

Department of Health & Family Welfare
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	mental illness of his or her right to apply to the concerned Board for an order to release such information.	
Right to personal contacts and communication.	<p>26. (1) A person with mental illness admitted to a mental health establishment shall have the right to refuse or receive visitors and to refuse or receive and make telephone or mobile phone calls at reasonable times of the day subject to the rules of such mental health establishment.</p>	
	(2) A person with mental illness admitted in a mental health establishment may send and receive mail through electronic mode including through email.	
	(3) Where a person with mental illness informs the medical officer or psychiatrist in charge of the mental health establishment that he does not want to receive mail or email from any named person in the community, the medical officer or psychiatrist in charge may restrict such communication by the named person with the person with mental illness.	
	(4) Nothing contained in sub-sections (1) to (3) shall apply to visits from, telephone calls to, and from and mail or email to, and from individuals, specified under clauses (a) to (f) under any circumstances, namely:—	
	(a) any Judge or officer authorised by a competent court; or	
	(b) members of the concerned Board or the Central Authority or the State Authority;	
	(c) any member of the Parliament or a Member of State Legislature;	
	(d) nominated representative, lawyer or legal representative of the person;	
	(e) medical practitioner in charge of the person's treatment;	
	(e) any other person authorised by the appropriate Government.	
39 of 1987.	<p>27. (1) A person with mental illness shall be entitled to receive free legal services to exercise any of his rights given under this Act.</p> <p>(2) It shall be the duty of medical officer or psychiatrist in charge of a mental health establishment to inform the person with mental illness that he is entitled to free legal services under the Legal Services Authorities Act, 1987 or other relevant laws or under any order of the court if so ordered and provide the contact details of the availability of services.</p>	Right to legal aid.
	<p>28. (1) Any person with mental illness or his or her nominated representative, shall have the right to complain regarding deficiencies in provision of care, treatment and services in a mental health establishment to,—</p>	Right to make complaints about deficiencies in provision of services.
	(a) the medical officer or psychiatrist in charge of the	

	establishment and if not satisfied with the response;	
	(b) the State Authority and if not satisfied with the response;	
	(c) the concerned Board.	
	(2) The provisions for making complaint in sub-section (1), is without prejudice to the rights of the person to seek any judicial remedy for violation of his rights in a mental health establishment or by an mental health professional either under this Act or any other law for the time being in force.	
	CHAPTER VI DUTIES OF APPROPRIATE GOVERNMENT	
Promotion of mental health and preventive programmes.	29. (1) The appropriate Government shall have a duty to plan, design and implement programs for the promotion of mental health and prevention of mental illness in the country. (2) Without prejudice to the generality of the provisions contained in sub-section (1), the appropriate Government shall, in particular, plan, design and implement public health programmes to reduce suicides and attempted suicides in the country.	
Creating awareness about mental health and illness and reducing stigma associated with mental illness.	30. The appropriate Government shall take all measures to ensure that,—	
	(a) the provisions of this Act are given wide publicity through public media, including television, radio, print and online media at regular intervals;	
	(b) the programs to reduce stigma associated with mental illness are planned, designed, funded and implemented in an effective manner;	
	(c) the appropriate Government officials including police officers and other officers of the appropriate Government are given periodic sensitisation and awareness training on the issues under this Act.	
Appropriate Government to take measures as regard to human resource development and training, etc.	31. (1) The appropriate Government shall take measures to address the human resource requirements of mental health services in the country by planning, developing and implementing educational and training programs in collaboration with institutions of higher education and training, to increase the human resources available to deliver mental health interventions and to improve the skills of the available human resources to better address the needs of persons with mental illness.	
	(2) The appropriate Government shall, at the minimum, train all medical officers in public health care establishments and all medical officers in the prisons or jails to provide basic and emergency mental health care.	
	(3) The appropriate Government shall make efforts to meet	

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	<p>internationally accepted guidelines for number of mental health professionals on the basis of population, within ten years from the commencement of this Act.</p> <p>(4) The appropriate Government shall include in its annual report referred to in sub-section 12 of section 18 the information about progress made in improving the human resource under this section.</p>	
Co-ordination within appropriate Government.	<p>32. The appropriate Government shall take all measures to ensure effective co-ordination between services provided by concerned Ministries and Departments such as those dealing with health, law, home affairs, human resources, social justice, employment, education, women and child development, medical education to address issues of mental health care.</p>	
	<p>CHAPTER VII</p> <p>CENTRAL MENTAL HEALTH AUTHORITY</p>	
	<p>33. The Central Government shall, within a period of nine months from the date on which this Act receives the assent of the President, by notification, establish, for the purposes of this Act, an Authority to be known as the Central Mental Health Authority.</p>	Establishment of Central Mental Health Authority.
	<p>34. (1) The Central Authority shall consist of the following, namely:—</p>	Composition of Central Mental Health Authority.
	<p>(a) Secretary or Additional Secretary to the Government of India in the Department of Health and Family Welfare— chairperson <i>ex officio</i>;</p>	
	<p>(b) Joint Secretary to the Government of India in the Department of Health and Family Welfare, in charge of mental health— member <i>ex officio</i>;</p>	
	<p>(c) Director General of Health Services—member <i>ex officio</i>;</p>	
	<p>(d) Joint Secretary to the Government of India in the Department of Disability Affairs of the Ministry of Social Justice and Empowerment— member <i>ex officio</i>;</p>	
	<p>(e) Joint Secretary to the Government of India in the Ministry of Women and Child Development— member <i>ex officio</i>;</p>	
	<p>(f) Directors of the Central Institutions for Mental Health — members <i>ex officio</i></p>	
	<p>(g) one psychiatric social worker having at least fifteen years experience in the field, to be nominated by the Central Government—member;</p>	

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	(h) one clinical psychologist having at least fifteen years experience in the field, to be nominated by the Central Government—member;	
	(i) one psychiatric nurse having at least fifteen years experience in the field of mental health, to be nominated by the Central Government—member;	
	(j) two persons representing persons who have or have had mental illness, to be nominated by the Central Government—members;	
	(k) two persons representing care-givers of persons with mental illness or organisations representing care-givers, to be nominated by the Central Government—members;	
	(l) two persons representing non-governmental organisations which provide services to persons with mental illness, to be nominated by the Central Government—members.	
	(2) The members referred to in clauses (g) to (l) of sub-section (1), shall be nominated by the Central Government in such manner as may be prescribed.	
	35. (1) The members of the Central Authority referred to in clauses (g) to (l) of sub-section (1) of section 34 shall hold office as such for a term of three years from the date of nomination and shall be eligible for reappointment:	Term of office, salaries and allowances of chairperson and members.
	Provided that a member shall not hold office as such after he has attained the age of seventy years.	
	(2) The chairperson and other <i>ex officio</i> members of the Authority shall hold office as such chairperson or member, as the case may be, so long as he holds the office by virtue of which he is nominated.	
	(3) The salaries and allowances payable to, and the other terms and conditions of service of, the chairperson and other members shall be such as may be prescribed.	
	36. A member of the Central Authority may, by notice in writing under his hand addressed to the Central Government, resign his office:	Resignation.
	Provided that a member shall, unless he is permitted by the Central Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon office or until the expiry of his term of office, whichever is the earliest.	
	37. The Central Government shall, within two months from the	Filling of vacancies.

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	date of occurrence of any vacancy by reason of death, resignation or removal of a member of the Authority and three months before the superannuation or completion of the term of office of any member of that Authority, make nomination for filling up of the vacancy.	
	<p>38. No act or proceeding of the Central Authority shall be invalid merely by reason of—</p> <p>(a) any vacancy in, or any defect in the constitution of, the Authority;</p> <p>(b) any defect in the appointment of a person as a member of the Authority; or</p> <p>(c) any irregularity in the procedure of the Authority not affecting the merits of the case.</p>	Vacancies etc. not to invalidate proceedings of Central Authority.
	<p>39. Any member having any direct or indirect interest, whether pecuniary or otherwise, in any matter coming up for consideration at a meeting of the Central Authority, shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at such meeting and such disclosure shall be recorded in the proceedings of the Central Authority, and the member shall not take any part in any deliberation or decision of the Authority with respect to that matter.</p>	Member not to participate in meetings in certain cases.
	<p>40. (1) There shall be a chief executive officer of the Authority, not below the rank of the Director to the Government of India, to be appointed by the Central Government.</p>	Officers and other employees of Central Authority.
	<p>(2) The Authority may, with the approval of the Central Government, determine the number, nature and categories of other officers and employees required by the Central Authority in the discharge of its functions.</p>	
	<p>(3) The salaries and allowances payable to, and the other terms and conditions of service (including the qualifications, experience and manner of appointment) of, the chief executive officer and other officers and other employees of the Central Authority shall be such as may be specified by regulations with the approval of the Central Government.</p>	
	<p>41. (1) The chief executive officer shall be the legal representative of the Central Authority and shall be responsible for—</p> <p>(a) the day-to-day administration of the Central Authority;</p> <p>(b) implementing the work programmes and decisions adopted by the Central Authority;</p> <p>(c) drawing up of proposal for the Central Authority's work programmes;</p> <p>(d) the preparation of the statement of revenue and expenditure and the execution of the budget of the Central</p>	Functions of chief executive officer of Central Authority.

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	Authority.	
	(2) Every year, the chief executive officer shall submit to the Central Authority for approval— (a) a general report covering all the activities of the Central Authority in the previous year; (b) programmes of work; (c) the annual accounts for the previous year; and (d) the budget for the coming year.	
	(3) The chief executive officer shall have administrative control over the officers and other employees of the Central Authority.	
14 of 1987.	42. On the establishment of the Central Authority (a) all the assets and liabilities of the Central Authority for Mental Health Services constituted under sub-section (1) of section 3 of the Mental Health Act, 1987 shall stand transferred to, and vested in, the Central Authority..	Transfer of assets, liabilities of Central Authority.
	<i>Explanation.</i> — The assets of such Central Authority for Mental Health Services shall be deemed to include all rights and powers, and all properties, whether movable or immovable, including, in particular, cash balances, deposits and all other interests and rights in, or arising out of, such properties as may be in the possession of such Unique Identification Authority of India and all books of account and other documents relating to the same; and liabilities shall be deemed to include all debts, liabilities and obligations of whatever kind;	
	(b) without prejudice to the provisions of sub-section (1), all data and information collected during enrolment, all details of authentication performed, debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for such Central Authority for Mental Health Services immediately before that day, for or in connection with the purpose of the said Central Authority for Mental Health Services, shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the Central Authority;	
	(c) all sums of money due to the Central Authority for Mental Health Services immediately before that day shall be deemed to be due to the Central Authority; and	
	(d) all suits and other legal proceedings instituted or which could have been instituted by or against such Central Authority for Mental Health Services immediately before that day may be continued or may be instituted by or against the Central Authority.	
	43. (1) The Central Authority shall—	Functions of Central Mental

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	(a) register all mental health establishments under the control of the Central Government and maintain a register of all mental health establishments in the country based on information provided by all State Mental Health Authorities of registered establishments and compile update and publish (including online on the internet) a register of such establishments;	Health Authority.
	(b) develop quality and service provision norms for different types of mental health establishments under the Central Government;	
	(c) supervise all mental health establishments under the Central Government and receive complaints about deficiencies in provision of services;	
	(d) maintain a national register of clinical psychologists, mental health nurses and psychiatric social workers based on information provided by all State Authorities of persons registered to work as mental health professionals for the purpose of this Act and publish the list (including online on the internet) of such registered mental health professionals;	
	(e) train all persons including law enforcement officials, mental health professionals and other health professionals about the provisions and implementation of this Act;	
	(f) advise the Central Government on all matters relating to mental health care and services;	
	(g) discharge such other functions with respect to matters relating to mental health as the Central Government may decide;	
14 of 1987.	Provided that the mental health establishments under the control of the Central Government, before the commencement of this Act, registered under the Mental Health Act, 1987 or any other law for the time being in force, shall be deemed to have been registered under the provisions of this Act and copy of such registration shall be furnished to the Central Authority.	
	(2) The procedure for registration (including the fees to be levied for such registration) of the mental health establishments under this section shall be such as may be prescribed by the Central Government.	
	44. (1) The Central Authority shall meet at such times (not less than twice in a year) and places and shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings) as may be specified by regulations made by the Central Authority.	Meetings of Central Authority.

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	(2) If the chairperson, for any reason, is unable to attend a meeting of the Central Authority, the senior most member shall preside over the meeting of the Authority.	
	(3) All questions which come up before any meeting of the Authority shall be decided by a majority of votes by the members present and voting and in the event of an equality of votes, the chairperson or in his absence the member presiding over shall have a second or casting vote.	
	(4) All decisions of the Central Authority shall be authenticated by the signature of the chairperson or any other member authorised by the Central Authority in this behalf.	
	(5) If any member, who is a director of a company and who as such director, has any direct or indirect pecuniary interest in any manner coming up for consideration at a meeting of the Central Authority, he shall, as soon as possible after relevant circumstances have come to his knowledge, disclose the nature of his interest at such meeting and such disclosure shall be recorded in the proceedings of the Authority, and the member shall not take part in any deliberation or decision of the Authority with respect to that matter.	
	CHAPTER VIII STATE MENTAL HEALTH AUTHORITY	
	45. Every State Government shall, within a period of nine months from the date on which this Act receives the assent of the President , by notification, establish, for the purposes of this Act, an Authority to be known as the State Mental Health Authority.	Establishment of State Mental Health Authority.
	46. (1) The State Authority shall consist of the following chairperson and members—	Composition of State Mental Health Authority.
	(a) Secretary or Principal Secretary in the Department of Health of State Government— chairperson <i>ex officio</i> ;	
	(b) Joint Secretary in the Department of Health of the State Government , in charge of mental health— member <i>ex officio</i> ;	
	(c) Director of Health Services or Medical Education— member <i>ex officio</i> ;	
	(d) Joint Secretary in the Department of Social Welfare of the State Government— member <i>ex officio</i> ;	
	(e) Superintendent of any of the Mental Hospitals in the State or Head of Department of Psychiatry at any Government Medical College, to be nominated by the State Government— member;	
	(f) one eminent psychiatrist from the state not in Government	

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	service to be nominated by the State Government— member;	
	(g) one psychiatric social worker having at least fifteen years experience in the field, to be nominated by the State Government—member;	
	(h) one clinical psychologist having at least fifteen years experience in the field, to be nominated by the State Government—member;	
	(i) one psychiatric nurse having at least fifteen years experience in the field of mental health, to be nominated by the State Government—member;	
	(j) two persons representing persons who have or have had mental illness, to be nominated by the State Government— member;	
	(k) two persons representing care-givers of persons with mental illness or organisations representing care-givers, to be nominated by the State Government—member;	
	(l) two persons representing non-governmental organisations which provide services to persons with mental illness, to be nominated by the State Government—member.	
	(2) The members referred to in clauses (e) to (l) of sub-section (1), shall be nominated by State Government in such manner as may be prescribed.	
	47. (1) The members of the State Authority referred to in clauses (e) to (l) of sub-section (1) of section 46 shall hold office as such for a term of three years from the date of nomination and shall be eligible for reappointment:	Term of office, salaries and allowances of Chairperson and other Members.
	Provided that a member shall not hold office as such after he has attained the age of seventy years.	
	(2) The chairperson and other <i>ex officio</i> members of the State Authority shall hold office as such chairperson or member, as the case may be, so long as he holds the office by virtue of which he is nominated.	
	(3) The salaries and allowances payable to, and the other terms and conditions of service of, the chairperson and other members shall be such as may be prescribed.	
	48. A member of the State Authority may, by notice in writing under his hand addressed to the State Government, resign his office:	Resignation.
	Provided that a member shall, unless he is permitted by the State Government to relinquish his office sooner, continue to hold office	

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	until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon office or until the expiry of his term of office, whichever is the earliest.	
	49. The State Government shall, within two months from the date of occurrence of any vacancy by reason of death, resignation or removal of a member of the Authority and three months before the superannuation or completion of the term of office of any member of that Authority, make nomination for filling up of the vacancy.	Filling of vacancies.
	50. No act or proceeding of the State Authority shall be invalid merely by reason of— (a) any vacancy in, or any defect in the constitution of, the State Authority; (b) any defect in the appointment of a person as a member of the State Authority; or (c) any irregularity in the procedure of the Authority not affecting the merits of the case.	Vacancies etc, not to invalidate proceedings of State Authority.
	51. Any member having any direct or indirect interest, whether pecuniary or otherwise, in any matter coming up for consideration at a meeting of the State Authority, shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at such meeting and such disclosure shall be recorded in the proceedings of the State Authority, and the member shall not take any part in any deliberation or decision of the State Authority with respect to that matter.	Member not to participate in meetings in certain cases.
	52. (1) There shall be a chief executive officer of the State Authority, not below the rank of the Director to the State Government, to be appointed by the State Government.	Officers and other employees of State Authority.
	(2) The State Authority may, with the approval of the State Government, determine the number, nature and categories of other officers and employees required by the State Authority in the discharge of its functions.	
	(3) The salaries and allowances payable to, and the other terms and conditions of service (including the qualifications, experience and manner of appointment) of, the chief executive officer and other officers and other employees of the State Authority shall be such as may be specified by regulations with the approval of the State Government.	
	53. (1) The chief executive officer shall be the legal representative of the State Authority and shall be responsible for— (a) the day-to-day administration of the State Authority; (b) implementing the work programmes and decisions adopted by the State Authority;	Functions of chief executive officer of State Authority.

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	<p>(c) drawing up of proposal for the State Authority's work programmes;</p> <p>(d) the preparation of the statement of revenue and expenditure and the execution of the budget of the State Authority.</p>	
	<p>(2) Every year, the chief executive officer shall submit to the State Authority for approval—</p> <p>(a) a general report covering all the activities of the Authority in the previous year;</p> <p>(b) programmes of work;</p> <p>(c) the annual accounts for the previous year; and</p> <p>(d) the budget for the coming year.</p>	
	<p>(3) The chief executive officer shall have administrative control over the officers and other employees of the State Authority.</p>	
	<p>54. On and from the establishment of the State Authority —</p> <p>(a) all the assets and liabilities of the State Authority for Mental Health Services constituted under sub-section (1) of section 4 of the Mental Health Act, 1987 shall stand transferred to, and vested in, the State Authority..</p>	Transfer of assets, liabilities of State Authority.
	<p><i>Explanation.</i>— The assets of such State Authority for Mental Health Services shall be deemed to include all rights and powers, and all properties, whether movable or immovable, including, in particular, cash balances, deposits and all other interests and rights in, or arising out of, such properties as may be in the possession of such State Authority for Mental Health Services and all books of account and other documents relating to the same; and liabilities shall be deemed to include all debts, liabilities and obligations of whatever kind;</p>	
	<p>(b) without prejudice to the provisions of sub-section (1), all data and information collected during enrolment, all details of authentication performed, debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for such State Authority for Mental Health Services immediately before that day, for or in connection with the purpose of the said State Authority for Mental Health Services, shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the State Authority;</p>	
	<p>(c) all sums of money due to the State Authority for Mental Health Services immediately before that day shall be deemed to be due to the State Authority; and</p>	
	<p>(d) all suits and other legal proceedings instituted or which could have been instituted by or against such State Authority for Mental Health Services immediately before that day may be</p>	