

2. Mental Healthcare Act (MHA), 2017

Why in News?

- Recently, The National Human Rights Commission (NHRC) has raised concern over the Deplorable Condition of many Mental Healthcare Institutions (MHIs) in India, violating Mental Healthcare Act (MHA), 2017.

Highlights

- This Act defined mental illness as “a substantial disorder of thinking, mood, perception, orientation, or memory that grossly impairs judgment, behaviour, capacity to recognize reality or ability to meet the ordinary demands of life, mental conditions associated with the abuse of alcohol and drugs.
- It also provides the right of patients to access facilities that include rehabilitation services in the hospital, community, and home, sheltered and supported accommodation.
- It regulates the research on PMI (Person with Mental Illness) and the use of neurosurgical treatments.
- A person who attempts to commit suicide will be presumed to be “suffering from severe stress” and shall not be subjected to any investigation or prosecution.
- The act envisages the establishment of Central Mental Health Authority and State Mental Health Authority.
- The majority of the States have not established State Mental Health Authority and Mental Health Review Boards (MHRBs), and many States have not notified minimum standards which are meant to ensure the quality of MHIs.
- MHRBs are bodies that can draft standards for mental healthcare institutes, oversee their functioning and ensure they comply with the Act.
- The absence of MHRBs renders people unable to exercise rights or seek redressal in case of rights violations
- People are either put in these establishments by families or through the police and judiciary.
- In many cases, families refuse to take them because of the stigma attached to incarceration or the idea that the person is no longer functional in society.
- Gender discrimination plays a role here: women are more likely to be abandoned due to “family disruption, marital discords and violence in intimate relationships