

**Bill No. 211 of 2015**

THE MENTAL HEALTH (AMENDMENT) BILL, 2015

*By*

SHRIMATI SUPRIYA SULE, M.P.

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**BILL**

*to amend the Mental Health Act, 1987.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Mental Health (Amendment) Act, 2015.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification  
5 in the Official Gazette, appoint.

**2.** In the Mental Health Act, 1987, after chapter III, the following Chapter shall be  
inserted namely:—

Short title,  
extent and  
commencement.

Insertion of  
new chapter  
IIIA.

## "CHAPTER IIIA

## RIGHTS OF MENTALLY ILL PERSONS

Rights of  
mentally ill  
persons.

- 14A. Every mentally ill person shall have the right to—
- (a) live in, be part of and not be segregated from the society;
  - (b) access to mental health care services run or funded by the appropriate Government with good quality services without discrimination of any sort; 5
  - (c) access to rehabilitation establishments and shelter homes for the mentally ill patients; and
  - (d) such other facilities as may be provided by the Central Government or the State Government, as the case may be. 10

State  
Government  
to designate a  
nodal officer  
in every  
district for  
collecting  
data of  
mentally ill  
persons and  
provide  
mental health  
services, etc.

- 14B. For the purposes of section 14A, every State Government shall—
- (i) designate a nodal officer not below the rank of District Collector in every district to compile the details of mentally ill persons residing in that district;
  - (ii) authorise every nodal officer to take up the issue of social discrimination against mentally ill persons with the appropriate authorities; 15
  - (iii) integrate mental health services into general health care services at all levels of healthcare including primary, secondary and tertiary health care and in all health programmes run by the Government;
  - (iv) ensure that as a minimum, mental health services run or funded by the Government are available in each district; 20
  - (v) **meet, if minimum health services are not available in the district where a mentally ill person resides, all costs of treatment at other such establishment in the district;**
  - (vi) **make provision of community based rehabilitation establishments and shelter homes for treating mentally ill persons; and** 25
  - (vii) **ensure payment of old age pension to every mentally ill person, after the age of sixty years, at such rate as the Central Authority may deem appropriate.**

State  
Government  
to maintain a  
Register of  
mental  
healthcare  
establishments.

- 14C. (1) Every State Government shall cause to be maintained a Register of mental healthcare establishments in such form as may be prescribed.**
- (2) The Register maintained under sub-section (1) shall be opened for inspection by general public once in a year. 30

Nodal Officer  
to promote  
awareness  
about rights  
of mentally ill  
persons  
among public.

- 14D. The nodal officer designated under clause (1) of section 14B shall promote awareness amongst general public about the rights of mentally ill persons and safeguards available for their protection."**

#### STATEMENT OF OBJECTS AND REASONS

Mental disorder afflict nearly five crore of the Indian population and these persons need special care. Mentally ill persons do not have any respect in our society and are frequently secluded from the community. The Mental Health Act, 1987 could neither protect the rights of persons with mental illness nor promote their access to mental health care in the country.

Stigma and discrimination because of mental illness are still major obstacles in the path of treatment and rehabilitation of those impaired by mental illness.

Mentally ill persons in our country are one of the most vulnerable communities facing variety of issues. The joint family system has assimilated and provided care for many of the mentally ill persons in their homes but with increasing nuclear families, care to these persons demands more attention.

The present Bill aims to provide a legislative impetus to clearly outline the rights of the mentally ill persons and facilities need to be made available to them.

Hence this Bill.

NEW DELHI;  
*June 29, 2015.*

SUPRIYA SULE

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides that every State Government shall meet the cost of expenditure of treatment, establishment of rehabilitation and shelter homes, payment of old age pension of mentally ill persons. It also provides for maintaining a register of mental healthcare establishment and promoting awareness amongst general public about the rights of mentally ill persons. The expenditures relating to States shall be borne out of the Consolidated Funds of the respective State. However, the Central Government shall bear the expenditure in implementing the provisions of the Act in Union territories. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. Though, at this stage, it is difficult to assess the exact expenditure, it is estimated that a sum of rupees five hundred crore would be involved as recurring expenditure per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

LOK SABHA

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*(Shrimati Supriya Sule, M.P.)*