A PLAN FOR CHANGE: ON MENTAL HEALTHCARE ACT

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For the first time in India, universal mental health care is now a justiciable right following the enforcement of the Mental Healthcare Act (MHCA), 2017. As a watershed moment for the right to health movement in India, it is also for the first time that the law has recognised the right to access health care for citizens — and specifically for mental health.

According to the National Mental Health Survey (NHMS) of India, 2016, India spends less than 1% of its entire health budget on mental health. In a country where an estimated 150 million people need mental health care and treatment, up to 92% of them (no less than 105 million persons) do not have access to any form of mental health care. Further, stigmatisation and discrimination are serious causes of concern, with numerous documented cases of human rights violations as a result of poor quality of mental health care, forced admissions in mental health hospitals, and a denial of socio-economic rights. These facts point to an alarming a crisis in India's mental health system.

Thus, the MHCA comes as a ground-breaking piece of legislation, especially if it is properly implemented. It mandates the government to provide accessible, affordable, acceptable and high quality mental health care by integrating mental health-care services at each level of the public health system, establishing mental health facilities in proportion to the population in each State, and providing free mental health-care to socio-economically deprived sections of the population. Additionally, the government is duty-bound to design and implement mental health promotion and preventive programmes to create awareness about the MHCA using public media. While this sounds impressive on paper, it is a difficult task that cannot be achieved unless there is strong political will.

In this regard, three immediate steps can be recommended. First, the government will have to make appropriate budgetary provisions to plug existing infrastructure gaps. This will require mapping existing mental health systems in the States for prevailing demand-supply factors for services, identifying shortages in mental health professionals and operational barriers to effective implementation.

At the same time, promoting innovative models of community mental health care can support the MHCA using existing community resources. For example, the Atmiyata project (being implemented by the Centre for Mental Health Law & Policy) in Mehsana district, Gujarat, trains community volunteers to provide psychological counselling, social care and referral services to those with mental health problems while reaching out to a population of more than one million.

Second, State governments will have to immediately set up and ensure the functioning of State mental health authorities and mental health review boards. The State authorities are legally mandated to establish regulations for registering mental health establishments and professionals, conducting social audits and defining quality standards for mental health services and facilities. The mental health review boards, as quasi-judicial bodies, will play a crucial role in ensuring the day-to-day implementation of the MHCA such as monitoring long-stay admissions, registering advance directives, appointing nominated representatives and adjudicating complaints about human rights violations and deficiencies in care/services.

Third, implementation of the MHCA will be impossible without coordinated efforts on the part of all stakeholders with an interest in mental health care. Law enforcement officials, judges, mental

health professionals and government officials need to be trained as a matter of priority to develop the necessary attitudes and skills for implementing the MHCA. Most importantly, civil society will have to pursue coordinated advocacy efforts with the government in setting up of the necessary infrastructure.

At a time when the global health discourse has been advocating universal health coverage and the right to health, India has already made this a reality for mental health care. If well implemented, it will be a pioneering model for universal mental health care across the world and will go a long way to in addressing the mental health concerns of 150 million people.

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