

Mental Healthcare Bill

Why in news?

\n\n

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

\n\n

What are the provisions of the bill?

\n\n

\n

- **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.

\n

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

\n

- 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.

\n

- **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.

\n

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

\n

- 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.

\n

- A person with mental illness shall have the right to confidentiality in respect of his mental health.

\n

- No information regarding the person can be released to the media without

his consent.

\n

- **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.
\n
- This should be certified by a medical practitioner.
\n
- 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.
\n
- **Mental Health Authority** - The Bill empowers the government to set-up Mental Health Authority at national and state levels.
\n
- Every mental health institute and mental health practitioners will have to be registered with this Authority.
\n
- A **Mental Health Review Board** will be constituted to protect the rights of persons with mental illness and manage advance directives.
\n
- **Mode of treatment** - A medical practitioner shall not be held liable for any unforeseen consequences on following a valid advance directive.
\n
- A person with mental illness shall not be subjected to electro-convulsive therapy without the use of muscle relaxants and anaesthesia.
\n
- Also, electro-convulsive therapy will not be performed for minors.
\n
- Sterilisation will not be performed on such persons.
\n
- They shall not be chained under any circumstances.
\n
- They shall not be subjected to seclusion or solitary confinement.
\n
- Physical restraint may only be used, if necessary.
\n
- **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.
\n
- 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.
\n

\n\n

\n\n

Source: The Hindu

\n

