

The mental health care bill 2013

Why in news?

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Recently, the Minister of health has introduced the bill, which has already been passed in the Rajya Sabha last year, in Lok Sabha.

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What does the bill say?

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- Among the various objectives, it provides for ensuring healthcare, treatment and rehabilitation of persons with mental illness “in a manner that does not intrude on their rights and dignity”.

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- **Rights of persons with mental illness:** Every person shall have the right to access mental health care and treatment from services run or funded by the government.

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- The right to access mental health care includes affordable, good quality of and easy access to services.

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- Persons with mental illness also have the right to equality of treatment, protection from inhuman and degrading treatment, free legal services, and access to their medical records, and complain regarding deficiencies in provision of mental health care.

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- **Advance Directive:** A mentally-ill person shall have the right to make an advance directive that states **how he wants to be treated** for the illness and who his nominated representative shall be.

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- The advance directive has to be certified by a medical practitioner or registered with the Mental Health Board.

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- The bill **establishes central and state mental health authorities** which cater to standard setting and advices on policies to the respective

governments.

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- **Mental Health Establishments:** Every mental health establishment has to be registered with the relevant Central or State Mental Health Authority.

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- In order to be registered, the establishment has to fulfil various criteria prescribed in the Bill.

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- The Bill also specifies the process and procedure to be followed for admission, treatment and discharge of mentally ill individuals.

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- A decision to be admitted in a mental health establishment shall, as far as possible, be made by the person with the mental illness except when he is unable to make an independent decision.

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- **Mental Health Review Commission and Board:** It will be a **quasi-judicial body** that will periodically review the use of and the procedure for making advance directives and **advise the government** on protection of the rights of mentally ill persons.

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- The Commission shall with the concurrence of the state governments, constitute Mental Health Review Boards in the districts of a state.

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- **Decriminalising suicide and prohibiting electro-convulsive therapy:** A person who attempts suicide shall be presumed to be suffering from mental illness at that time and will not be punished under the Indian Penal Code.

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- Electro-convulsive therapy is allowed only with the use of muscle relaxants and anaesthesia. **The therapy is prohibited for minors.**

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- The focus of the bill is community mental healthcare. As per this bill one **cannot chain a mentally ill person.**

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What is the reason behind the passage of the bill?

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- The government had ratified the **United Nations Convention** on the Rights of Persons with Disabilities in 2007.

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- The Convention requires the laws of the country to align with the Convention.

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- The new Bill was introduced as the **existing Act does not adequately protect** the rights of persons with mental illness nor promote their access to mental health care.

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Source: The Indian Express & PRS

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