

NOTE SHEET

File No. 207/WBHRC/SMC/2017

27-07-2017

Enclosed is the news item appearing in 'The Times of India, an English daily dated 27/07/2017, captioned "Man stuck in hosp for want of court nod".

1. The Principal Secretary, Health & Family Welfare Department, Govt. of West Bengal is directed to submit a detailed report by 30th August, 2017.

2. He is also directed to indicate in his report the legal procedure usually adopted by the mental hospitals, in the State while discharging a mental patient, on completion of treatment, who had been admitted to the mental hospital on the basis of a reception order passed by a Court.

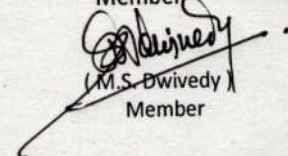
3. The Commissioner of Police, Bidhannagar is directed to take steps immediately so that the patient is restored to the custody of his father without any loss of time. A report in that regard should be filed by 10th August, 2017.



(Justice Girish Chandra Gupta)
Chairperson



(Naparajit Mukherjee)
Member



(M.S. Dwivedy)
Member

Encl : News Item dt.27.07.17

Ld. Registrar to keep NHRC posted about cognizance taken on the subject by WBHRC and uploaded in the website.

Man stuck in hosp for want of court nod

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Kolkata: A family from Madhya Pradesh's Rewa has been trying to take their son home from Calcutta Pavlov Hospital for the last 13 days, but the hospital has consistently refused saying they required a court order to release the patient.

Doctors said that Vikas Kumar Yadav alias Manoj (22) is undergoing treatment through medication and counseling and he does not need hospitalization any longer.

Vikas was brought to Calcutta Pavlov Hospital by the New Town police in May. According to his father Ram Balak Yadav, Vikas went missing from their home in Jirauha village three years ago. All attempts to trace him failed and

the family had given up hope when the local police station told them that Vikas had been traced to Calcutta Pavlov Hospital.

"I was in Bhopal searching for my son in factories where youths from our village normally work. I came back home disappointed when police visited our home with the great news," Yadav told TOL.

According to doctors at the hospital, during the course of his treatment, Vikas could recollect his address and names of his parents. Cops verified the details and reached out to his family. Yadav organized funds to travel to Kolkata and reached the hospital on July 18 with his younger son Prakash. Even though Vikas recognized his father and brother, the hospital refused



Subhojyoti Kanjila
Ram Balak Yadav and son Prakash at Calcutta Pavlov Hospital

to release him since they needed a reverse order from the court.

"We want the patient to reunite with his family at the earliest. But since he was admitted via court order, we need a reverse order from the court to discharge him," said Dr Ganesh Prasad.

The family, which has visited the Barasat court thrice,

alleged that each time they had been asked to come back with a different document. "We have even paid Rs 2,600 to the lawyers to get two affidavits. But the hospital said the affidavits are not enough," said Prakash.

The father-son duo has been sleeping in the balcony of the hospital's administration building as they cannot afford a hotel. Volunteers of Anjali Mental Health Rights Organisation came across the family on Wednesday and has promised help.

"There is nothing like a reverse court order in the Mental Health Act. Such manufactured rules are a harassment to patients' families and lead to perpetual overcrowding in hospitals," said mental health activist Ratnaboli Ray.

