

What does the Mental Health Care Bill Mean For Persons With Mental Illness?

By **Shampa Sengupta** - August 10, 2016

The Mental Health Care Bill 2016 was passed in the Rajya Sabha on 8th August 2016. Since I have not seen the complete Bill with the 134 official amendments as yet I am not going to analyse the Bill per se in this article. This piece is more of an overview with some critique thrown in for people who are not directly involved with mental health sector.

Also let me clarify at first place that comments made in this article are personal and do not reflect the views of organisation/network I am attached with. This Bill created lot of controversy within the sector as there seemed to be a never-ending tussle between persons with mental illness, the caregivers and the professionals who offer medical services. Sometimes the debates became too nasty to digest during discussion of the bill. At certain point of times I felt that care-givers are eternal enemies of persons with mental illness and vice-versa.

This whole debate made my life quite difficult – as many friends in this sector know that I started working as a professional, became a person with mental illness and now I'm also a primary care-giver. Since I have gone through all the roles in my life, it was difficult for me to understand why we were quarreling so much – let's be clear, the more fragmented we are within our movements, we give leeway to the government to divide us further.

It became mandatory for Indian Government to amend or rewrite few laws after we ratified United Nations Convention on Rights of Persons with Disabilities (UNCRPD); Mental Health Act of 1987 was one of them. The 1987 Act was archaic in nature which replaced the 1992 Indian Lunacy Act. Though there had been some changes like the terminologies where Lunatic Person was changed to Mentally Ill Person, the critics feels that changes had been cosmetic and situation of persons with mental illness remained as pathetic as before.

Now will the new Mental Health Care Bill bring in many changes? It is difficult to believe so; in general mental health care is a low priority for the government. Not only there's severe scarcity of trained persons to deal with the need of the sector, the stigma attached to mental health remains abundant in our society. So much so that people like us, when we talk about our own illness, find deafening silence from general society and social campaigns like **#ImNotAshamed** are required to publicize that we are not ashamed to talk about ourselves. As a caregiver, I find it difficult that close friends or relatives, who call up and enquire about physical health if one of my family member has fever or any other ailment, turn off totally if I want to share with them the mental health issue of the same family

member. One does not have someone to turn to share the issues surrounding care-giving entails.

There are definitely some good features in the proposed new law. The decriminalization of suicide is a positive step and there's option for advanced directives where patients can choose what kind of treatment they want. However, in a country like India, where literacy rates are still not satisfactory, how will common people be aware of different kinds of treatments available to them, so that they can choose from the same remains a mystery to me. Like every other sphere, people coming from different marginalised groups will have less access to this information.

There are also chances that the state will utilise this clause of the Law by not giving treatment to a person with mental illness saying they opted for it – and getting treatment from state should actually be a basic right.

The most important issue that I find we are missing is that in our country we do not have specific law on Right to Health. Though this was proposed a few years ago and was put up in the Ministry's website, the idea was completely forsaken for reasons unknown. Personally, I feel we would not have required separate Mental Health Legislation if we could include this in our Right to Health Law – mental health is essentially part of larger Right to Health. When we segregate mental health from general health, the stigma increases.

We also have Persons with Disabilities Act of 1995 which we hope will soon be replaced by Rights of Persons with Disabilities Act. For natural reasons mental illness is a component of both of them. Now, if Disability part of persons with Mental Illness could be addressed through this law and Health part through the Right to Health Act, it would have been an ideal situation. But we do not have much hope to achieve this ideal situation as "Divide & Rule" policy seems to please everyone.

Also read: [**Should We Rejoice?: A Critical Analysis Of the Mental Health Care Bill 2016**](#)

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