additional Conditions for Release u/s 330 Code of Criminal Procedure | | |
| Supreme Court | | |
| 1. | <i>Sarfu Khan v. State of Jharkhand</i> (¶2) | (2004) 13 SCC 460 |
| Other High Courts | | |
| 1. | <i>Narain Shanker Kaunsh v. Emperor</i> (¶13) | AIR 1933 Sindh 267 |
| E. Section 331 Code of Criminal Procedure, 1973 | | |
| High Court of Delhi | | |
| 1. | <i>Subhash Bhardwaj v. State</i> (¶30) | 2016 SCC OnLine Del 5002 |
| F. Section 335 Code of Criminal Procedure, 1973 | | |
| Supreme Court | | |
| 1. | <i>Karamjeet Singh v. Union of India</i> (¶¶3, 5) | (1992) 4 SCC 666 |
| Other High Courts | | |
| 1. | <i>Suryakant J. Gawde v. State (Through Ponda Police Station), through Public Prosecutor</i> (¶¶30-43) | 2020 SCC OnLine Bom 147 |
| G. Expert Evidence | | |
| Supreme Court | | |
| 1. | <i>State of Rajasthan v. Shera Ram</i> (¶¶19-20) | (2012) 1 SCC 602 |
| 2. | <i>Shrikant Anandrao Bhosale v. State of Maharashtra</i> (¶¶1, 7, 12, 16, 17) | AIR 2002 SC 3399 |
| High Court of Delhi | | |
| 1. | <i>Yogesh Kumar v. State</i> (¶¶4-5) | 1996 Cri LJ 2724 |
| Other High Courts | | |
| 1. | <i>Baswantrao Bajirao v. Emperor</i> (¶¶6, 7, 10, 18, 20, 24) | AIR 1949 Nag 66 |

For Private and Internal Circulation only

| | | |
|-----------|---|------------------------|
| H. | Opportunity to Rebut Evidence | |
| | Other High Courts | |
| 1. | <i>Onkar Dutt Nigam v. Emperor</i> (¶3) | AIR 1933 Oudh 362 |
| I. | No Examination of Mental Condition of Accused on Remand | |
| | Other High Courts | |
| 1. | <i>Mrs. Suba v. Superintendent of Prison Thoothukudi District & Ors.</i> (¶¶5-10, 12, 14, 15) | MANU/TN/8349/2021 |
| 2. | <i>M.A. Nayeem Farooqui v. State of A.P.</i> (¶18) | 1997 SCC OnLine AP 857 |

4. RIGHTS OF PERSONS WITH DISABILITIES

| S. No. | Title | Citation |
|-----------|--|--------------------------|
| A. | Rights of Persons with Disabilities Act, 2016 | |
| | Supreme Court | |
| 1. | <i>Avni Prakash v. National Testing Agency</i> (¶¶21-63) | 2021 SCC OnLine SC 1112 |
| 2. | <i>Ravinder Kumar Dhariwal and Ors. v. Union of India and Ors.</i> (¶¶106, 107) | MANU/SC/1275/2021 |
| 3. | <i>Vikash Kumar v. Union Public Service Commission</i> (¶¶34-38, 40-55, 57, 58, 60-63, 80-85, 90-92, 94, 95) | (2021) 5 SCC 370 |
| 4. | <i>State of Kerala v. Leesamma Joseph</i> (¶¶14, 15, 21-29) | (2021) 9 SCC 208 |
| 5. | <i>Patan Jamal Vali v. State of A.P.</i> (¶¶31-51) | 2021 SCC OnLine SC 343 |
| 6. | <i>National Federation of the Blind v. Sanjay Kothari</i> (¶¶6-8, 10, 11) | (2020) 19 SCC 584 |
| 7. | <i>Disabled Rights Group and Anr. v. Union of India and Ors.</i> (¶¶4-9, 16-35) | (2018) 2 SCC 397 |
| 8. | <i>Rajive Raturi v. Union of India and Ors.</i> (¶¶4, 5, 8, 10-24, 34) | (2018) 2 SCC 413 |
| | High Court of Delhi | |
| 1. | <i>Akshat Baldwa v. Yash Raj Films</i> (¶¶12-19) | 2023 SCC OnLine Del 195 |
| 2. | <i>Manish Lenka v. Union of India</i> (¶¶9, 10) | 2022 SCC OnLine Del 4403 |
| 3. | <i>Shivam Soni v. State (GNCTD)</i> (¶¶11-14) | 2022 SCC OnLine Del 996 |
| 4. | <i>Bhavya Nain v. High Court of Delhi</i> (¶¶52-54, 66) | MANU/DE/1027/2020 |

For Private and Internal Circulation only

| | | |
|-----------|---|--------------------------|
| | Central Administrative Tribunal | |
| 1. | <i>Amit Yadav v. Comptroller & Auditor General, New Delhi and Ors.</i> | MANU/CA/0151/2023 |
| B. | National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 | |
| | High Court of Delhi | |
| 1. | <i>Sunil Podar v. National Trust for Welfare of Person with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities and Anr.</i> (¶¶1, 8-40) | 2023 SCC OnLine Del 832 |
| | Other High Courts | |
| 1. | <i>Shobha Gopalakrishnan v. State of Kerala</i> (¶¶1, 2, 14-21, 23-43) | 2019 SCC OnLine Ker 739 |
| C. | Deciding Guardianship | |
| | High Court of Delhi | |
| 1. | <i>Satula Devi v. Govt. of NCT of Delhi and Ors.</i> (¶¶138, 139, 147-197, 201-234) | 2021 SCC OnLine Del 4856 |
| | Other High Courts | |
| 1. | <i>K.S. Narayana Elayathu v. Sandhya</i> (¶¶8-12, 13, 14) | AIR 2022 Ker 23 |
| 2. | <i>Latha T.B. and Ors. v. Union of India Represented by Secretary to the Government and Ors.</i> (¶¶7-11) | 2021 SCC OnLine Ker 2398 |
| D. | Guardianship of a Person Lying in Comatose State | |
| | High Court of Delhi | |
| 1. | <i>Vandana Tyagi v. Government of National Capital Territory of Delhi</i> (¶¶61-68, 76) | 2020 SCC OnLine Del 32 |
| | Other High Courts | |
| 1. | <i>Rajni Hariom Sharma v. Union of India and Anr.</i> (¶¶25-31, 43, 45) | 2020 SCC OnLine Bom 880 |
| 2. | <i>Uma Mittal v. Union of India</i> (¶¶28) | 2020 SCC OnLine All 777 |
| 3. | <i>Shobha Gopalakrishnan v. State of Kerala</i> (¶¶1, 2, 14-21, 23-43) | 2019 SCC OnLine Ker 739 |

For Private and Internal Circulation only

| | | |
|-----------|---|--------------------------|
| E. | Rights of Differently-Abled during Air Travel | |
| | Supreme Court | |
| 1. | <i>Jeeja Ghosh v. Union of India</i> (¶¶4-7) | (2022) 1 SCC 202 |
| F. | Employees' Compensation | |
| | Supreme Court | |
| 1. | <i>Salim v. New India Assurance Co. Ltd.</i> (¶¶3-5) | 2021 SCC OnLine SC 3282 |
| G. | Health Insurance | |
| | High Court of Delhi | |
| 1. | <i>Saurabh Shukla v. Max Bupa Health Insurance Co. Ltd.</i> (¶¶18-22, 24-27) | 2022 SCC OnLine Del 4471 |
| H. | Mental Health Insurance | |
| | High Court of Delhi | |
| 1. | <i>Shikha Nischal v. National Insurance Company Limited and Another</i> (¶¶2, 14-23, 25, 29-31) | 2021 SCC OnLine Del 2577 |

VI. SUGGESTED READINGS

| S. No. | Title | Author | Source |
|-------------------------------------|--|---|--|
| Mental Health & COVID-19 | | | |
| 1. | Reintegration of Homeless Patients with Mental Illness (HPMI) in the Community — Challenges Faced During COVID-19 Pandemic | Mysore Narasimha Vranda, James Ranjith, Moorkath Febna and Polakkulath Shaji Sreelakshmi | Indian J Psychol Med. 2021;43(3):257–260. |
| 2. | Rapid Systematic Review: The Impact of Social Isolation and Loneliness on the Mental Health of Children and Adolescents in the Context of COVID-19 | Maria Elizabeth Loades, Eleanor Chatburn, Nina Higson-Sweeney, Shirley Reynolds, Roz Shafran, Amberly Brigden, Catherine Linney, Megan Niamh McManus, Catherine Borwick, Esther Crawley | J Am Acad Child Adolesc Psychiatry 2020;59(11):1218–1239 |
| 3. | Mental Health Implications of COVID-19 on Children with Disabilities | Khushboo Patel | Asian Journal of Psychiatry 54 (2020) 102273 |

For Private and Internal Circulation only

| Human Rights of the Mentally Ill | | | |
|--|--|--|---|
| 4. | For a Rights-Based Approach | Amita Dhanda | https://frontline.thehindu.com/cover-story/for-a-rightsbased-approach/article9050228.ece |
| 5. | 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 |
| 6. | 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 | | | |
| 7. | Understanding Psychiatric Institutionalization: A Conceptual Review | Winnie S Chow and Stefan Priebe | (2013) 13 (169) BMC Psychiatry |
| 8. | Civil Liberties and the Mentally Ill | Thomas S. Szasz | (1960) 9(3) Cleavland Marshal Law Review, 399-416 |
| Mental Health & The Law | | | |
| 9. | Mental Healthcare Law: Drastically changes understanding of illness, but will it be effective? | Kartikeya Bahadur and Sumati Thusoo | https://www.firstpost.com/india/mental-healthcare-bill-drastically-changed-understanding-of-illness-but-will-it-be-effective-3642525.html |
| 10. | 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. |
| 11. | The Criminal Justice System and Mental Health: An Overview | Mahesh R Gowda and Nikitha Harish | (2015) 2(1) IJBritish 49-54) |
| 12. | Towards a No-force Paradigm in Mental Health Law | Malavika Prasad | 5 NUJS L. Rev. (2012) |

For Private and Internal Circulation only

| | | | |
|------------------------------------|--|--|---|
| 13. | Unreasonable Rights: Mental Illness and the Limits of the Law | Nikola Rose | Journal of Law & Society, Vol. 12, Number 2, Summer 1985 |
| 14. | The Sentencing of Mentally Disordered Offenders | Marc E. Schiffer, Osgoode Hall Law Journal (1976) | (1976) 14 (2) Osgoode Hall Law Journal 307-343 |
| 15. | Minimizing Vulnerability of Persons with Disabilities Through Legislative Responses in Criminal Procedure in India | Megha Nagpal | [2017] 6.1 NULJ 51 |
| Mental Healthcare Act, 2017 | | | |
| 16. | Mental Healthcare Act, 2017 – Aspiration to Action | Suresh Bada Math, Vinay Basavaraju, Shashidhara Nagabhushana Harihara, Guru S. Gowda, Narayana Manjunatha, Channaveerachari Naveen Kumar, Mahesh Gowda | Indian J Psychiatry 2019;61, Suppl S4:660-6 |
| 17. | Insurance for Mental Illness: Government Schemes Must Show the Way | Om Prakash Singh | Indian Journal of Psychiatry Volume 61, Issue 2, March-April 2019 |
| 18. | Miles to Go: Why Celebration of the Mental Healthcare Act may be Premature | Pranav J Sharma | https://caravanmagazine.in/perspectives/mental-healthcare-act-premature-celebration |
| 19. | How the Celebrated Mental Healthcare Act Restricts Individual Liberty and Fails to Comply with International Standards | Amba Salelkar | https://caravanmagazine.in/vantage/mental-healthcare-act-restricts-individual-liberty-fails-international-standards |
| 20. | Reviewing the Mental Healthcare Act, 2017 | Amba Salelkar | https://www.whiteswanfoundation.org/article/reviewing-the-the-mental-healthcare-act-2017/ |
| 21. | 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 | (2017) 11:48 International Journal of Mental Health Systems 1-24 |
| 22. | Mental Healthcare Act, 2017: An Evaluation | Gowthaman Ranganathan | 4.2 NLUJ LR (2017) 59 |

For Private and Internal Circulation only

| | | | |
|--|--|---|---|
| 23. | Section 377 and The Mental Healthcare Act, 2017: Breaking Barriers | Arjun Kapoor and Soumitra Pathare | Indian Journal of Medical Ethics Online First Published November 26, 2018 https://ijme.in/wp-content/uploads/2018/11/20181129_section_377.pdf |
| 24. | Mental Healthcare Act 2017, India: Child and Adolescent Perspectives | Eesha Sharma and John Vijay Sagar Kommu | Indian J Psychiatry 2019;61:S756-62 |
| 25. | The Gaps in the Mental Healthcare Act | Rajeev Satav | http://www.livemint.com/Opinion/LADv4BI5kQk12QS5OI2LvN/The-gaps-in-the-Mental-Healthcare-Act.html |
| Determination and Treatment Decisions | | | |
| 26. | 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 |
| 27. | On Advance Directives and Attorney Authorisations – An Analysis of the Judgment of the Supreme Court in Common Cause (a regd. Society) v. Union of India | Vini Singh | CALQ (2018) Vol. 4.2 |
| Learning Skills for Responding to Persons with Mental Illness | | | |
| 28. | People First Language Guide | Texas Council for Developmental Disabilities | http://www.tcdd.texas.gov/resources/people-first-language/ . |
| 29. | Essential Components of Trauma-Informed Judicial Practice | Substance Abuse and Mental Health Services Administration, U.S. Department of Health and Human Services | https://www.nasmhpd.org/sites/default/files/JudgesEssential_5%201%202013finaldraft.pdf |
| Beating Occupational Stress and Avoiding Secondary Trauma | | | |
| 30. | An Examination of Outcomes Predicted by the Model of Judicial Stress | Monica K. Miller, Charles P. Edwards, Jenny Reichert & Brian H. Bornstein | 102 JUDICATURE 51 (2018) |
| 31. | ‘Judges and Compassion Fatigue: What Is It and What to Do About It’ | Anne Chambers | https://www.tmcec.com/files/7715/3927/3435/00_-_Statman_BINDER_Judicial_Distress.pdf |

For Private and Internal Circulation only

| | | | |
|----------------------|---|---|---|
| 32. | An Assessment of Judges' Self-Reported Experiences of Secondary Traumatic Stress | Charles P. Edwards and Monica K. Miller | Juvenile and Family Court Journal 70, No. 2 |
| 33. | Addressing the Problem of Courtroom Stress | Monica K. Miller, David M. Flores and Ashely N. Dolezilek | 91 Judicature 60, 69 2007 |
| 34. | The Conceptual Model of Role Stress and Job Burnout in Judges: The Moderating Role of Career Calling | Pereira, Sandra Patrícia Marques, Pedro Miguel Alves Ribeiro Correia, Patrícia Jardim da Palma, Liliana Pitacho & Fabrício Castagna Lunardi | Laws, MDPI, vol. 11(3), pages 1-18, May 2022 https://doi.org/10.3390/laws11030042 |
| 35. | Cumulative Trauma and Stress as a Judicial Officer | Justice Helen Bowskill | https://archive.sclqld.org.au/judgepub/2021/bowskill20210325.pdf |
| 36. | An Assessment of Judges' Self-Reported Experiences of Secondary Traumatic Stress | Charles P. Edwards & Monica K. Miller | Juvenile and Family Court Journal, Vol. 70, Issue 2 (2019), pp. 7-30 |
| 37. | Helping Judges in Distress | Isaiah M. Zimmerman | 90(1) Judicature 10 (2006) |
| 38. | Judicial Stress: An Unmentionable Topic | Michael D. Kirby | 13 Australian Bar Review 101 (1995) |
| 39. | Evidence of Secondary Traumatic Stress, Safety Concerns, and Burnout Among a Homogeneous Group of Judges in a Single Jurisdiction | Jared Chamberlain & Monica K. Miller | 37 J Am Acad Psychiatry Law 214 (2009) |
| 40. | Stress: What It Does to Judges and How It Can Be Lessened | Isaiah M. Zimmerman | 20 Judges J. 5 (1981) |
| Miscellaneous | | | |
| 41. | Protecting Mental Health Data Privacy in India: The Case of Data Linkage with Aadhaar | Ameya Bondre, Soumitra Pathare, & John A. Naslundc | Global Health, Science and Practice Vol. 9,3 467-480. 30 Sep. 2021, doi:10.9745/GHSP-D-20-00346 |
| 42. | Participative Evaluation of the Rights of Persons with Psychosocial Disability | Amita Dhanda | https://unipd-centrodirittiumani.it/public/docs/34078_mental_health.pdf |

For Private and Internal Circulation only

| | | | |
|-----|--|--|---|
| 43. | 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 |
| 44. | UNODC Handbook on Prisoners with Special Needs, 2009 | UN Office on Drugs & Crime | https://www.unodc.org/pdf/criminal_justice/Handbook_on_Prisoners_with_Spec |
| 45. | Poverty and Common Mental Disorders in Developing Countries | Vikram Patel and Arthur Kleinman | (2003) 81 (8) Bulletin of the World Health Organization 609-615 |
| 46. | Impact of Pandemic on Mental Health in Lower and Middle-income | Manasi Kumar and Pushpam Kumar | Kumar M, Kumar P (2020). Global Mental Health 7, e35, 1–4. |
| 47. | Plea of Insanity in India as a Defence in Criminal Trial – A Critical Overview | Caesar Roy | Roy, Caesar & Yadav, Dr Raj. (2015). Plebs Journal Of Law. 1. 190-222. |
| 48. | Mental Health, Poverty and Development | Michelle Funk, Natalie Drew and Martin Knapp | https://core.ac.uk/download/pdf/9694016.pdf |

DISCLAIMER: All Articles suggested hereinabove contain/reflect the views of the concerned author(s) only.

For Private and Internal Circulation only