

13.03 hrs.

*The Lok Sabha then adjourned for  
Lunch till five minutes past  
Fourteen of the Clock.*

*The Lok Sabha re-assembled after  
Lunch at ten minutes past Four-  
teen of the Clock.*

14.10 hrs.

[MR. DEPUTY SPEAKER *In the Chair*]

MENTAL HEALTH BILL, 1986—*Contd.*

[*English*]

MR. DEPUTY SPEAKER : Shri Vijoy Kumar Yadav may speak.

[*Translation*]

SHRI VIJOY KUMAR YADAV (Nalanda) : Mr. Deputy Speaker, Sir, I support this Bill. It provides for many things, but I do not think there will be any tangible improvement in the condition of the patients suffering from mental diseases, keeping in view their plight at present in the country.

Their plight is horrible. There are many reasons for these diseases but the major ones are poverty, unemployment, domestic tension and other social problems. 12 lakh such patients have so far been identified in the country. The number of hospitals for these patients is merely 36 which is negligible keeping in view the size of the country. I feel, the wrath of these diseases is widespread in those States where poverty and unemployment are rampant and people live in tension. There are many other reasons also for the spread of this disease but this is the major factor.

SHRI GIRDHARI LAL VYAS (Bhilwara) : Mostly the rich suffer from mental diseases.

SHRI VIJOY KUMAR YADAV : No, they do not. Their insanity is of different nature.

[*English*]

MR. DEPUTY SPEAKER : It may happen like this in Rajasthan.

[*Translation*]

SHRI VIJOY KUMAR YADAV : I cannot say what is the position in Rajasthan.

SHRI GIRDHARI LAL VYAS : All the capitalists in Rajasthan are lunatics.

SHRI VIJOY KUMAR YADAV : The situation in Bihar is different. There, the poor are suffering from such diseases. It is necessary to increase the number of hospitals to solve this problem. According to a survey, the number of hospitals should be in proportion to the number of patients. I feel, the Central Government should take full responsibility for this and not throw it on the private agencies. Keeping in view the financial position of the State Governments, I don't think the State Governments will be in a position to perform the duties assigned to them under the provisions of this Bill. The State Governments cannot afford sufficient funds required for it.

There is one hospital for treatment of mental diseases at Ranchi in Bihar. Corruption is rampant there in the matter of admission and treatment of patients. We may do our utmost to improve their lot but if the society does not care for such people and the State does not provide them protection, nothing substantial can be done for them. Therefore, it is essential to put an end to corruption in hospitals and Nursing Homes and the Government should bear the entire expenditure on treatment of mentally ill persons. Leave aside a few families, who are well to do and who are able to look after their patients. Otherwise their condition becomes miserable. To look after such persons, it is necessary that the Government should release sufficient amount and arrangements should be made to extend free treatment to these persons.

Keeping in view the kind of treatment given these days, I am of the view that there is a lot of shortage of specialists in our country. Now-a-days the disease is of different kind and its treatment is of only one type i.e. shock treatment. It is necessary

[Shri Vijoy Kumar Yadav]

that the number of specialists should be increased manifold so that a study into the different genuine reasons due to which this disease is caused can be undertaken. Their number should be increased so much that everybody can get proper treatment. As a matter of fact, the condition of the General Hospitals is bad. But the atmosphere prevailing in mental hospitals, especially those in Bihar is the worst. The patients in these hospitals are being given cruel treatment, they are not being taken care of in the manner they should have been. I am of the view that these hospitals lack those things which are necessary for providing medical assistance to the mentally ill patients. If we want to bring about an improvement in it, then first of all we will have to change the present set up and thereafter take steps in this direction. These mental hospitals should not be treated at par with the general hospitals. They should be in a good environment and maintained properly so that as and when a mad man goes there, he should get relief. These hospitals should be constructed at suitable places so that the patients can get good treatment. Doctors are after money and nothing else.

A regards the provision of the Bill about property, I am of the view that a number of persons take undue advantage due to various deformities in the society. Just now an Hon. Member said that sometimes a simple man is declared mad when he picks up a quarrel over property, even though he is not mad. This provision should be made very carefully and the responsibility should be given to such persons who could really take care of them with interest and affection. Right decision should be taken so far as protection of property and the income from it is concerned. When a custodian is appointed by the court, most of the income from the property of mentally ill person is pocketed by him. This should not happen. Some agency should be set up to properly watch the interests of mentally ill persons.

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRIMATI SAROJ KHAPARDE) : Mr. Deputy Speaker, Sir, I have observed that there was a thorough discussion on this Bill in the House. All the

Hon. Members, whether they belong to treasury benches or to the opposition, participated in the debate with keen interest and expressed their views on the Bill. I would like to congratulate all those Members who participated in this debate, particularly, Sarvashri Shantaram Naik, Kali Prasad Pandey, Girdhari Lal Vyas, Dr. Chandra Shekhar Tripathi, Sarvashri Manoj Pandey, Virdhi Chander Jain, V. S. Krishna Iyer, Shanti Dhariwal, Lal Vijay Pratap Singh and Vijoy Kumar Yadav. Dr. G. S. Rajhans was also to participate in this debate but he is not interested.

I am grateful to all those Hon. Members who expressed their views on the Mental Health Bill in this august House. In fact, all the Hon. Members have widely supported this Bill. At the time of presenting this Bill in the House, I had highlighted some of its main objectives. As the Hon. Members are aware, before the introduction of this Bill in the House, the Indian Lunacy Act, 1912 was in force and we intend to repeal the above Act by this Bill. Although I have already explained in the statements of objects and Reasons why this Bill has been brought forward in the House, yet, I would definitely like to answer some of the points raised by the Hon. Members.

Hon. Member, Shri Shantaram Naik, is not present in this House, but during the course of discussion on this Bill, he raised several important points. I would like to explain some of them in the House. While supporting this Bill, he said that we should take some precautions in this regard. He also made a suggestion that at the time of admitting mental patients in the hospital, the *modus-operandi* to be followed and the formalities to be observed should be simplified. His second suggestion was that the Mental Health Authority should be given the status of an autonomous body which means that we should give them complete freedom. His third suggestion was that the female patients in these hospitals should be looked after properly and he desired that the definition of mental patients should be made more elaborate after due inquiry. I listened to all his suggestions attentively. I would like to assure him on behalf of the government that there will be no interference in the freedom of the Central Authority for Mental Health Services and it will be given

full autonomy. There will be no interference by the government in this autonomous body.

Sir, I say that no interference of any kind will be made from government side but at the same time, the government expects this authority to fulfil its national and social objectives. No bureaucratic control or redtapism will be thrust upon this authority. We are prepared to take full responsibility for it on ourselves.

So far as second suggestion of the Hon. Member is concerned, government would see to it, that special attention is paid to the female patients in all the hospitals in the country and they are properly looked after.

So far as the definition of a mental patient is concerned, I would like to tell the Hon. Member that this definition has been arrived at after having discussions with the Mental Health and Legal Experts and in consultation with them.

Sir, Shri Kali Prasad Pandey, an Hon. Member of our House, also said a few things while expressing his views. He said that the way duties were being performed at the mental hospital, Ranchi, was not proper and he gave a resume in this regard in very clear terms. I would like to say this much before this august House on behalf of our Ministry that the points brought before us by him would be thoroughly enquired into in consultation with the Government of Bihar. Giving special emphasis on the welfare of women, he said that good treatment was not being meted out to women detained in jails. In this connection, I would like to say that the condition of jails is really not good. You have, no doubt, information about the condition of the jails but taking into account the condition of our mental hospitals, where our sisters are staying, it requires a lot of improvement made in them. Keeping all these things in view, my Ministry will take steps to improve the conditions prevailing in the mental hospitals.

Hon. Member, Dr. Manoj Pandey, also put forth his views before the House in a lucid manner. He himself is a very

efficient doctor and he has shown this by expressing his views in the House. It appears, he has studied and gone into the Bill thoroughly before presenting his views in the House. While participating in the discussion, he raised a basic point which had earlier been raised by some other Hon. Members also. He raised the point about the definition of a mental patient. We have included those ailments also in the definition of a mental patient which are caused due to consumption of narcotic drugs. He desired to know as to how we will be able to protect the rights of poor patients. Hon. Members must have seen that ample provision has been made in chapter 6 in this regard. In addition to this special provision has been made in clause 78, chapter 7 of this Bill that the expenses that will be incurred on the maintenance of these mental patients will be borne by the government.

Sir, I feel, I must reply to the points made by our elder and very vocal Member, Hon. Girdhari Lal Vyas, while taking part in the discussion on this Bill. He has desired to know the reasons for not laying down the terms and conditions for issuing licences to run mental hospitals and nursing homes in this Bill. Since he has asked a very important question, I would only like to say that government is of the opinion that views of the concerned authority should also be obtained in this regard and these terms and conditions may be enforced through relevant rules. While doing so, it will be our endeavour to ensure that adequate arrangements in regard to staff, building, equipment, cleanliness etc. are made in the institution. The Government will also take steps to ensure that mental patients, particularly the old and the women are not exploited or meted out ill treatment in the matter of admission and treatment. Government would take due care in this regard and if any such incident takes place, the government will make every effort to check it.

While taking part in the discussion concerning this Bill, Dr. Chandra Shekhar Tripathi who does not appear to be present here.....

DR. CHANDRA SHEKHAR TRIPATHI : I am sitting here this side.

**KUMARI SAROJ KHAPARDE :** Well, you are sitting; I did not look at that side. You said that non-official members should also be included in the Visitor's Board of the mental hospital. You will be happy to know that we have specifically provided in clause 37(1), chapter 5 of this Bill that at least 2 social workers must be taken on the Board.

Dr. Tripathi also suggested that the definition of district court should be made so clear that no action could be taken in the court of the District Magistrate under this Act. In this connection, I would like to say that we have already taken a number of precautions in this matter. On going through clause 2-B, chapter I, it will be found that we have made the definition of the district court very clear beyond any doubt or suspicion.

Sir, while participating in the debate yesterday, our colleague, Shri Viridhi Chander Jain spoke a lot. However, while expressing a lot of his views, he definitely supported this Bill. But he pointed out that there were a number of shortcomings in this Bill. Like many other Hon. Members, he said that the definition of the mental illness was not at all elaborate. Any how, I have already replied to this point.

He has felt that the definition is not clear. But we framed it after consulting the mental health and legal experts. He has proposed some amendments in this definition but I want to tell him that we have paid considerable attention to its possible defects and ensured enough safeguards. We have made the definition of mental health very comprehensive. The amendment that Shri Jain has proposed is very limited in its scope. He has proposed that it should be confined to persons suffering from mental disorders only. But we have made the definition more comprehensive.

The second amendment that Shri Jain has proposed is that the Bill should not be made applicable to those mental hospitals and nursing homes which are managed by capable doctors and which have only OPD service. I want to make it clear that there is no need for any amendment in the Bill for this. Clause 2 of the Bill contains a definition of a mental hospital and a nursing

home which is very detailed and comprehensive.

Shri Jain has also made a suggestion for including a new provision in the Bill. In this connection, I would like to draw the attention of the House to clause 81(1) and (2) of the Bill. On going through it, it becomes clear that patients suffering from mental diseases will be treated without any infringement of their rights and their dignity will be maintained. Hence, I think there is no need for any other such provision in this Bill. So I request Shri Jain to withdraw his amendment in this regard.

Today Shri Krishna Iyer said a few things while participating in the debate.

[English]

He has pointed out certain things which I would like to mention here in this House. The Inspecting Officers should not be given arbitrary powers. I would like to say to the Hon. Member that the Powers given to the Inspecting Officers under Section 13 have to be wide in order to be effective. However, there are adequate provisions to ensure that these powers are not exercised arbitrarily. Secondly, he has pointed out : can a mentally ill person has the sense to seek treatment voluntarily. I would like to say, definitely, yes. There are various shades of mental illness and only in certain complicated cases the mentally ill persons are not able to take voluntary action. Thirdly, he has mentioned that inimical treatment should be given to remands. I would humbly say that this issue in this present context is not relevant. However, the Government would have a look at this suggestion.

**SHRI V. S. KRISHNA IYER :** Why not ?

**KUMARI SAROJ KHAPARDE :** Well, do not club your issue with this Bill. I will answer you later on separately. Please come to the office and I will definitely tell you what exactly the Government can do in that. But do not club that issue with the present Bill in this context. It is my humble request to you. That is all.

[*Translation*]

Shri Shanti Patel who is a very active Member.....

AN HON. MEMBER : Not Shanti Patel, but Shri Shanti Dhariwal.

KUMARI SAROJ KHAPARDE : Excuse me, I am not well acquainted with all the Hon. Members of the House.

Shri Shanti Dhariwal also said while expressing his opinion that the autonomous bodies should be granted complete autonomy. It will be our endeavour not to interfere in their affairs. He also asked as to who would be the manager? What would be his functions? Whether any near relatives of the mentally ill persons would be appointed as managers? He has given several suggestions. But had he studied the Bill closely he would have noticed that in clause 57 of the Bill, it has been stated :

[*English*]

The Bill lays down who could be appointed as a manager by the court, their duties and functions are laid down in the Act. If they do not function according to the provisions of the Act, the court can take action under Clause 59 of the Act.

[*Translation*]

After Shri Shanti Dhariwal, Shri Lal Vijay Pratap Singh while expressing his views said that mental patients should be treated at the Primary Health Centres. His suggestions are praiseworthy. My Ministry will see to it that such patients are treated at the Primary Health Centres, if possible.

Shri Vijoy Kumar Yadav was the last person to participate in the Debate. He said that the number of such hospitals should be increased and the entire responsibility should be shouldered by the Central Government because the State Governments lacked sufficient funds. His suggestion is very good. However, if the entire responsibility of the hospitals which we are running or we want to run various centres of the country or the new hospitals that we intend to open is entrusted to the Central Government on the pretext that States lack adequate

funds, it will mean additional financial burden on the centre. He has stated correctly that the number of mental hospitals in the country is inadequate. Our Ministry will make every effort to see as to how and to what extent the number of hospitals can be increased. Our Ministry will continue to pay attention to it.

In his speech, he has referred to the hospital at Ranchi. He also talked about the corruption prevailing in that hospital. Both this Mental Health Bill and the Corruption Bill deal with very sensitive issues and both have separate provisions. The points that he has raised about the corruption prevailing in that hospital will be discussed with the Bihar Government at Ministerial and official levels. Both the Central and the State Governments will make joint efforts to check such malpractices in that institution, if any.

While expressing his views, he has given a very important suggestion. It seems that he has given serious thought to the atmosphere prevailing in the mental hospitals. Once I also had an opportunity to become a Member of the Visitors Board and in that connections I had visited several such mental hospitals in Maharashtra. It is true that unlike the general hospitals not much attention is paid towards cleanliness, sanitation and cheerfulness in such hospitals. There may be several reasons for it. There may be many reasons for mental disorders *viz* joint family, too much studies, external environment and many other things. If hospitals provide a cheerful atmosphere alongwith proper treatment then the patients can certainly be cured. 75 per cent of the diseases can be cured by merely providing a congenial atmosphere. Hence, I am very grateful to you for suggesting improvements in the internal and external atmosphere of such hospitals. The suggestions are really very praiseworthy. My Ministry will certainly pay attention to it and make efforts to improve the atmosphere in all such hospitals of the country. We will try to make the atmosphere cheerful in such hospitals so that it helps in the treatment of the mentally ill patients.

SHRI MANOJ PANDEY (Bettiah) : The medicines are also more effective in a healthy atmosphere.

**KUMARI SAROJ KHAPARDE :** You are right. In a healthy atmosphere, the medicines given to the patients are 99 per cent effective and they are even ready to go home after being cured.

We will certainly implement whatever suggestions have been made by Hon. Members, while participating in the debate on the Bill. I am extreme grateful to the Hon. Members who participated in the debate, supported the Bill and gave their valuable suggestions. Now I move that the Bill be passed. I hope, all Hon. Members will support it.

[English]

**MR. DEPUTY SPEAKER :** The question is :

“That the Bill to consolidate and amend the law relating to the treatment and care of mentally ill persons, to make better provision with respect to their property and affairs and for matters connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration.”

*The motion was adopted.*

**MR. DEPUTY SPEAKER :** The House will now take up clause-by-clause consideration of the Bill.

**Clause 2—(Definition)**

**MR. DEPUTY SPEAKER :** Mr. Virdhi Chander Jain. Are you moving your amendment ?

**SHRI VIRDHI CHANDER JAIN (Barmer) :** Sir, I beg to move :

Page 3,—

*for lines 5 to 7 substitute—*

“‘mentally ill person’ means a person suffering from such serious mental disorder which interferes with his social judgement and his ability to maintain self-restraint on behaviour and also who is in need of treatment by a psychiatrist or any other competent authority.” (4)

[Translation]

The definition which I have given is summarised one. The definition which is given in the Bill is—

[English]

‘Mentally ill person’ means a person who is in need of treatment by reason of any mental disorder other than mental retardation.

[Translation]

The question is that mental disorder can be a minor one also. When there is depression, obsession, which are minor disorders, they can be cured easily and as such they should not be included in it. Mental illness should be the definition of insanity. The insane is one who cannot think, cannot decide and whose brain does not function. The exception in the definition is mental retardation, which means weak brain. It is not sufficient.

**KUMARI SAROJ KHAPARDE :** Mr. Deputy Speaker, Sir, if the Hon. Member gives a serious thought to the definition given by him in his amendment, he will find that it will cause a number of complications. He may just go through the Bill and discuss it with me whether the definition is comprehensive or not. I would request him to withdraw the amendment given by him in this regard.

[English]

**MR. DEPUTY SPEAKER :** Are you withdrawing your amendment ?

[Translation]

**SHRI VIRDHI CHANDER JAIN :** Though it is not comprehensive, yet I withdraw my amendment for the sake of discipline.

[English]

**MR. DEPUTY SPEAKER :** Has Shri Virdhi Chander Jain leave of the House to withdraw his amendment ?

**SEVERAL HON MEMBERS :** Yes.

*Amendment No. 4 was, by leave,  
withdrawn.*

MR. DEPUTY SPEAKER : The question is :

"That clause 2 stand part of the Bill."

*The motion was adopted*

Clause 2 was added to the Bill.

Clauses 3 to 5 were added to the Bill.

Clause 6 —(Establishment or maintenance of psychiatric nursing homes only with licence)

MR. DEPUTY SPEAKER : Shri Virdhi Chander Jain, are you moving ?

SHRI VIRDHI CHANDER JAIN : Yes.

I beg to move :

Page 5,—

*after line 22, insert—*

"3) Nothing contained in subsection (1) shall apply to Psychiatric clinics run by qualified Psychiatrists possessing M.D./D.P.M. diploma in Psychiatry and which are exclusively providing out-patient services." (5)

[*Translation*]

The provision for obtaining such licences or giving such applications should not be made applicable to those who run outdoor services for one or two hours or for a certain period, and to those who are not indoor patients but are suffering from mental disorder. Otherwise, they will face a lot of difficulties and their miseries will further increase, which may cause a situation leading to serious mental disorder. Therefore, my amendment should be accepted.

KUMARI SAROJ KHAPARDE : I have given a serious consideration to the amendment moved by the Hon. Member. I would only request him to discuss it with me but he should withdraw his amendment. That would settle the issue.

SHRI VIRDHI CHANDER JAIN : I withdraw my amendment.

[*English*]

MR. DEPUTY SPEAKER : Has Shri Virdhi Chander Jain leave of the House to withdraw his amendment ?

SEVERAL HON. MEMBERS : Yes.

*Amendment No. 5 was, by leave,  
withdrawn.*

[*Translation*]

SHRI BALKAVI BAIRAGI (Mandsaur) : Though Madam has life-long experience of dealing with the mentally recorded persons, yet she is not able to understand them.

[*English*]

MR. DEPUTY SPEAKER : The question is :

"That clauses 6 to 83 stand part of the Bill."

*The motion was adopted.*

Clauses 6 to 83 were added to the Bill.

Clause 83A—(New)

MR. DEPUTY SPEAKER : Shri Virdhi Chander Jain, are you moving your amendment No. 6 ?

SHRI VIRDHI CHANDER JAIN : Yes.

I beg to move :

Page 31,—

*after line 31, insert—*

"83A. Any person found to be inhuman and cruel to the mentally ill persons during their treatment outside the psychiatric hospital or psychiatric nursing home, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees, or with both." (6)

[Translation]

I would submit that contrary to what has been explained, it is not covered under 81(1) A specific provision should be made to provide punishment to those who mis-behave, torture and burn the mentally ill persons in the name of *devta* (God), or *bhoot*, *bhootni* (ghost). That is why I have moved this amendment and I would request that this amendment be accepted.

[English]

KUMARI SAROJ KHAPARDE : Not acceptable.

MR. DEPUTY SPEAKER : She is not accepting. Are you withdrawing ?

[Translation]

SHRI VIRDHI CHANDER JAIN : I withdraw my amendment for the sake of discipline.

[English]

MR. DEPUTY SPEAKER : Has Shri Virdhi Chander Jain leave of the House to withdraw his amendment ?

SEVERAL HON. MEMBERS : Yes.

*Amendment No. 6 was, by leave,  
withdrawn.*

MR. DEPUTY SPEAKER : The question is :

That Clauses 84 to 98 stand part of the Bill.

*The motion was adopted.*

Clauses 84 to 98 were added to the Bill.

Clause 1—(Short title extent and Commencement)

MR. DEPUTY SPEAKER : Are you moving your Amendment No. 31, to Clause 1 ?

SHRI VIRDHI CHANDER JAIN : No, Sir. I am not pressing.

*Amendment made :*

Page 1, line 5,—

*for "1986" substitute "1987." (2)*

(Kumari Saroj Khaparde)

MR. DEPUTY SPEAKER : The question is :

"That Clause 1, as amended, stand part of the Bill."

*The motion was adopted.*

Clause 1, as amended, was added to the Bill.

15.00 hrs.

### ENACTING FORMULA

*Amendment made :*

Page 1, line 1,—

*for "Thirty-seventh" substitute—  
"Thirty-eighth." (1)*

(Kumari Saroj Khaparde)

MR. DEPUTY SPEAKER : The question is :

"That Enacting Formula, as amended, stand part of the Bill."

*The motion was adopted.*

The Enacting Formula, as amended, was added to the Bill.

Long Title was added to the Bill.

KUMARI SAROJ KHAPARDE : I beg to move :

"That the Bill, as amended, be passed."

MR. DEPUTY SPEAKER : The question is :

"That the Bill, as amended, be passed."

*The motion was adopted.*