

RAJYA SABHA  
NOTICE OF AMENDMENTS  
THE MENTAL HEALTH CARE BILL, 2013  
(As introduced in the Rajya Sabha)  
[To be moved at a sitting of the Rajya Sabha]

LONG TITLE

BY SHRI JAGAT PRAKASH NADDA:

1. That at page 1, in the Long Title, *for* the words "health care" wherever it occurs, the word "healthcare" be substituted.

ENACTING FORMULA

BY SHRI JAGAT PRAKASH NADDA:

2. That at page 1, line 1, *for* the word "Sixty-fourth", the word "Sixty-seventh" be substituted.

CLAUSE 1

BY SHRI JAGAT PRAKASH NADDA:

3. That at page 1, line 5, *for* the words and figure "Mental Health Care Act, 2013", the words and figure "Mental Healthcare Act, 2016" be substituted.
4. That at page 2, *for* lines 1 to 5, the following be substituted, namely:-

“(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; or on the date of completion of the period of nine months from the date on which the Mental Healthcare Act, 2016 receives the assent of the President.”.

CLAUSE 2

BY SHRI JAGAT PRAKASH NADDA:

5. That at page 2, *after* line 18, the following be inserted, namely:-

“(ba) “Authority” means the Central Mental Health Authority or the State Mental Health Authority, as the case may be;”.
6. That at page 2, line 20, *for* the words, bracket and figures “Commission under sub-section (1) of section 80”, the words bracket and figures “State Authority under sub-section (1) of section 80 in such manner as may be prescribed;” be substituted.

7. That at page 2, for lines 30 to 39, the following be substituted, namely:-
- “(ii) having a Post-Graduate degree in Psychology or Clinical Psychology or Applied Psychology and a Master of Philosophy in Clinical Psychology or Medical and Social Psychology obtained after completion of a full time course of two years which includes supervised clinical training from any University recognised by the University Grants Commission established under the University Grants Commission Act, 1956 and approved and recognised by the Rehabilitation Council of India Act, 1992 or such recognised qualifications as may be prescribed;”.
- 3 of 1956.  
34 of 1992.
8. That at page 3, after line 33, the following be inserted, namely:-
- “(na) “mental healthcare” includes analysis and diagnosis of a person’s mental condition and treatment as well as care and rehabilitation of such person for his mental illness or suspected mental illness;”.
9. That at page 4, for lines 9 and 10, the following be substituted, namely:-
- “(iii) a professional having a Post-Graduate degree (Ayurveda) in *Mano Vigyan Avum Manas Roga* or a Post-Graduate degree (Homeopathy) in Psychiatry or a Post-Graduate degree (*Unani*) in Moalijat (*Nafasiyatt*) or a Post-Graduate degree (*Siddha*) in *Sirappu Maruthuvam*;”.
10. That at page 4, for lines 23 to 27, the following be substituted, namely:-
- “(w) “psychiatric social worker” means a person having a Post-Graduate degree in Social Work and a Master of Philosophy in Psychiatric Social Work obtained after completion of a full time course of two years which includes supervised clinical training from any University recognised by the University Grants Commission established under the University Grants Commission Act, 1956 or such recognised qualifications, as may be prescribed.”.
- 3 of 1956.

#### CLAUSE 4

##### BY SHRI JAGAT PRAKASH NADDA:

11. That at page 5, for lines 15 to 24, the following be substituted, namely:-

“4.(1) Every person, including a person with mental illness shall be deemed to have capacity to make decisions regarding his mental healthcare or treatment if such person has ability to—

(a) understand the information that is relevant to take a decision on the treatment or admission or personal assistance; or

(b) appreciate any reasonably foreseeable consequence of a decision or lack of decision on the treatment or admission or personal assistance; or

(c) communicate the decision under sub-clause (a) by means of speech, expression, gesture or any other means.”.

12. That at page 5, lines 33 to 35, be deleted.

#### CLAUSE 6

##### BY SHRI JAGAT PRAKASH NADDA:

13. That at page 6, for lines 12 to 30, the following be substituted, namely:-

“6. An advance directive shall be made in the manner as may be specified by the regulations made by the Central Authority.”.

Manner of making advance directive.

#### CLAUSE 8

##### BY SHRI JAGAT PRAKASH NADDA:

14. That at page 6, in lines 35 and 38, the words, bracket and figure “sub-section (1) of” be deleted.

#### CLAUSE 11

##### BY SHRI JAGAT PRAKASH NADDA:

15. That at page 7, in lines 7 and 9, for the word “may”, the word “shall” be substituted.



**CLAUSE 12**

**BY SHRI JAGAT PRAKASH NADDA:**

16. That at page 7, in lines 29, 31 and 34, for the word "Commission", the words "Central Authority" be substituted.

**CLAUSE 18**

**BY SHRI JAGAT PRAKASH NADDA:**

17. That at page 10, line 13, after the word "accommodation", the words "as may be prescribed" be inserted.
18. That at page 10, line 16, after the word "services", the words "as may be prescribed" be inserted.
19. That at page 11, lines 24 to 27, be deleted.

**CLAUSE 19**

**BY SHRI JAGAT PRAKASH NADDA:**

20. That at page 11, after line 40, the following be inserted, namely:-

“(1A) Where it is not possible for a mentally ill person to live with his family or relatives, or where a mentally ill person has been abandoned by his family or relatives, the appropriate Government shall provide support as appropriate including legal aid and to facilitate exercising his right to family home and living in the family home.”.

**CLAUSE 21**

**BY SHRI JAGAT PRAKASH NADDA:**

21. That at page 12, line 28, for the words "health services", the word "illness" be substituted.
22. That at page 12, for lines 35 to 38, the following be substituted, namely:-

“(2) A child under the age of three years of a woman receiving care, treatment or rehabilitation at a mental health establishment shall ordinarily not be separated from her during her stay in such establishment:

Provided that where the treating Psychiatrist, based on his examination of the woman, and if appropriate, on information provided by others, is of the opinion that there is risk of harm to the child from the woman due to her mental illness or it is in the interest and safety of the child, the child shall be temporarily separated from the woman during her stay at the mental health establishment:

Provided further that the woman shall continue to have access to the child under such supervision of the staff of the establishment or her family, as may be appropriate, during the period of separation.

(3) The decision to separate the woman from her child shall be reviewed every fifteen days during the woman's stay in the mental health establishment and separation shall be terminated as soon as conditions which required the separation no longer exist:

Provided that any separation permitted as per the assessment of a mental health professional, if it exceeds thirty days at a stretch, shall be required to be approved by the respective Authority.

(4) Every insurer shall make provision for medical insurance for treatment of mental illness on the same basis as is available for treatment of physical illness.”.

#### CLAUSE 23

**BY SHRI JAGAT PRAKASH NADDA:**

23. That at page 13, for lines 30 and 31, the following be substituted, namely:-

“(e) release only such information as is necessary to prevent threat to life;”.

24. That at page 13, line 32, for the word “Commission”, the words “Central Authority” be substituted.

#### CLAUSE 25

**BY SHRI JAGAT PRAKASH NADDA:**

25. That at page 13, for lines 41 and 42, the following be substituted, namely:-

“25.(1) All persons with mental illness shall have the right to access their basic medical records as may be prescribed;”.

26. That at page 14, in lines 1 and 6, for the word “psychiatrist”, the words “mental health professional” be substituted.

27. That at page 14, line 6, the words “or her” be deleted.

#### CLAUSE 26

**BY SHRI JAGAT PRAKASH NADDA:**

28. That at page 14, lines 10 and 11, for the words “of the day subject to the rules of such mental health establishment”, the words “subject to the norms of such mental health establishment” be substituted.

29. That at page 14, in lines 14 and 16, for the word “psychiatrist”, the words “mental health professional” be substituted.

**CLAUSE 27**

**BY SHRI JAGAT PRAKASH NADDA:**

30. That at page 14, line 29, after the words "duty of", the following be inserted, namely:-  
"magistrate, police officer, person in charge of such custodial institution as may be prescribed or".
31. That at page 14, line 29, for the word "psychiatrist", the words "mental health professional" be substituted.

**CLAUSE 28**

32. That at page 14, in line 33, the words, "or her" be deleted.
33. That at page 14, in line 36, for the word "psychiatrist", the words "mental health professional" be substituted.
34. That at page 14, for lines 38 and 39, the following be substituted, namely:-  
" (b) the concerned Board and if not satisfied with the response;  
 (c) the State Authority."

**CLAUSE 31**

**BY SHRI JAGAT PRAKASH NADDA:**

35. That at page 15, lines 29 to 31 be deleted.

**CLAUSE 34**

**BY SHRI JAGAT PRAKASH NADDA:**

36. That at page 16, after line 10, the following be inserted, namely:-  
"(ga) such other ex-officio representatives from the relevant Central Government Ministries or Departments;"
37. That at page 16, after line 27, the following be inserted, namely:-  
"(o) two persons representing areas relevant to mental health, if considered necessary."
38. That at page 16, line 28, for the words, brackets and alphabets "clauses (h) to (n)", the words, brackets and alphabets "clauses (h) to (o)" be substituted.

**CLAUSES 35**

**BY SHRI JAGAT PRAKASH NADDA:**

39. That at page 16, line 30, for the words, brackets and alphabets "clauses (h) to (n)", the words, brackets and alphabets "clauses (h) to (o)" be substituted.



**CLAUSE 46**

**BY SHRI JAGAT PRAKASH NADDA:**

40. That at page 20, after line 2, the following be inserted, namely:-  
“(da) such other ex-officio representatives from the relevant State Government Ministries or Departments;”.
41. That at page 20, line 3, for the word “Superintendent”, the word “Head” be substituted.

**CLAUSE 52**

**BY SHRI JAGAT PRAKASH NADDA:**

42. That at page 21, line 14, for the word “Director”, the words “Deputy Secretary” be substituted.

**CLAUSE 63**

**BY SHRI JAGAT PRAKASH NADDA:**

43. That at page 24, lines 33 to 37 be deleted.

**CLAUSE 65**

**BY SHRI JAGAT PRAKASH NADDA:**

44. That at page 25, after line 8, the following be inserted, namely:-  
“Provided that the Central Government, may, by notification, exempt any category or class of existing mental health establishments from the requirement of registration under this Act.”.
45. That at page 25, in lines 30, 32, 34 and 35, the word “Central” be deleted.

**CLAUSE 66**

**BY SHRI JAGAT PRAKASH NADDA:**

46. That at page 27, line 4, for the word “thirty”, the word “forty-five” be substituted.
47. That at page 27, lines 12 to 15, the following be substituted, namely:-  
“(19) Notwithstanding anything contained in this section, if the Authority has neither communicated any objections received by it to the mental health establishment under sub-section (15), nor has passed an order under sub-section (18), the registration shall be deemed to have been granted by the Authority and the Authority shall provide a permanent certificate of registration.”.

CLAUSE 67

**BY SHRI JAGAT PRAKASH NADDA:**

48. That at page 27, lines 44 and 45, the following be substituted, namely:-

“(7) The Authority may cancel the registration of a mental health establishment if recommended by the Board to do so.”.

CLAUSE 70

**BY SHRI JAGAT PRAKASH NADDA:**

49. That at page 28, after line 34, the following be inserted, namely:-

“(3A) Any change of ownership of the mental health establishment shall be intimated to the Authority by the new owner within one month from the date of change of ownership.”.

CLAUSE 73

**BY SHRI JAGAT PRAKASH NADDA:**

50. That at page 29, lines 1 to 7 be deleted.

CLAUSE 74

**BY SHRI JAGAT PRAKASH NADDA:**

51. That at page 29, clause 74 be deleted.

CLAUSE 75

**BY SHRI JAGAT PRAKASH NADDA:**

52. That at page 29, clause 75 be deleted.

CLAUSE 76

**BY SHRI JAGAT PRAKASH NADDA:**

53. That at pages 29 and 30, clause 76 be deleted.

CLAUSE 77

**BY SHRI JAGAT PRAKASH NADDA:**

54. That at page 30, clause 77 be deleted.

CLAUSE 78

**BY SHRI JAGAT PRAKASH NADDA:**

55. That at page 30, clause 78 be deleted.

CLAUSE 79

**BY SHRI JAGAT PRAKASH NADDA:**

56. That at page 30, clause 79 be deleted.



## CLAUSE 80

**BY SHRI JAGAT PRAKASH NADDA:**

57. That at page 30, for lines 39 to 43, the following be substituted, namely:-

### “CHAPTER XI

### MENTAL HEALTH REVIEW BOARDS

80.(1) The State Authority shall, by notification, constitute Boards to be called the Mental Health Review Boards, for the purposes of this Act.

Constitution  
of Mental  
Health  
Review  
Boards.

(2) The requisite number, location and the jurisdiction of the Boards shall be specified by the State Authority in consultation with the State Governments concerned.

(3) The constitution of the Boards by the State Authority for a district or group of districts in a State under this section shall be such as may be prescribed by the Central Government.”.

58. That at page 31, for lines 1 and 2, the following be substituted, namely:-

“(4) While making rules under sub-section (3), the Central Government shall have regard to the following, namely:-”.

## CLAUSE 81

**BY SHRI JAGAT PRAKASH NADDA:**

59. That at page 31, line 10, for the figure “81”, the figure and bracket “81(1)” be substituted.
60. That at page 31, for lines 16 and 17, the following be substituted, namely:-  
“(c) two members, of whom one shall be a psychiatrist and the other shall be a medical practitioner;”.
61. That at page 31, after line 20, the following be inserted, namely:-

“(2) A person shall be disqualified to be appointed as the chairperson or a member of a Board or be removed by the State Authority, if he—

(a) has been convicted and sentenced to imprisonment for an offence which involves moral turpitude; or

(b) is adjudged as an insolvent; or

(c) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or

(d) has such financial or other interest as is likely to prejudice the discharge of his functions as a member; or

(e) has such other disqualifications as may be prescribed by the Central Government.

(3) A chairperson or member of a Board may resign his office by notice in writing under his hand addressed to the Chairperson of the State Authority and on such resignation being accepted, the vacancy shall be filled by appointment of a person, belonging to the category under sub-section (1) of section 81.”.

**CLAUSE 82**

**BY SHRI JAGAT PRAKASH NADDA:**

62. That at pages 31 and 32, clause 82, be deleted.

**CLAUSE 83**

**BY SHRI JAGAT PRAKASH NADDA:**

63. That at page 32, line 15, for the words “president of the Commission”, the words “Chairperson of the State Authority” be substituted.

**CLAUSE 84**

**BY SHRI JAGAT PRAKASH NADDA:**

64. That at page 32, line 19, for the word “Commission”, the words “Authority” be substituted.

65. That at page 32, in the marginal heading, for the word “Commission”, the word “Authority” be substituted.

66. That at page 32, line 23, for the word “Commission”, the words “Authority” be substituted.

**CLAUSE 86**

**BY SHRI JAGAT PRAKASH NADDA:**

67. That at page 32, for lines 36 to 38, the following be substituted, namely:-

“86. All proceedings before the Board shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

Proceedings  
before Board to  
be judicial  
proceedings.

45 of  
1860.

**CLAUSE 87**

**BY SHRI JAGAT PRAKASH NADDA:**

68. That at page 32, for lines 39 to 41, the following be substituted, namely:-

“87. The Board shall meet at such times and places and shall observe such rules of procedures in regard to the transaction of business at its meetings as may be specified by regulations made by the Central Authority.”. Meetings.

**CLAUSE 89**

**BY SHRI JAGAT PRAKASH NADDA:**

69. That at page 33, clause 89 be deleted.

**CLAUSE 90**

**BY SHRI JAGAT PRAKASH NADDA:**

70. That at page 34, line 1, for the word “Commission”, the words “Central Authority” be substituted.
71. That at page 34, in the marginal heading, for the word “Commission”, the words “Central Authority” be substituted.

**CLAUSE 91**

**BY SHRI JAGAT PRAKASH NADDA:**

72. That at page 34, line 14, for the word “psychiatrists”, the words “mental health professional” be substituted.
73. That at page 34, for lines 22 to 28, the following be substituted, namely:-  
“(2) Where it is brought to the notice of a Board or the Central Authority or State Authority, that a mental health establishment violates the rights of persons with mental illness, the Board or the Authority may conduct an inspection and inquiry and take action to protect their rights.”.
74. That at page 34, line 30, for the word “Commission”, the word “Authority” be substituted.
75. That at page 34, for lines 32 to 36, the following be substituted, namely:-  
“(4) If the mental health establishment does not comply with the orders or directions of the Authority or the Board or willfully neglects such order or direction, the Authority or the Board, as the case may be, may impose penalty which may extend up to five lakh rupees on such mental health establishment and the Authority on its own or on the recommendations of the Board may also cancel the registration of such mental health establishment after giving an opportunity of being heard.”.



**CLAUSE 92**

**BY SHRI JAGAT PRAKASH NADDA:**

76. That at page 34, line 37, *for* the word “Commission”, the word “Authority” be *substituted*.
77. That at page 34, in the marginal heading, *for* the word “Commission”, the word “Authority” be *substituted*.

**CLAUSE 93**

**BY SHRI JAGAT PRAKASH NADDA:**

78. That at page 34, *for* lines 43 to 45, the following be *substituted*, namely:-  
Grants by Central Government. “93. (1) The Central Government may, make to the Central Authority grants of such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.”.
79. That at page 35, line 2, *for* the word “president”, the word “Chairperson” be *substituted*.
80. That at page 35, in lines 3 and 6, *for* the word “Commission”, the words “Central Authority” be *substituted*.

**CLAUSE 95**

**BY SHRI JAGAT PRAKASH NADDA:**

81. That at page 35, in lines 19, 21 and 23, *for* the word “psychiatrist”, the words “mental health professional” be *substituted*.
82. That at page 36, line 3, *for* the word “psychiatrist”, the words “mental health professional” be *substituted*.

**CLAUSE 96**

**BY SHRI JAGAT PRAKASH NADDA:**

83. That at page 36, in lines 8 and 40, *for* the word “psychiatrist”, the words “mental health professional” be *substituted*.
84. That at page 36, line 16, the words “or her” be *deleted*.

**CLAUSE 97**

**BY SHRI JAGAT PRAKASH NADDA:**

85. That at page 37, line 6, *for* the word “psychiatrist”, the words “mental health professional” be *substituted*.
86. That at page 37, line 20, the words “or her” be *deleted*.

**CLAUSE 98**

**BY SHRI JAGAT PRAKASH NADDA:**

87. That at page 37, line 32, *for* the word “psychiatrist”, the words “mental health professional” be *substituted*.
88. That at page 38, in lines 19, 32, 34 and 41, *for* the word “psychiatrist”, the words “mental health professional” be *substituted*.
89. That at page 39, in lines 1, 5, 7, 19 and 22, *for* the word “psychiatrist”, the words “mental health professional” be *substituted*.

**CLAUSE 99**

**BY SHRI JAGAT PRAKASH NADDA:**

90. That at page 39, line 28, *for* the word “psychiatrist”, the words “mental health professional” be *substituted*.
91. That at page 40, in lines 3, 40 and 46, *for* the word “psychiatrist”, the words “mental health professional” be *substituted*.
92. That at page 40, *for* lines 33 and 34, the following be *substituted*, namely:-  
“(11) Every person with mental illness admitted under this section shall be provided treatment, after taking into account –  
(a) an advance directive; or  
(b) informed consent of the person with the support from his nominated representative subject to the provision of sub-section (12).”.
93. That at page 40, line 43, the words “or her” be *deleted*.
94. That at page 41, in lines 3 and 5, *for* the word “psychiatrist”, the words “mental health professional” be *substituted*.

**CLAUSE 100**

**BY SHRI JAGAT PRAKASH NADDA:**

95. That at page 41, line 10, *for* the figure, bracket and words, “100. (1) The Medical officer or psychiatrist”, the figure and words “100. The medical officer or mental health professional” be *substituted*.
96. That at page 41, lines 14 to 45 be *deleted*.

**CLAUSE 101**

**BY SHRI JAGAT PRAKASH NADDA:**

97. That at page 42, *for* lines 1 to 8, the following be *substituted*, namely:-

“101.If any person to whom section 112 applies absents himself without leave or without discharge from the mental health establishment, he shall be taken into protection by any Police Officer at the request of the medical officer or mental health professional in-charge of the mental health establishment and shall be sent back to the mental health establishment immediately.”.

Absence  
without  
leave or  
discharge.

**CLAUSE 102**

**BY SHRI JAGAT PRAKASH NADDA:**

98. That at page 42, line 13, *for* the word “Commission”, the words “Central Authority” be *substituted*.

**CLAUSE 103**

**BY SHRI JAGAT PRAKASH NADDA:**

99. That at page 42, in lines 29 and 31, the words “herself or” be *deleted*.

**CLAUSE 104**

**BY SHRI JAGAT PRAKASH NADDA:**

100. That at page 43, line 14, *for* the word “consent”, the words “informed consent” be *substituted*.

**CLAUSE 105**

**BY SHRI JAGAT PRAKASH NADDA:**

101. That at page 43, line 22, *for* the word “Commission”, the words “Central Authority” be *substituted*.

**CLAUSE 106**

**BY SHRI JAGAT PRAKASH NADDA:**

102. That at page 43, *for* line 24, the following be *substituted*, namely:-

“106. (1) A person with mental illness shall not be subjected to seclusion or solitary confinement, and, where necessary, physical restraint may only be used when,—”.

103. That at page 43, line 31, *for* the word “psychiatrist”, the words “mental health professional” be *substituted*.

104. That at page 43, in lines 29, 32, 33, 35, 36 and 40, the words “or seclusion” be *deleted*.

105. That at page 43, in line 39, the words “seclusion or” be *deleted*.



106. That at page 44, in lines 1 and 6, the words “ and seclusion” be *deleted*.
107. That at page 44, line 3, *for* the word “Commission”, the words “Central Authority” be *substituted*.

**CLAUSE 108**

**BY SHRI JAGAT PRAKASH NADDA:**

108. That at page 44, in lines 34 and 37, *for* the word “health”, the words “mental health” be *substituted*.
109. That at page 44, *after* line 46, the following be *inserted*, namely:-
- “(5) The person with mental illness or the nominated representative who gives informed consent for participation in any research under this Act may withdraw the consent at any time during the period of research.”.

**CLAUSE 109**

**BY SHRI JAGAT PRAKASH NADDA:**

110. That at page 45, line 24, *for* the word “psychiatrist”, the words “mental health professional” be *substituted*.

**CLAUSE 111**

**BY SHRI JAGAT PRAKASH NADDA:**

111. That at page 46, in lines 10 and 13, *for* the word “psychiatrist”, the words “mental health professional” be *substituted*.

**CLAUSE 112**

**BY SHRI JAGAT PRAKASH NADDA:**

112. That at page 46, *after* line 22, the following be *inserted*, namely:-
- “Provided that transfer of a prisoner with mental illness to the psychiatric ward in the medical wing of the prison shall be sufficient to meet the requirements under this section:

Provided further that where there is no provision for a psychiatric ward in the medical wing, the prisoner may be transferred to a mental health establishment with prior permission of the Board.

(1A) The method, modalities and procedure by which the transfer of a prisoner under this section is to be effected shall be such as may be prescribed.”.

113. That at page 46, after line 31, the following be inserted, namely:-

“(5) The appropriate Government shall set up mental health establishment in the medical wing of at least one prison in each State and Union territory and prisoners with mental illness may ordinarily be referred to and cared for in the said mental health establishment.

(6) The mental health establishment set up under sub-section (5) shall be registered under this Act with the Central or State Mental Health Authority, as the case may be, and shall conform to such standards and procedures as may be prescribed.”.

**CLAUSE 113**

**BY SHRI JAGAT PRAKASH NADDA:**

114. That at page 46, after line 36, the following be inserted, namely:-

“(2) The medical officer in charge of a mental health establishment shall be responsible for assessment of the person with mental illness, and the treatment required by such persons shall be decided in accordance with the provisions of this Act.”.

**CLAUSE 114**

**BY SHRI JAGAT PRAKASH NADDA:**

115. That at page 46, for lines 37 to 43, the following be substituted, namely:-

Question  
of mental  
illness in  
judicial  
process.

“114. If during any judicial process before any competent court, proof of mental illness is produced and is challenged by the other party, the court shall refer the same for further”.

**CLAUSE 116**

**BY SHRI JAGAT PRAKASH NADDA:**

116. That at page 47, in line 17, for the words “knowingly serves”, the words “knowingly serves in the capacity as a mental health professional” be substituted.

**CLAUSE 119**

**BY SHRI JAGAT PRAKASH NADDA:**

117. That at page 48, in lines 11 and 12, the words “or the Commission” be deleted.

118. That at page 48, in line 15 and 17, for the word “Authority”, the words “State Authority or the Board” be substituted.

**CLAUSE 123**

**BY SHRI JAGAT PRAKASH NADDA:**

119. That at page 50, in line 13, for the words "president of the Commission", the words "Chairperson of the Central Authority" be substituted.
120. That at page 50, in line 14, for the words "a single Board", the words "one or more Boards" be substituted.

**CLAUSE 124**

**BY SHRI JAGAT PRAKASH NADDA:**

121. That at page 50, for lines 39 to 42, the following be substituted, namely:-

124.(1)Notwithstanding anything contained in section 309 of the Indian Penal Code any person who attempts to commit suicide shall be presumed, unless proved otherwise, to have severe stress and shall not be tried and punished under the said Code."

<sup>45 of 1860.</sup> Presumption of severe stress in case of attempt to commit suicide.

122. That at page 50, in line 44, for the words "mental illness", the words "severe stress" be substituted.

**CLAUSE 125**

**BY SHRI JAGAT PRAKASH NADDA:**

123. That at page 50, line 47, for the word "Commission", the word "Authority" be substituted.

**CLAUSE 126**

**BY SHRI JAGAT PRAKASH NADDA:**

124. That at page 51, in lines 5 and 6, for the words "scheme for the smooth implementation of the provisions of this Act.", the words "necessary transitory schemes." be substituted.

**CLAUSE 127**

**BY SHRI JAGAT PRAKASH NADDA:**

125. That at page 51, line 7, the word ",president" be deleted.
126. That at page 51, line 8, the word "Commission" be deleted.

**CLAUSE 128**

**BY SHRI JAGAT PRAKASH NADDA:**

127. That at page 51, line 11, the words "or President" be deleted.
128. That at page 51, line 11, the word "Central" be deleted.



129. That at page 51, line 12, the words "or the State Authority or the Commission" be deleted.

**CLAUSE 130**

**BY SHRI JAGAT PRAKASH NADDA:**

130. That at page 51, for lines 18 to 41, the following be substituted, namely:-

"130.(1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) Subject to the provisions of sub-section (1), the State Government may with the previous approval of the Central Government, by notification, make rules for carrying out the provisions of this Act:

Power of  
Central  
Government  
and State  
Governments  
to make  
rules.

Provided that the first rules shall be made by the Central Government, by notification.

(3) In particular, and without prejudice to the generality of the foregoing power, rules made under sub-section (1) may provide for all or any of the following matters, namely:-

(a) qualifications relating to clinical psychologist under sub-clause (ii) of clause (f) of sub-section (1) of section 2;

(b) qualifications relating to psychiatric social worker under clause (w) of sub-section (1) of section 2;

(c) the manner of nomination of members of the Central Authority under sub-section (2) of section 34;

(d) the salaries and allowances payable to, and the other terms and conditions of service of, the chairperson and other members of the Central Authority under sub-section (3) of section 35;

(e) the procedure for registration (including the fees to be levied for such registration) of the mental health establishments under sub-section (2) of section 43;

(f) the manner of nomination of members of the State Authority under sub-section (2) of section 46;

(g) the salaries and allowances payable to, and the other terms and conditions of service of, the chairperson and other members of the State Authority under sub-section (3) of section 47;

(h) the procedure for registration (including the fees to be levied for such registration) of the mental health establishments under sub-section (2) of section 55;

(i) the form of accounts and other relevant records and annual statement of accounts under sub-section (1) of section 59;

(j) the form in, and the time within which an annual report shall be prepared under section 60;

(k) the form of accounts and other relevant records and annual statement of accounts under sub-section (1) of section 63;

(l) the form in, and the time within which an annual report shall be prepared under section 64;

(m) manner of constitution of the Boards by the State Authority for a district or groups of districts in a State;

(n) other disqualifications of chairperson or members of the Board under clause (e) of sub-section (2) of section 82;

(o) any other matter which is required to be, or may be, specified by rules or in respect for which provision is to be made by rules.

(4) In particular, and without prejudice to the generality of the foregoing power, rules made under sub-section (2) may provide for all or any of the following matters, namely:-

(a) the manner of proof of mental health care and treatment under sub-section (1) of section 4;

(b) provision of half-way homes, sheltered accommodation and supported accommodation under clause (b) of sub-section (4) of section 18;

- (c) hospitals and community based rehabilitation establishment and services under clause (d) of sub-section (4) of section 18;
- (d) basic medical records of which access is to be given to a person with mental illness under sub-section (1) of section 25;
- (e) custodial institutions under sub-section (2) of section 27;
- (f) the form of application to be submitted by the mental health establishment with the undertaking that the mental health establishment fulfills the minimum standards, if any, specified by the Authority, under the Explanation to sub-section (2) of section 65;
- (g) the form of certificate of registration under sub-section (3) of section 65;
- (h) the form of application, the details, the fees to be accompanied with it under sub-section (1) of section 66;
- (i) the form of certificate of provisional registration containing particulars and information under sub-section (4) of section 66;
- (j) the fees for renewal of registration under sub-section (11) of section 66;
- (k) the person or persons (including representatives of the local community) for the purpose of conducting an audit of the registered mental health establishments under sub-section (1) and fees to be charged by the Authority for conducting such audit under sub-section (2) of section 67;
- (l) the person or persons for the purpose of conducting an inspection or inquiry of the mental health establishments under sub-section (1) of section 68;
- (m) the manner to enter and search of a mental health establishment operating without registration under sub-section (6) of section 68;
- (n) the fees for issuing a duplicate certificate under sub-section (2) of section 70;



(o) the form and manner in which the Authority shall maintain in digital format a register of mental health establishments, the particulars of the certificate of registration so granted in a separate register to be maintained under section 71;

(p) constitution of the Boards under sub-section (3) of section 80;

(q) the honorarium and other allowances payable to, and the other terms and conditions of service of, the Chairperson and members of the Board under sub-section (3) of section 83;

(r) method, modalities and procedure for transfer of prisoners under sub-section (1A) of section 112;

(s) the standard and procedure to which the Central or State Health Authority shall confirm under sub-section (6) of section 112;

(t) the form for furnishing periodical information under section 119; and

(u) any other matter which is required to be, or may be, specified by rules or in respect for which provision is to be made by rules.”.

131. That at page 52, lines 1 to 41 be deleted.

#### CLAUSE 131

**BY SHRI JAGAT PRAKASH NADDA:**

132. That at page 53, for lines 1 to 20, the following be substituted, namely:-

“(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-

(a) manner of making an advance directive under section 6;

(b) additional regulations, regarding the procedure of advance directive to protect the rights of persons with mental illness under sub-section (3) of section 12;

(c) the salaries and allowances payable to, and the other terms and conditions of service (including the qualifications, experience and manner of appointment) of, the chief executive officer and other officers and employees of the Central Authority under sub-section (3) of section 40;

(d) the times and places of meetings of the Central Authority and rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings) under sub-section (1) of section 44;

(e) the minimum standards of facilities and services under clause (a) of sub-section (4) of section 65;

(f) the minimum qualifications for the personnel engaged in mental health establishment under clause (b) of sub-section (4) of section 65;

(g) provisions for maintenance of records and reporting under clause (c) of sub-section (4) of section 65;

(h) any other conditions under clause (d) of sub-section (4) of section 65;

(i) categories of different mental health establishment under clause (a) of sub-section (5) of section 65;

(j) the form of application to be made by the mental health establishment and the fees to be accompanied with it under sub-section (12) of section 66;

(k) manner of submitting evidence under sub-section (13) of section 66;

(l) the manner of filing objections under sub-section (14) of section 66;

(m) the time and places and rules of procedure in regard to the transaction of business at its meetings to be observed by the Central Authority and the Board under section 87;

(n) regulations under sub-section (2) of section 105 and under sub-section (8) of section 106;

(o) any other matter which is required to be, or may be, specified by regulations or in respect of which provision is to be made by regulations.”.

#### CLAUSE 132

**BY SHRI JAGAT PRAKASH NADDA:**

133. That at page 53, clause 132 be *deleted*.

#### CLAUSE 134

**BY SHRI JAGAT PRAKASH NADDA:**

134. That at page 54, line 12, the words “and the Commission” be *deleted*.

New Delhi;  
August 5, 2016.

Shumsher K. Sheriff  
Secretary-General