

GOVERNMENT OF TELANGANA
ABSTRACT

Department for Women, Children, Disabled & Senior Citizens - Committees at Gram Panchayat, Mandal Parishad and District Level constitute for identification of the mentally challenged persons who are not involved in any criminal case and suffer harassment, neglect or deprivation at the hands of their family, for their care, protection or maintenance – Recommendations of Telangana State Legal Service Authority Accepted–Orders–Issued.

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G.O.Ms.No.21

Dated:19-09-2017.

Read the following:

1. Orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana & AP Dated:22-12-2016 in PIL No.238 of 2016.
2. Orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana & AP dated:20-07-2017 in PIL No.238/2015.
3. From the Special Government Pleader O/o Additional Advocate General for the State of Telangana, Hyderabad Letter No.412/2017, Dated:08-09-2017.
4. G.o.Ms.No.20, Deptt., for WCD&SC, Dated:19-09-2017.

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ORDER:

The Hon'ble Supreme Court of India in WP (Civil) No.559 of 1994, while examining the rights of under-trial prisoners especially females and children with them, directed the High Courts to examine the question relating to the rights of mentally challenged under trials and convicts and the rights of such unfortunate members of the society suffering from any mental disability and whether any directions are required to be issued in relation to people who suffer from such illness but are not involved in any crime and yet suffer harassment, neglect or deprivation at the hands of their family or are seen roaming about in public places without any one taking responsibility for their protection or maintenance.

2. The Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh treated the circumstances stated in the report of the District Legal Services Authorities in the State of Telangana and Andhra Pradesh, submitted by the Member Secretary, Andhra Pradesh Legal Services Authority in pursuant to the direction of the Hon'ble Supreme Court of India in W.P. (Civil) No. 559/1994 as PIL No.238/2015 that came up for hearing on 22.12.2016, and also observing that the reports submitted by the respective Principal Secretaries and Telangana State legal Services Authorities giving details of pregnant woman, children and mentally challenged under trial and convicted prisoners found certain deficiencies and pointed out with regard to the facilities being provided in Sub-Jails /District Jails to these prisoners and directed the respective Principal Secretaries of Women and Child and Social Welfare of both the States to examine the reports filed by the Secretaries of the Legal Services Authorities and file their own reports identifying the areas of

deficiencies and suggesting remedial measures. As regard the mentally challenged persons, who are not involved in any criminal case and are subjected to hardship/ harassment by their family members, the Principal Secretaries of Social Welfare Department of both the States were directed to submit their reports as to the modalities by which they need to be identified by the next date of hearing. Accordingly, State of Telangana has submitted the report before Hon'ble High Court.

3. In compliance to the direction of the Hon'ble High Court dated 10.04.2017 in the said PIL NO. 238/2015, the Member Secretary, Telangana State Legal Services Authority has submitted the suggestions on the points in the Report of the Government of Telangana. The Hon'ble High Court observing that both the State Governments have agreed to implement the suggestion made by the Legal Services Authorities of the two States and directed to examine each of the suggestions and issue appropriate Government orders for implementation of the suggestions.

4. In the reference 2nd read above, The Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and Andhra Pradesh has observed that there is no specific mechanism for identification of mentally ill persons staying outside the jails/Homes/Rehabilitation centres and unless this threshold challenge is properly met, all the proposed measures that may be taken by both Governments may not yield desired results and therefore suggested to plan constitution of Survey Teams at all three levels, namely, Panchayats, Mandal and District, in order to identify the mentally ill persons, whose existence may not be otherwise known and both the Governments to come out with the draft Government Orders, by incorporating the suggestions made by both the State Legal Services Authorities, in addition to the measures to be taken for identifying the mentally ill persons.

5. In order to comply with the directions of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana & Andhra Pradesh in reference 1st & 2nd read above, Government constituted Committees at Gram Panchayat Level, Mandal Level and District Level in the reference 4th read above in order to identification of the mentally challenged persons who are not involved in any criminal case and suffer harassment, neglect or deprivation at the hands of their family or are seen roaming about in public places without any one taking responsibility for their care, protection or maintenance.

6. In compliance to the directions of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and Andhra Pradesh in the 1st and 2nd read above, Government have examined and accepted the suggestions made by Telangana State Legal Services Authorities, and hereby issue orders as follows:

- (a) The Director, Welfare of Disabled and Senior Citizens, Hyderabad shall ensure prompt action by
 - (i) Imparting training to Panel Lawyer and Para Legal Volunteers (PLVS) who shall be identified by each District Legal Services Authority (DLSA) and Mandal Legal Services Committee (MLSC) with the assistance of retired Judicial Officers, Psychiatrists, NGOs on the subject of Chapter XXV Cr.P.C, National Trust for the welfare of the persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999,

Mental health Act, 1987 and other allied legislations and also on the Welfare Schemes of both Central and State Governments brought for the benefit of mentally disabled persons for providing necessary assistance to the Mentally Ill and Mentally Disabled persons and their family members with regard to the treatment, rehabilitation and protection of rights and for providing benefits under relevant Government Schemes and also for obtaining Disability Certificate.

- (ii) Shall submit monthly reports submitted by the Non-Government Organization working for the cause of mentally disabled persons with financial assistance by Government to the District Legal Services Authority (DLSA) on certain points i.e. Name & Addresses disable persons, date of admission, whether orphan are neglected by parents, nature of disability, nature of treatment provided, date of discharge etc.
 - (iii) To involve the members of Gram Panchayat Level Committee (or) Mandal Level Committee (or) District Level Committee while conducting awareness campaign for the benefit of mentally ill persons organized by the District Legal Services Authority (DLSA) (or) Mandal Legal Services Committee; and
 - (iv) Involve the three (3) Members of Committee under National Trust for Welfare of Persons with AUTISM (Act, 1999) (1) GARUNDA SCHEME (2) SAMARTH SCHEME AND (3) VIKASH SCHEME to coordinate with District Legal Service Authority or Mandal Legal Services Committee and make themselves involve in the awareness campaign;
 - (v) To review the reports submitted by the Secretary, District Legal Service Authority while visiting home shall verify the details with reference to monthly reports and living conditions in the home and if any deficiency found, shall instruct the in charge of the home for rectification, failing which it shall be brought to the notice of the District Collector for rectification periodically.
- (b) The Law, Home(Courts) and Health Medical and Family Welfare shall ensure prompt action on the following:
- (i) The Secretary, District Legal Service Authority have to regularly inspect the Homes/Rehabilitation Centres being run and maintained by NGOs to verify the quality of services and living conditions of the mentally challenged persons and if any deficiencies found, shall instruct the incharge of the Home for rectification failing which, shall bring to the notice of District Level Committee headed by District Collector to take necessary steps for rectification.
 - (ii) The Secretary, District Legal Services Authority should regularly inspect the psychiatric hospitals/homes within its jurisdiction whether run by private or

government to assess the conditions of the inmates in said homes/hospitals and the treatment given to them and further to ascertain whether any of the persons admitted are victims of forced admissions and if any such cases are noticed, shall take steps for their release from the psychiatric hospital.

- (iii) Whenever any mentally ill person is referred to Hospital, for treatment by acting provisions under Chapter XXV of Cr.P.C a copy of the said order shall be communicated to the Secretary, District Legal Services Authority so as to enable Secretary, District Legal Services Authority to monitor about the progress of the treatment of mentally ill person during the course of his visit to the psychiatric hospitals and to assess the living conditions of the inmates in the said hospitals and to assess the living conditions of the inmates in the said hospital and to ensure that no cured patient is allowed to remain in the psychiatric hospitals and to assess the living conditions of the inmates in the said hospitals and to ensure that no cured patient is allowed to remain in the psychiatric hospital by default and to see that application for discharge is moved through the Legal Advocate of the legal Service Institutions in case of cured patients after requisition from the concerned Hospital. In this regard, the concerned District Legal Services Authority, and the Hospital Authority shall coordinate one and another.
- (iv) The District Legal Services Authority shall also monitor through the PLVs whether cured persons are reunited with their family or facing any harassment or discrimination or neglect. If any such cases are noticed, shall take immediate steps living counselling to family members to protect the rights of such persons.
- (v) The District Legal Services Authority or the Mandal Legal Services Committee as the case may be, having local jurisdiction, shall maintain a list of mentally ill persons against whom reception orders have been passed by the Courts and shall keep the track of such cases/record and shall monitor the progress of the treatment of mentally ill persons and to have a check as and when the patient is cured to see that no cured patients is detained any more in the said psychiatric hospital.
- (vi) The Legal Services Institutions at the District Level or Mandal level as the case may be must assist the Police through its PLVs assigned to the Police station to refer the neglected, homeless or destitute Mentally Disabled persons to the local level committee set up under Section 13 of the National Trust for the Welfare of the persons with Autisms, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 so that orders such as appointment of guardian whether

Individual or institutional, for the care and rehabilitation of mentally disabled persons is ensured.

- (vii) Sufficient number of panel Lawyers and PLVS shall be identified for the best interest of mentally ill and mentally disabled person by the District Legal Service Authority.
 - (viii) The District Legal Services Authority shall organize one Workshop/Sensitization Programme about the rights of the mentally ill and mentally disabled persons atleast once in three months with the cooperation and coordination of the Government Departments by involving the stake holders including the members of the Grampanchayat Level Committee, Mandal Level Committee, District Level Committee to sanitize them about the latest amendments in the relevant provisions of law the latest welfare schemes meant for the benefit of mentally ill persons.
 - (ix) The District Legal Services Authority or Mandal legal Services Committees while conducting awareness campaign for the benefit of the mentally ill persons shall also involve the members of the Grampanchayat Level Committee, Mandal Level Committee, District Level Committee as the case may be.
- (c) The Law / Home (Courts) Department may request the Registrar of Hon'ble High Court to issue necessary instructions to the all the Courts in the State of Telangana to submit their monthly report with the details of (i) how many persons either offenders or non-offenders were brought before each court in the month (ii) how many persons were referred to medical treatment (iii) if a person report to the Hospital by invoking the provisions of chapter XXV of CrPC the details of requisition order. (iv) the details of discharge order after receipt of requisition from the concerned hospital (v) reasons for discharge and (vi) to whom such persons has been handed over.
- (d) Whenever any mentally ill person is referred to Hospital, for treatment by acting provisions under Chapter XXV of Cr.P.C a copy of the said order shall be communicated to the Secretary, District Legal Services Authority so as to enable Secretary, District Legal Services Authority to monitor about the progress of the treatment of mentally ill person during the course of his visit to the psychiatric hospitals and to assess the living conditions of the inmates in the said hospitals and to assess the living conditions of the inmates in the said hospital and to ensure that no cured patient is allowed to remain in the psychiatric hospitals and to assess the living conditions of the inmates in the said hospitals and to ensure that no cured patient is allowed to remain in the psychiatric hospital by default and to see that application for discharge is moved through the Legal Advocate of the legal Service Institutions in case of cured patients after requisition from the concerned Hospital. In this regard, the concerned

District Legal Services Authority, and the Hospital Authority shall coordinate one and another.

- (e) The Director, Welfare of Disabled and Senior Citizens, Hyderabad and the Director, Health, Medical and Family Welfare Department, Hyderabad shall take necessary steps for early issue of discharge order by the concerned Court, whenever a person has been admitted in the hospital for treatment under receipt of orders of Court, if such person is cured from the mental illness then the hospital authorities shall send requisition to the Court for discharge order and a copy of such letter shall also be marked to the District Legal Service Authority. Further he shall also furnish the list of licensed and un-licensed psychiatric/Hospitals and Nursing Homes in the State to the State Legal Service Authority every year.
- (f) The Director, Welfare of Disabled and Senior Citizens, Hyderabad and the Commissioner, Information and Public Relations Department shall take necessary steps to give wide publicity by way of posters, slides in Cinema Theatres, pamphlets etc. about the rights of mentally disabled persons and methods of treatment to the said persons and about the Welfare Schemes of State for the benefit of said persons to reach every nook and corner of the State covering rural villages, mandals and districts as being done in respect of Pulse Polio.
- (g) The Director, Welfare of Disabled and Senior Citizens, Hyderabad and the Director General of Police, Telangana, Hyderabad shall ensure that the Chairpersons of the Gram Panchayat Level Committee or Mandal Level Committee or District Level Committee shall immediately report and bring to the notice of Station House Officer of concerned Police Station, whenever a person with mental disability/mental illness who is found wandering on the streets is identified by them or brought to their notice by any persons; to protect the right of said mentally disabled person and to avoid them wandering on the street and protect them from physical harassment. The Director General of Police shall ensure that the quaterly reports are furnished to the Director, Welfare of Disabled and Senior Citizens, Hyderabad regularly.
- (h) The Director General of Police, Telangana State, Hyderabad shall issue necessary directions to every Police Stations in the State to maintain the records of (i) Details of persons suffering with mentally illness, including homeless and those wandering on streets reported to police (ii) Details of family of such persons with address for communication; (iii) Steps taken by police in this regard including production before concerned court; (iv) Date of receipt of order of court, name of the hospital in which the patient is admitted and date of admission; (v) Date of discharge. The Director General of Police shall ensure that the monthly reports are furnished to the Director, Welfare of Disabled and Senior Citizens, Hyderabad regularly.

- (i) The Collector and District Magistrate in the State shall take necessary steps to hand over the mentally ill persons belonging to other states if identified in the District/ State to the State concerned either by re-uniting them with their family or to provide necessary treatment as the case may be. The assistance of State Legal Services Authority can be availed in case of necessity, to hand over the persons to the State concerned. He/she shall hold the meetings of District Level Committees constituted in the G.O. 4th read above.
- (j) The Director, Welfare of Disabled and Senior Citizens, Hyderabad / the Director, Health, Medical and Family Welfare Department, Hyderabad/ the Commissioner, Information and Public Relations Department, Hyderabad/ the Director General of Police, Telangana State, Hyderabad/ the District Magistrate and Collectors in the State are requested to take immediate necessary action accordingly in the matter.
- (k) The Law/ Home (Courts) and Health Medical and Family Welfare Department are also requested to take immediate necessary action accordingly in the matter.

8. The Director, Welfare of Disabled and Senior Citizens, Telangana, shall take necessary action in the matter. She is also directed to review the matter periodically in coordination with the District Collectors and the Director/Commissioner, Medical & Health and take appropriate action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

G. ASOK KUMAR,
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To
The Director,
Welfare of Disabled & Senior Citizens,
Hyderabad.
The Director,
Women Development and Child Welfare,
Hyderabad (with a request to take necessary action)
The Director, Medical & Health Department.
All the District Collectors. (through the Director, WD&SC)
All the Superintendent of Police (through the Director, WD&SC)
All the District Welfare Officers, WCD&SC (through Director, WD&SC)
Copy to:
The Panchayat Raj & Rural Development Department.
The Health, Medical and Family Welfare Department.
The School Education Department.
The Revenue Department.
The Home Department
The Law Department.
The P.S. to Prl. Secy. (FAC), Deptt., for WCD&SC.
SC/SF

//FORWARDED :: BY ORDER//

SECTION OFFICER