

**BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION,
THIRUVANANTHAPURAM**

**Present: Mr.Justice N.Dhinakar,
Hon'ble Chairperson**

Dated this the 11th November, 2010.

H.R.M.P.No.643 of 2009

Petitioner : Augustine.K.P,
Bethsada Mental Health Centre,
Vengola, Perumbavoor.

Respondent :

ORDER

The petition mentions that the petitioner is an Engineer and he worked for more than 18 years as a Scientist at ER&DC, Vellayambalam. His complaint is that on 30-4-2005 he was forcibly admitted in S.H .Hospital, Painkulam, Thodupuzha, which is a mental hospital, by his relatives and neighbours and there he suffered at the hands of the hospital authorities and he was not even allowed to use his mobile phone. According to him, after one and a half years he was discharged from the hospital and then he was admitted in Bethsada Mental Health Centre, Vengola, Perumbavoor and he did not know the reason for his admission in these hospitals and he requests for an early release from the hospital.

The Chief Investigation Officer (C I O) of this Commission was asked to enquire and to file a report and the C I O, after recording the statements of Paily as W1 and Tessy as W2, who are the father and the wife of the petitioner respectively, filed the report. The statements of W1 and W2 and Exhibits 1 and 2 are also annexed to the report.

In the report the C I O has stated that the petitioner was dismissed from service due to serious allegations and all the service benefits were given to him but he spent the money on liquor. According to the report, thereafter he used to collect money from his

relatives and friends and later he become a head ache to his family and therefore his parents admitted him in S.H. Mental Health Centre, Painkulam for de-addiction treatment and thereafter he was admitted in Bethsada Mental Health Centre, Vengola on 8-9-2006 and that he requires a long term treatment and the expenses for the hospital are met by his father (W1). In the report the C I O has further stated that W2 Tessy, the wife of the petitioner, is a teacher in an unaided school and she and her children are looked after by W1. According to the C I O, the intention of the petitioner is to go out of the hospital and he is not willing to undergo the treatment. The C I O concluded his report by stating that the allegations made in the complaint by the petitioner is baseless and hence does not require any action.

I have perused the report and the records annexed to it.

In the complaint the petitioner has not complained that he is being detained illegally at Bethsada Mental Health Centre, Vengola, against his will. In the above circumstances, as he is admitted as an inpatient and treated for his illness and as there is no illegal detention by any authority it cannot be said that the petitioner is the best person to decide as to when he is to be discharged from the hospital since it is the doctor/doctors who is/are treating him are qualified to decide the issue. No doctor or institution will keep a patient even for a day after he is finally treated and therefore his request for an early release from the hospital is to be considered only by the medical authorities based on his health condition.

In view of the above report no further orders are required on this petition.

The petition is closed.

Justice N. Dhinakar,
Chairperson.