

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 2805 of 2026

Court on its own motion Regarding matter relates to the Inspection Report

... .. Petitioner

Versus

The State of Bihar & Ors.

... .. Respondents

with

Civil Writ Jurisdiction Case No. 19702 of 2021

Akanksha Malviya

... .. Petitioner

Versus

The Union of India & Ors.

... .. Respondents

Appearance :

(In Civil Writ Jurisdiction Case No. 2805 of 2026)

- For the Petitioner/s : Ms. Anukriti Jaipuriyar, Advocate
Mr. Raju Patel, Advocate
- For the State : Mr. P.K. Shahi, Advocate General
Mr. Vikash Kumar, Advocate
Mr. Amish Kumar, Advocate
- For U.O.I. : Mr. Kumar Priya Ranjan, Sr. Advocate
Mr. Shivaditya Dhari Sinha, Advocate
Mr. Abhinav, Advocate
Mr. Sudharshan Bhardwaj, Advocate
Mr. Sandeep Kumar, Advocate

(In Civil Writ Jurisdiction Case No. 19702 of 2021)

- For the Petitioner/s : Mr. Vishal Kumar Singh, Advocate
- For the Respondent/s : Mr. Dr. K. N. Singh, Sr. Advocate



**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

(Per: HONOURABLE THE CHIEF JUSTICE)

06 12-05-2026 In compliance with the order dated 20.04.2026 of this Court, the Principal Secretary, Health Department, Director, BIMHAS, Director General of Police, Bihar, Inspector General of Prisons and the Additional Director General (A.D.G.) Weaker Sections, C.I.D., Bihar, Patna are present through virtual mode.

2. When the matter was taken up on 20.04.2026, one affidavit dated 18.04.2026 was filed by Dr. Prashant Sinha, Deputy Director (Health), Home Prison Department, Bihar on behalf of Prison and Correctional Services, Home Department (Prisons), wherein it is mentioned that Mental Healthcare Units have been established in four jails of the State, namely, Adarsh Central Jail, Beur, Patna; Shahid Khudi Ram Bose Central Jail, Muzaffarpur; Shahid Jubba Sahani Central Jail, Bhagalpur and Central Jail, Gaya Jee, and that in addition to those four jails, five more dedicated wards were going to be established in Special Central Prison, Bhagalpur; Central Prison, Motihari; Central Prison, Purnea; District Prison, Bettiah and District Prison, Darbhanga and that indoor/outdoor game facility as well as library facility were also to be made available to the mentally



ill prisoners in order to develop positive attitude among them.

Accordingly, we asked the I.G. of Prisons to apprise this Court about the developments made, if any, regarding the establishment of five more dedicated wards in the aforesaid five prisons by way of an affidavit.

3. In pursuance of such order, the Deputy Director (Health) Home (Prison) Department on behalf of the I.G. of Prisons, has filed the supplementary counter affidavit dated 08.05.2026, wherein, it is stated as follows:-

“5. That it is humbly submitted that in order to comply of the Hon'ble Court vide letter No. 3986 dated 28-04-2026 was written to Superintendent, Model Central Jail, Beur, Patna, Shahid Khudiram Bose Central Jail, Muzaffarpur, Shahid Jubba Sahani Central Jail, Bhagalpur, Special Central Jail, Bhagalpur, Central Jail, Gaya Jee, Central Jail, Motihari, Central Jail, Purnea, Central Jail, Buxar, District Jail, Bettiah and Darbhanga to ensure compliance report on the following points:-

i. Establishment of a mental health unit by earmarking a separate ward for mentally ill prisoners.

ii. To create a positive environment, a library (Stocked with magazines and newspapers) and indoor games (ludo, carrom board and chess) and outdoor games (cricket, football etc.) are provided. In addition, painting and drawing materials are provided, along with television and music system.

iii. Display of notice boards in front of the main gate/wards of the Mental Health Unit and



in front of the OPD.

iv. Facilitate Tele-Manas (Mental Health Support and Networking) program for proper treatment of confined prisoners suffering from mental illness.

6. That pursuant to aforesaid letter all the Superintendents of above stated Prisons forwarded compliance reports which are being enclosed herewith for the perusal of this Hon'ble Court.

7. That in order to ensure the regular treatment of mental patients, the department has taken decision to avail services of private practitioners in addition to services already made available by Department of Health, Bihar.”

4. We acknowledge the positive steps taken by the I.G. of Prisons to comply with the court's order and express deep satisfaction.

5. On 20.04.2026, after going through the affidavit dated 18.04.2026, filed by Dr. Jayesh Ranjan, Director, BIMHAS, Koilwar, Bhojpur, we made a query to the Director as to whether any intimation had been given to the police authorities regarding those patients, who are cured after treatment, and are supposed to be taken either to their respective houses or to the half-way homes, where skill-based training are to be provided to them and the Director stated that a letter had been issued to the Superintendent of Police, Ara, on 11.04.2026 intimating therein that 67 patients had already been cured and



were required to be transferred either to their respective houses, or to the half-way homes, however, no action had been taken thereon. The Additional Director General (A.D.G.), Weaker Sections, C.I.D., Bihar, Patna stated on that day that the letter had been received from Director, BIMHAS and immediate steps were to be taken in that regard and accordingly, we asked the Additional Director General (A.D.G.) to file an affidavit regarding the steps taken in that respect.

6. In pursuance of such order dated 20.04.2026, supplementary counter affidavit dated 08.05.2026 has been filed by the Dy.S.P. (S.J.P.U.) C.I.D. (W.S.), Bihar, Patna on behalf of the Director General of Police, Bihar, wherein it is stated as follows:-

“5. That, it is humbly stated that a letter was written to the Director, BIMHAS, Koilwar vide this office Letter No. 16/Sr. Citizen Cell dated 19.03.2026 asking him to provide the list of persons with mental illness who got cured after treatment, but still residing in BIMHAS, Koilwar, so that they can be shifted to their respective homes or Halfway homes in case of homeless. In response to the said letter the Director, BIMHAS, Koilwar provided a list of 67 such persons (27 Male & 40 Female) vide his office Letter No. 189 dated 11.04.2026.

6. That it is further stated that having received the said list, it was forwarded to the State Commissioner for Disability with request to either reunite them with their families or to send



them in Halfway/Shelter Home in case of homeless persons vide this office Letter No. 28/Sr. Citizen Cell dated 21.04.2026.

7. That in response to the above letter, the State Commissioner for Disabilities wrote a letter to the Chief Executive Officer, State Society for Ultra Poor & Welfare (Saksham), Apna Ghar, 2nd Floor, Behind Lalit Bhawan, Bailey Road, Bihar, Patna vide his office Letter No. 249/Aa.Ni.Ko. dated 22.04.2026 to make arrangements to send the persons with mental illness who got cured after treatment to their homes or in case of vagabond to Halfway/Shelter Homes.

8. That thereafter, in light of the above letter of the State Commissioner for Disabilities a letter was written to the Chief Executive Officer, State Society for Ultra Poor & Welfare (Saksham), Apna Ghar, 2nd Floor, Behind Lalit Bhawan, Bailey Road, Bihar, Patna asking him to make arrangements for sending such persons who got cured after treatment in BIMHAS, Koilwar to their respective homes or in case of homeless to Shelter/Halfway homes with copy to the Secretary, Social Welfare Department, Bihar/District Magistrate/Superintendent of Police/Assistant Director, Social Security, Bhojpur and Director, BIMHAS, Koilwar vide this office Letter No. 32/ SJPU dated 27.04.2026. The Superintendent of Police, Bhojpur was also directed to extend necessary co-operation and to ensure compliance by co-ordinating with other stakeholders and also asked to submit an action taken report. An officer of the rank of Dy. SP, Mr. Sanjay Kumar Pandey was also nominated as Nodal officer at PHQ level.

9. That it is stated here that the State



Commissioner for Disabilities, Bihar has forwarded letters issued by the CEO, SSUPSW, Saksham, Bihar, Patna vide his office Letter in No. 276/Aa.Ni.Ko. dated 30.04.2026. One bearing Memo No. SSUPSW/Gen. Admin/MI Cured/947/part-11/2022-23/715 dated 28.04.2026 of the office of the CEO, SSUPSW, Saksham, Bihar, Patna in which it is mentioned that only 02 Halfway homes having capacity of 50 beds each are there in Patna district. There are 51 persons already admitted in one home as against its strength of 50 and 65 persons admitted in the other home as against the strength of 50. Hence, no bed is available in any of these two Halfway homes. It is further mentioned in this letter that the homeless persons can only be shifted to Halfway homes after completion of 02 additional Halfway homes which are likely to be completed in June, 2026 in Koilwar, Bhojpur. The other bearing Memo No. SSUPSW/Gen. Admin/MI Cured/947/part-11/2022-23/716 dated 28.04.2026 of the office of the CEO, SSUPSW, Saksham, Bihar, Patna by which the CEO, SSUPSW, Saksham, Bihar, Patna has nominated ADSS, Bhojpur as nodal officer and ADD, Bhojpur as deputy nodal officer for sending the persons who got cured after treatment in BIMHAS, Koilwar to their respective homes and in case of homeless to Halfway homes.

10. That it is further stated here that in compliance report has been submitted by the Superintendent of Police, Bhojpur vide his office Letter No. 60/AHTU dated 06.05.2026. As per report submitted by the Superintendent of Police, Bhojpur, the number of persons which was mentioned in the list submitted by the Director, BIMHAS, Koilwar was 67, but actually it was 63



as there was repetition of names in the list. 21 (13 Male & 08 Female) such persons with mental illness who got cured after treatment have been sent back to their respective homes and 10 women who are either homeless or whose families denied to accept them were shifted to a Halfway home at Aadarsh Vihar Colony, Road No. 24, Rajiv Nagar, Patna-200024 operated by an NGO namely Karpuri Thakur Gramin Vikash Sansthan. Thus, 31 persons have already been shifted from BIMHAS, Koilwar, Bhojpur and shifting of 06 such persons is under process. 22 such persons are still unverified and homeless while families of 04 persons have denied to accept them. Now, there is no other alternative but to shift these 26 persons in a Halfway home. But, as per report of the CEO, SSUPSW, Saksham, Bihar, Patna mentioned above, there is no vacant place for shifting of such persons in Halfway home. Hence, the Superintendent of Police, Bhojpur has requested to the DM, Bhojpur for making arrangements for shifting of the rest 26 persons to Halfway homes vide his office Letter No. 59/AHTU dated 06.05.2026. It is also pertinent to mention here that 05 such persons in addition to the above 31 have also been sent back to their respective homes whose names are not included in the list of 63 which was submitted by the Director, BIMHAS, Koilwar.”

7. After going through the affidavit filed by Dy.S.P. (S.J.P.U.) C.I.D. (W.S.), Bihar, Patna, we found that even though 26 persons have been cured of their mental ailments, they are still required to be shifted to the half-way homes. However, there is no vacant space in any of the half-way homes to



accommodate them. From the said affidavit, it also appears that these persons could only be shifted to the half-way homes after completion of two additional half-way homes, which are likely to be completed in June 2026 in Koilwar, Bhojpur. Thus, it presents a very sorry state of affairs that, despite recovery from the mental ailment, 26 persons are compelled to stay in the mental hospital occupying different beds because of lack of space in the half-way homes. In fact, it seems that the Superintendent of Police, Bhojpur has also requested District Magistrate, Bhojpur to make arrangements for shifting the remaining 26 persons to half-way homes. This is a lamentable situation since the cured patients might be feeling that they are still not recovered. Forcing or compelling a cured or recovered patient to stay in the mental hospital, even for a single day, is a recognised violation of human rights. Under section 19 of the Mental Healthcare Act, 2017, individuals cured of mental ailments have the right to community living and cannot be segregated merely because they are homeless, lack a family, or lack community facilities.

8. The learned Advocate General has assured this Court that an interim arrangement will be made for those 26 persons so that, prior to the completion of those two additional



half-way homes by June 2026, they can be shifted to a suitable place, inasmuch as the current situation is also creating hindrances to the new patients who are likely to be treated for their mental ailments in the said hospital.

9. Since the situation is a recurring one, we expect the concerned authorities to make advance arrangements in creation of the half-way homes at different places in the State so that the persons cured of the mental ailments as per the report of the Director, BIMHAS, should not have to spend even a single day in the mental hospital. They are either to go back to their respective homes or come to stay in the half-way home after being cured.

10. In the order dated 20.04.2026, we observed that even though, in the affidavit filed by the Director, BIMHAS, Koilwar, Bhojpur, it was mentioned that the persons after being cured from mental ailment are sent to half-way home whose families do not come forward to receive them and they are provided with vocational training as per aptitude of the patient in the half-way homes, but it remained unclear as to what sort of vocational trainings were being imparted to them and what were the outcome of such training. We further observed that, if such persons are being trained in a particular skill, then the



government should make necessary arrangements to provide them with both work and finance, so that they can make themselves self-sufficient, thereby reducing their dependency on others and allowing them to return to the mainstream of the society. If infrastructure provides the space to heal, vocational training provides the 'reason to recover'.

Accordingly, we asked the learned State counsel to submit a report disclosing the details of the vocational trainings imparted to the persons cured of mental ailments and lodged in the half-way homes along with the finance and the work proposed to be provided to them to ensure self-sufficiency and also instructed the State counsel to facilitate opening of such half-way homes in other parts of the State.

An affidavit was also filed by Dr. Neeta Aggarwal, Additional Director on behalf of the Health Department, Govt. of Bihar.

On that day, when we made a query to the Health Secretary on the issue of providing finance to the persons cured of mental ailment for making them self-sufficient, he stated before us that once the letter no. 1477 dated 11.04.2026, annexed to the affidavit of Addl. Director, Health Department, Govt. of Bihar is acted upon, the programme is implemented,



and the financial sanction is processed by the Health Department, the trainings can then be imparted and thereafter, necessary arrangements can be made to provide all the necessities including finance to such persons who have been skilled in a particular training programme.

We observed in the order dated 20.04.2026, that a structured process is required to be designed for rehabilitation of cured mental health patients to regain independence, rebuilt their lives and achieve self-sufficiency.

11. An affidavit dated 08.05.2026 has been filed on behalf of the Health Department, Government of Bihar, by Satya Narayan Gupta, Deputy Secretary, Health Department, wherein it is stated as follows:-

“4. That it is stated that the Youth Employment and Skill Development Department had submitted a fund requirement of 18.63 lakh, based on the report of a three-member committee for implementation of a skill training programme for patients who have recovered from mental illness. Pursuant thereto, the Health Department after clearance through the Screening Committee has sanctioned the said fund in favour of the Youth Employment and Skill Development Department. Furthermore, the Youth Employment and Skill Development Department has also floated a tender for selection of an agency to impart the skill training programme, and the last date for receipt of applications under the said tender is



13.05.2026.

5. That it is further stated here that the Health Department has formulated the SOP (Standard Operating Procedure) in order to fulfill the mandate under Section 115 of the Mental Healthcare Act, 2017. The SOP has been circulated amongst all Principals of Medical Colleges and Civil Surgeons of all districts for necessary implementation. Furthermore, the same will also be disseminated for public awareness through social media platforms as well as through information published in the print media.

6. That an extensive meeting of the Committee constituted under the chairpersonship of the Special Secretary, Health Department, to suggest and formulate a detailed administrative blueprint for, the establishment of a second Institute of Eminence on the lines of BIMHAS, was conducted. The Committee has outlined that at present it is essential to focus on the expansion and upgradation of BIMHAS, Koilwar, as well as to strengthen the mental health programmes being implemented across all districts. Further, the Committee has submitted that upon completion of the ongoing development of BIMHAS, the State may deliberate and consider the establishment of a second Institute of Eminence in another part of Bihar.

7. That in order to fulfill the mandate under Section 21 of the Mental Healthcare Act, 2017 and in compliance with the directions of the Hon'ble High Court a 10-bedded Mother and Child Ward has been established at BIMHAS, Koilwar.



8. That it is further stated here that in CWJC No. 19702 of 2021 it is stated and submitted that the Additional Secretary-Cum-Director, Home Department (Prison), Bihar, Patna vide his letter No. 229 dated 08/01/2026 has informed to the Health Department, Bihar, Patna that the proper treatment of mentally ill prisoners a mental health unit has been established in a separate ward of the prison hospital in accordance with the Mental Health Care Act, 2017, at Adarsh Central Jail, Beur, Patna, Shaheed Khudiram Bose Central Jail, Muzaffarpur, Shaheed Jubba Sahni Central Jail, Bhagalpur and Central Jail, Gaya.

Moreover, as a pilot project, Central Jail, Buxar has been selected for establishing a Mental Health Unit in accordance with Schedule (Rule 11) of the Minimum Standards and Procedures for Mental Healthcare Services in Prisons.”

After going through the said affidavit, which has been filed on behalf of the Health Department, since we found that tender has already been floated for selection of an agency to impart the skill training programme and the last date is 13.05.2026, it is expected that once the tender is finalized, necessary expeditious steps shall be taken in that regard so that the cured mental patients, who are staying in the half-way homes can get the advantage of being trained in different skills which can be utilized in future to make them self-sufficient by providing necessary finance by the government. Since it is a continuous process, it is expected that the State shall take



similar steps in future in the selection of the agency to impart skill training in all the half-way homes which are already there or are likely to come up in future in the State.

12. In the order dated 20.04.2026, we mentioned about the affidavit dated 18.04.2026 filed by Additional Director, Health Department, Government of Bihar, wherein it is mentioned that for the four schemes i.e. (i) construction of a rest house for attendants; (ii) repair and new construction of the boundary wall around the BIMHAS campus; (iii) development of a play ground for patients and attendants, and; (iv) park development at BIMHAS totaling Rs. 5.33 crores, is under process for necessary sanction and in that regard, a letter dated 10.04.2026, was annexed to the affidavit.

The Health Secretary, Govt. of Bihar, Kumar Ravi appearing through virtual mode, has stated that this sanction is likely to be made by the concerned department within a week for the materialization of these four schemes as stated above and the sanction will further be followed by the tendering process etc. to attain the directions of this Court.

13. In the affidavit dated 18.04.2026 of the Additional Director, Health Department, Government of Bihar, it was also mentioned that the Health Department approved an amount of



Rs. 47,12,732/- (Rupees Forty Seven Lakh Twelve Thousand Seven Hundred Thirty Two Only) for the purchase of necessary medical equipments/accessories for the operationalization of the ICU at BIMHAS.

The Health Secretary has stated that the fund has already been disbursed to the account of the BIMHAS.

The Director, BIMHAS, who is present through virtual mode, has stated that after receiving the amount, steps have been taken for purchase of the necessary equipments and accessories for the operationalization of the ICU, and in pursuance of this, some medical equipments have already been received and the process would be completed at the earliest.

14. In compliance of the order dated 16.03.2026 as well as the order dated 20.04.2026, an affidavit has been filed on behalf of the BSLSA by the Assistant Registrar, wherein it is stated as follows:-

“6. That further directions were issued vide orders dated 16.03.2026 and 20.04.2026, whereby the Hon'ble Court required detailed compliance and response from various authorities including BSLSA, particularly with respect to:-

- i. Legal aid services extended to mentally ill persons;*
- ii. Establishment of specialized legal services units;*
- iii. Response to the observations of learned*



Amicus Curiae, especially concerning absence of "Mano Nyay Legal Services Clinic";

iv. Submission of updated and compiled reports of legal aid rendered.

7. That in compliance with the directions of this Hon'ble Court, BSLSA has taken immediate and effective steps to ensure implementation of the statutory mandate under the Legal Services Authorities Act, 1987, the Mental Healthcare Act, 2017, and the NALSA (Legal Services to Persons with Mental Illness and Persons with Intellectual Disabilities) Scheme.

STEPS TAKEN BY BSLSA IN COMPLIANCE OF COURT DIRECTIONS

In compliance of Para 9(V) of order dated 18.02.2026 passed by Hon'ble Patna High Court, steps taken as mentioned in Point No. 1

1. Submission of Compiled Legal Aid Report (14.02.2026 to 30.04.2026)

That in further compliance of the orders dated 16.03.2026 and 20.04.2026, BSLSA has prepared and submitted a comprehensive compiled report of legal aid services rendered at BIMHAS for the period 14.02.2026 to 30.04.2026, containing:

- Total number of patients covered,*
- Number of outdoor patients provided legal aid,*
- Nature of legal aid services rendered.*
- Details of applicable legal aid schemes,*
- Case numbers recorded in BIMHAS.*

8. That with regard to the weekly monitoring of legal aid services, it is stated that in compliance of the directions of this Hon'ble Court, BSLSA issued instructions to the District Legal Services Authority (DLSA), Bhojpur at Ara to submit weekly reports regarding legal aid provided to mentally ill persons at BIMHAS. The DLSA,



Bhojpur has been regularly submitting such weekly reports, which are being monitored by BSLSA.

9. That it is further stated here that in compliance of Para 5.3 (1.1) of order dated 18.02.2026 passed by Hon'ble Patna High Court, steps taken as mentioned (Point No.3), it is stated here as follows:-

3. Establishment of "Mano Nyay Legal Services Clinic" at BIMHAS

In compliance with the NALSA Scheme, 2024 and the directions of this Hon'ble Court, the DLSA, Bhojpur has established a "Mano Nyay Legal Services Clinic" at BIMHAS, Koelwar. That the said clinic:

- a. Is staffed with Panel Lawyers and Para Legal Volunteers;*
- b. Functions regularly for six days a week;*
- c. Provides free legal aid, legal advice, and assistance to patients and their attendants.*

10. That it is further stated here that in compliance of Para 5.1(1.1) of order dated 18.02.2026 passed by Hon'ble Patna High Court, steps taken as mentioned below (Point No. 4), it is stated as follows-

4. Constitution of "Manonyay Legal Services Units (LSUM)"

In further compliance of the NALSA Scheme, BSLSA has established Legal Services Units for Persons with Mental Illness & Intellectual Disabilities (LSUM) in all District Legal Services Authorities across the State. That each LSUM comprises:

- a) Retired Judicial Officer,*
- b) Panel Lawyers,*



c) Legal Aid Defence Counsel,

d) Para Legal Volunteers, and is headed by the Secretary, DLSA.

That this step ensures decentralized and structured legal assistance to mentally ill persons at the district level.

11. That as regards the collection of Ground-Level Reports, it is stated here that BSLSA sought detailed reports from DLSA, Bhojpur regarding the shortcomings and conditions prevailing at BIMHAS. That the report received has been duly compiled and forms part of the compliance record.

12. That it is further stated here that in compliance of Para 2 (V) of order dated 16.03.2026 of Hon'ble Patna High Court, steps taken as mentioned below (Point No. 6)

Addressing Observations of Amicus Curiae

With regard to the observation of learned Amicus Curiae concerning absence of specialized legal units (Clause 6.2.4), it is submitted that:

i. The Mano Nyay Legal Services Clinic has already been established at BIMHAS;

ii. LSUMs have been constituted in all districts;

iii. Legal aid services are being regularly provided and monitored;

iv. Institutional mechanism now exists in conformity with the NALSA Scheme, 2024.

Statutory Compliance

i. That BSLSA is discharging its statutory obligation under:



ii. Section 27 of the Mental Healthcare Act, 2017 (Right to Legal Aid), and Legal Services Authorities Act, 1987, by ensuring free, accessible, and effective legal services to persons with mental illness.

Continuous Monitoring and Future Action

That the BSLSA is continuously monitoring the functioning of Mano Nyay Legal Services Clinics, LSUM units, and Legal aid delivery mechanisms at BIMHAS and district levels, to ensure full compliance with the directions of this Hon'ble Court and improvement in access to justice for mentally ill persons.”

The learned Member Secretary, BSLSA is present in the Court and states that, he is receiving reports from the Secretary, District Legal Services Authority, Bhojpur, on weekly basis, and further states that the order of this Court is being meticulously followed.

15. In the order dated 20.04.2026, after considering the submissions of the learned *Amicus Curiae*, and referring to section 21 of Act 2017, which deals with the right to equality and non-discrimination, we made a query to the Health Secretary. He assured this Court that necessary steps shall be taken with regard to opening of a separate cell for female patients having babies under three years of age, and that the



Court would be apprised of the progress on the next date.

In pursuance of such order, an affidavit has been filed by the Director, BIMHAS, Koilwar, Bhojpur, dated 08.05.2026, wherein it is stated as follows:-

“4. That the present supplementary counter affidavit is being filed to apprise the Hon'ble Court about the subsequent development in the light of order dated 20.04.2026 passed by the Hon'ble Court regarding opening of a separate cell for the female patients having babies under three years of age.

5. That it is stated here that soon after the order passed by the Hon'ble Court a decision was taken to immediately start a ten bed Mother and Child Ward in Bihar State Institute of Mental Health and Allied Sciences and to purchase the required equipments for ten bed Mother and Child Ward Rs.4,80,000/- has been sanctioned by the State Government and to this effect information was given to the Accountant General Bihar vide Memo no.214(7B) dated 27.04.2026.

6. That thereafter four member Purchase Committee was also constituted vide Memo no.218 dated 29.04.2026 to purchase the required equipment for Mother and Child Ward.

7. That the Bihar State Institute of Mental Health and Allied Sciences (BIMHAS) has immediately started ten bed Mother and Child Ward in which four persons have been posted vide Memo no.217 dated 29.04.2026 issued under the signature of the Director, Bihar State Institute of Mental Health and Allied Sciences (BIMHAS).”

16. On 16.03.2026 as well as on 20.04.2026, the



learned *Amicus Curiae* highlighted about the relevant provisions and mandate of section 29 of Act, 2017, which deals with the promotion of mental health and preventive programmes. After taking note of the decision of the Hon'ble Supreme Court in the case of ***Sukdeb Saha -Vrs- State of Andhra Pradesh & Ors. (2025) Supreme Court Cases OnLine SC 1515***, we impleaded the Secretary of Education Department, Government of Bihar, as a party to this proceeding and asked him to file an affidavit in terms of the suggestions given by the learned *Amicus Curiae*, adhering to the mandate of section 29 of Act 2017.

The learned Advocate General seeks some more time to file such affidavit by the Secretary, Education Department (School Education), Government of Bihar.

17. In the said order dated 20.04.2026, we also impleaded Secretary, Department of School Education & Literacy, Ministry of Education, Government of India (formerly Ministry of Human Resources Development, H.R.D.) as a party and asked the learned Counsel for the Union of India to ensure the filing of an affidavit by the Secretary on this issue, and in compliance of such order, an affidavit has been filed by the Secretary on 11.05.2026, wherein it is stated as follows:-

“3. That this affidavit is being filed in compliance with the directions issued by this Hon'ble Court



on 20.04.2026, particularly to place on record the steps taken by the Education Ministry, Union of India regarding the formulation of a Uniform Mental Health Policy for schools and the implementation of the mandates in Sukdeb Saha vs. The State of Andhra Pradesh & Others.

4. That it is most respectfully submitted that pursuant to the Judgment of the Hon'ble Supreme Court in Sukdeb Saha vs. The State of Andhra Pradesh & Others (SLP (Crl.) No. 6378 of 2024, dated 25.07.2025), the Judgment was circulated to all States/UTs and Autonomous Bodies for necessary compliance and implementation.

Further, a Meeting was convened under the chairmanship of the Secretary (DoSE&L) with all States/UTs on 22.10.2025. The Secretary (DoSE&L) discussed the guidelines and directions given by the Hon'ble Supreme Court with all the states/UTs and action points finalized based on the guidelines/directions issued in the said Judgement were circulated to all the State/Uts

5. That guided by the evolving situation, circumstances and the directions of the Hon'ble SC in the aforesaid case, the DoSE&L is in the process of framing a comprehensive National Mental Health and Well-Being Policy for Schools to put in place a coordinated and holistic response to growing concerns surrounding mental health of students. Two committees namely National Level Committee (NLC) and its Sub-committee comprising of subject matter experts, academicians and educational administrators have been constituted for this purpose (latest constitution Orders dated 13.02.2026 & 09.02.2026 are attached as Annexure EDU-C & Annexure EDU-D). A draft



policy document has been prepared by the Sub-committee and is under consideration of the NLC.

6. That the DoSE&L and its autonomous bodies such as Kendriya Vidyalaya Sangathan (KVS), Navodaya Vidyalaya Samit (NVS), Central Board of Secondary Education (CBSE) and NCERT have taken several initiatives for mental health and well-being of students including appointment of counsellors, launch of Manodarpan initiative in 2020 and integration of mental health concerns and socio-emotional competencies in the National Curriculum Framework for foundation stage (NCF FS) and National Curriculum Framework for School Education (NCF SE).”

18. The learned Senior Counsel appearing for the Union of India, Mr. Kumar Priya Ranjan submitted that on the next date, he shall apprise this Court about the development made in that respect.

19. List this matter on 23.06.2026.

On the next date, (i) Principal Secretary, Health Department; (ii) Secretary, State Mental Health Authority, Bihar; (iii) Director, Bihar Institute of Mental Health and Allied Sciences (BIMHAS); (iv) D.G. of Police, Bihar; and (v) I.G. of Prisons shall remain present virtually.

20. This Court wishes to place on record its sincere appreciation for the diligent and sincere efforts undertaken by both the State authorities as well as the Union of India with their



steadfast commitment to ensure full compliance with the various directives issued by this Court which reflects a commendable dedication to the rule of law and the effective administration of justice.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

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