



Mental Healthcare Bill

Why in news?

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The Mental Healthcare Bill, 2016 was recently passed by Parliament.

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What are the provisions of the bill?

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- **Definition** - It defines “mental illness” as a substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgment, behaviour, capacity to recognise reality or ability to meet the ordinary demands of life.

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- It also includes mental conditions associated with the **abuse of alcohol and drugs**.

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- It **does not include mental retardation** which is a condition of arrested or incomplete development of mind of a person, characterised by sub-normality of intelligence.

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- **Rights** - It ensures every person shall have a right to access mental health care and treatment from mental health services run or funded by the appropriate government.

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- It assures free treatment for homeless or people Below Poverty Line, even if they do not possess a BPL card.

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- It ensure right to live with dignity and there shall be no discrimination on any basis including gender, sex, sexual orientation, religion, culture, caste, social or political beliefs, class or disability.

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- A person with mental illness shall have the right to confidentiality in respect of his mental health.
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- No information regarding the person can be released to the media without his consent.
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- **Advance Directive** - A person with mental illness shall have the right to make an advance directive i.e how he wants to be treated for the illness and who his nominated representative shall be.
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- This should be certified by a medical practitioner.
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- If a mental health professional/ relative/care-giver does not wish to follow the directive, he can make an application to the Mental Health Board to review the advance directive.
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- **Mental Health Authority** - The Bill empowers the government to set-up Mental Health Authority at national and state levels.
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- Every mental health institute and mental health practitioners will have to be registered with this Authority.
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- A **Mental Health Review Board** will be constituted to protect the rights of persons with mental illness and manage advance directives.
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- **Mode of treatment** - A medical practitioner shall not be held liable for any unforeseen consequences on following a valid advance directive.
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- A person with mental illness shall not be subjected to electro-convulsive therapy without the use of muscle relaxants and anaesthesia.
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- Also, electro-convulsive therapy will not be performed for minors.
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- Sterilisation will not be performed on such persons.
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- They shall not be chained under any circumstances.
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- They shall not be subjected to seclusion or solitary confinement.
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- Physical restraint may only be used, if necessary.
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- **Suicide** - A person who attempts suicide shall be presumed to be suffering from mental illness at that time and will not be punished under IPC.
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- The government shall have a duty to provide care, treatment and rehabilitation to a person, having severe stress and who attempted to commit suicide, to reduce the risk of recurrence of attempt to commit suicide.

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Source: The Hindu

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