



Date 10-10-2019

DISTRICT AND SESSIONS COURT, BALOD

OBJECT AND EXTENT OF THE ACT, 2017

- Deals with persons suffering from mental illness;
- To provide for Mental Healthcare and services;
- To protect, promote and fulfil their rights;
- Aims to bring mentally ill at par with physically ill in terms of healthcare services;
- Extends to the whole of India;
- Rights based approach.

World Mental Health Day

- 10th October, 1992;
- Supported by WFMH and WHO;
- Global mental health education and awareness;
- Advocacy against social stigma.
- Theme for 2019- Mental Health Promotion and Suicide prevention.



What does Mental Healthcare includes?

Mental Healthcare includes:

- analysis and diagnosis of a person's mental condition;
- treatment as well as care, and
- rehabilitation of such person for his mental illness or suspected mental illness.



DETERMINATION OF MENTAL ILLNESS AND CAPACITY

- In accordance with nationally or internationally accepted medical standards notified by Central Govt.
- Classification of person with mental illness;
 - For treatment of the mental illness;
 - Not to be determined on the basis of political, economic or social status;
 - Non conformity with moral, social, cultural or religious beliefs;
 - Mentally ill does not mean unsound mind.
- Capacity to make mental healthcare and treatment decisions. (includes person with mental illness).

ADVANCE DIRECTIVE

- In Writing;
- Exception – Minor;
- Irrespective of past mental illness or treatment;
- Invoked when person ceases to have capacity to make treatment decisions;
- Effective until such person regains the capacity;

ADVANCE DIRECTIVE

- If contrary to law, then *ab initio void*.
- Can be revoked, amended or cancelled at any time;
- Not to apply to emergency treatment;
- Duty to follow Advance Directive – Every medical officer in charge/psychiatrist in charge
- Liability of medical health professional.

RIGHTS OF PERSONS WITH MENTAL ILLNESS

- Right to access mental-health care;
- Right to community living;
- Right to protection from cruel, inhuman and degrading treatment;
- Right to equality and non-discrimination;
- Right to information;
- Right to confidentiality;

RIGHTS OF PERSONS WITH MENTAL ILLNESS

- Restriction on release of information;
- Right to access medical records;
- Right to personal contacts and communication;
- Right to legal aid;
- Right to make complaints about deficiencies

PROHIBITED PROCEDURES

- Electro-convulsive therapy without the use of muscle relaxants and anaesthesia;
- Electro-convulsive therapy for minors;
- Sterilisation of men or women, when it is intended as a treatment for mental illness;
- Chaining
- Restrictions on psychosurgery.

RESTRAINTS AND SECLUSION

- No solitary confinement;
- Limited Physical restraint to prevent immediate harm;
- Restraint not to be used as punishment or deterrent;
- Information to nominated representative;
- To be kept at a place to prevent harm;
- All kinds of restraints to be mentioned in report to the MHRB;
- MHRB can give directions to the MHE.

RESPONSIBILITIES OF OTHER AGENCIES

- **Duties of Police officers in respect of persons with mental illness:-**
 - Officer in charge of the Police Station to take under protection;
 - Person found wandering at large with mental illness and incapable of taking care of himself;
 - Persons at risk to himself or others by reason of mental illness.

RESPONSIBILITIES OF OTHER AGENCIES

- **Duties of Police officers in respect of persons with mental illness:-**
 - Grounds to be informed to the person or his NR;
 - To be taken to the nearest public health establishment within 24 hours for assessment;
 - Not to be detained in a lock-up;
 - Homeless mentally ill person – FIR of a missing person.
 - Duty to trace the family of such person and inform the family about his whereabouts.

RESPONSIBILITIES OF OTHER AGENCIES

- **Role of Magistrate:**
- **Magistrate** – CJM, SDM or JMFC empowered by the State Govt.
 - Report to Magistrate of person with mental illness in private residence who is ill treated or neglected;
 - Conveying or admitting person with mental illness to mental health establishment by Magistrate.
- Prisoners with mental illness;
- Persons in custodial institutions.

OFFENCES AND PENALTIES

- Penalties for establishing or maintaining mental health establishment in contravention of the provisions of the Act.
 - Penalty (Rs. 5,000-50,000/Rs 50,000-2,00,000);
 - For mental health professional (Rs 25,000);
 - Adjudicated by State Authority.
- Punishment for contravention of provisions of the Act or rules or regulations. (6 months imprisonment or Rs 10,000 fine or both)

PRESUMPTION OF SEVERE STRESS

- Presumption of severe stress in case of attempt to commit suicide – Section 115
- Recognises the person attempting suicide as a victim and not as an offender in absence of proof to the contrary;
- Person not to be punished under section 309 IPC;
- Duty of the Government to provide care, treatment and rehabilitation to the person.

THANK YOU