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Analysis of Mental Health Act, 2017

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*"Mental health...is not a destination, but a process. It's about how you drive, not where you're going." —“
Noam Shpancer, PhD”¹*

ABSTRACT :

The main analysis of this mental health act is to determine the conditions which are faced by the person and the difficult situation they have gone through. To safeguard, endorse and accomplish the virtue of PMI during parturition of mental health care services and matters interconnected. The Mental Health Act aids discretionary treatment in predilection to mandatory treatment and initiates robust buffer and views mechanisms to endorse the rights, dignity, and sovereignty of people living with a mental ailment.² The main objective behind this act is to prevent health issues for people with mental illness and these people have the right to live life with dignity. The Mental Health Act of 1983 is a plot to give health professionals the capability, in certain situations, to retard, assess and tend to people with mental illness.

INTRODUCTION:

Some so many people who suffer from mental health and that mental illness they are not able to make their own decisions by themselves, and many people who did not get sufficient treatment because of a lack of resources and support from their families, as their representatives try to hide their condition out of shame. Every 40 out of every 20 persons in India feel depressed at some point in their lives. Even though mental health concerns are a major problem, they continue to be a conundrum in emerging countries such as India³.

According to the World Health Organisation, health encircles the blended union of physical, spiritual, mental, and social proportions, and mental health and well-being are fundamental to quality of life, empower people to ordeal life as meaningful, transform creative and active citizens."⁴ As we all know our normal health is very much distinguished from our mental health

¹ Good house keeping \ <https://www.goodhousekeeping.com/life/a39739060/mental-health-quotes> (Last Visited Date 28\11\2022)

² health.vic / <https://www.health.vic.gov.au/practice-and-service-quality/mental-health-act-2014/> (Last Visited Date 28\11\2022)

³ Abhishek Mishra and Abhiruchi Galhotra, 'Mental Healthcare Act 2017: Need to Wait and Watch' (2018) <<https://tinyurl.com/uv35mwse>> accessed 17 Oct 2021

⁴ Tinyurl.com/ <https://tinyurl.com/uv35mwse/> (Last visited 28/11/22)

as compared to people suffering from mental illness, in which people cannot make their own decision. Mental conditions affect individuals for a huge duration of life and had lifetime effects that directly gently result in poor quality of life, and it is hard to maintain their family condition and they try to upgrade their condition out of shame. This kind of help improves the mental status of patients who suffers from abuse, neglect, etc in their daily life.

According to the global quintessence of disease, mental disorder accounts for 13% of total disability-adjusted life years lost, with melancholy being the farreaching tenet of disability years.⁵ Over 300 million individuals in the world's population, are estimated to suffer from depression. Various studies have shown a strong link between mental illnesses and India, a lot of hospitals and infrastructure are available to resolve mental illness problems and help to provide better treatment and so many professionals are available to conquer this problem these institutions also help to give free treatment to sick peoples`. This provision also provides such protection to people to them ingress to free legal assistance/benefits and medical records and provides the right to complain, in the case of statutes not working properly or lacking.⁶

Advance Directive:

A mentally sick person can make their own decisions to whom they are comfortable with, who can help them to give treatment that helps to cure. A medical practitioner must sweep this directive. An appropriate government to institute an established body to work on it. The authority will assign all mental health practitioners and mental health institutions

The entities are given below⁷

- Register, monitor, and maintain a database of all mental health facilities
- Raise the level of quality and service offering in such institutions;
- Develop a database of mental health practitioners;
- d) Provide training on the act's requirements to law enforcement authorities and mental health experts.
- Facing adversity as a result of service delivery shortcomings; and
- Provide advice to the government on mental health issues.

⁵ Ibid

⁶ Tinyurl.com/ <https://tinyurl.com/uv35mwse/> (Last visited 28/11/22)

⁷ Nayan Joshi, *Medical Jurisprudence and Toxicology* (Third Edition 2016)

Admission of people suffering from mental illness the provisions will define the procedures and mechanisms for admitting, treating, and releasing ill people. It decriminalizes a suicide attempt by a mentally ill individual by decriminalizing suicide and outlawing electroconvulsive therapy. It also requires the government to reintegrate such a person to assurance that a suicide attempt does not transpire again⁸.

If any complaint comes to the police in charge i.e any, mentally ill person got bullied by any of the people, the police officer should believe him\her and shall report to the magistrate. The bill also obtrudes a responsibility on any police officer in charge to identify that ill person and help them to take them to medical health facilities to examine their health, also help them to find a shelter for them.

The Act the Mental Healthcare Act of 2017 intends to provide mental healthcare for people suffering from mental illnesses. It ensures that these individuals have an equal opportunity to live a life of nobility by guaranteeing that they are not discriminated opposed to or harassed. This bill has many excellent aspects, but it is not without flaws, and it is not infallible under Indian circumstances.⁹ Here are a few that have been embellished: This statute establishes the right to live a noble life free of discrimination based on sex, religion, culture, or caste¹⁰. Every person has the right to privacy with himself.

As stated in the new rules, ECT cannot be performed without anesthetic, and there is no ECT for minors. Such patients will not be sterilized, and they will not be placed in solitary confinement or seclusion. This act ensures that everyone has access to the mental care process, these services are also very affordable for every person with good quality and it is also available all over the country. However, given the lack of medical infrastructure at the district and sub-district levels, the pecuniary burden on state governments will be considerable.

The provision also recognizes the right to community living; the right to live with dignity; protection from cruel, inhuman, or degrading treatment; treatment equal to persons with a physical ailment; right to pertinent information concerning treatment, other rights and

⁸ Justice K Kannan, *Medical Jurisprudence and Toxicology* (Twenty-Fifth Edition 2015)

⁹ Tinyurl.com/ Supra - 6

¹⁰ M.P.Jain, *The constitution of India*(Third Edition)

recourses; right to secrecy; right to access their basic medical records; right to personal contacts and connections; right to legal aid.¹¹

An alternative to insufficiency in the provision of care, treatment, and alternative to insufficiency in the provision of care¹². However, this is a measure of disbursement that must be met to meet the legal obligation. It's also unclear how the money will be distributed between the federal and state governments. This act deals with all type of relief and treatment for mentally ill people who needs proper care for their disease, the government also helps to give appropriate cure for their mental illness like anxiety, depression, sorrow, decline, panic attack, bipolar disorder, eating disorder, etc.

CONCLUSION :

According in reference with India, the world's second most populous country and one of the world's most agile economies. The advice should be re-evaluated in light of factors like primary prevention, discrimination, and the plight of former mental health patients. The main purpose of this act is to improve the condition and situation of the people who are exactly suffering from ill issues. As a result, being upbeat about the legislation necessitates procrastination and close attention to its implementation. The scope of this act is to analyze and maintain the issues which are faced by ill persons as well as solve and provide relief to them in a reasonable time, and that will help to improve their mental health over the period of time. The awareness of mental health plays a very important role in our society. From my point of view, staying silenced can stop us from supporting our loved ones who are struggling with mental elements. Mental health is important in every stage of life from childhood to adulthood and aging, to reduce mental illness people can apply some specific exercises in their daily routine like meditating, running, knitting, singing, writing, dancing, etc. This act provides so many facilities for people which enhance person approach towards positive life thinking ability of the person, handling stress, making their own decisions and lives productively. The message of Mental Health awareness is you don't have to control your thoughts, you just have to stop letting them control you.¹³ We can improve mental health by connecting or communicating with another person, being physically new skills that boost our self-motivation. . One in ten young people

¹¹ tinyurl.com / Supra 6

¹² INDIAN CONSTI, art, 19 & 21.

¹³ Good house keeping, <https://www.goodhousekeeping.com/life/a39739060/mental-health-quotes>, (Last Visited 29/11/22)

has experienced a period of significant depression, depression is one of the chief causes of disability, affecting 242 million people. As we all know, during the COVID-19 pandemic the rise of infection has infected so many people and mental health problems increased day by day, from which people suffer from illness whereas other people were suffering from depression, and anxiety because of their jobs, wealth, health, etc. this phase was very challenging to all citizen of the country as well as to our mental health department, doctors, and for the government. But at last from this very difficult situation people suffering from mental illness, infection, and other diseases came with victory. So, it can be concluded as mental illness is not a personal failure.

