OFFICE MEMORANDUM

Sub: Compliance of provisions of the Mental Healthcare Act, 2017 - regarding

The undersigned is directed to refer to OM No.V.15016/68/2019-PH-I dated 10th June, 2019 received from the Advisor (Mental Health) & CEO, CMHA, Government of India, Ministry of Health and Family Welfare along with a copy of OM No.V.15011/04/2018-PH-I dated 5th March, 2019 on the subject cited above.

2. The communication cited above with its enclosure is being uploaded on the Website of the Ministry of AYUSH: www.ayush.gov.in for wider circulation and to economise on usage of stationery. The pathway for viewing the document is: www.ayush.gov.in →Home→Circulars→Communication received from other Ministries for information of Officers under Ministry of AYUSH. The communication is also being uploaded on e-Office for wider circulation. All concerned are requested to peruse/download the above-referred communication for information and necessary action at their end.

(Lahawar Ram)
Section Officer

To

1. CEO (NMPB)/DDG/Adv.Ay. (MN)/(DCK)/(HOMOEO)/(UNANI)
2. Dir. (SRKV)/(SKA)/(VS)/Jt. Adv. (Raghu)/(Dr. Qasmi)
3. DS (RM)/DS (YVS)/(VB)/Dy. Adv. (IGM)/(Chinta)/Sr.Con(SS)/DD(P&E)
4. US (AB)/US (BN)/US (KBS)/US (S)/US (K)
5. All Directors General of Research Councils/Secretary, CCIM/CCH/ Directors of National Institutes/HPL/PLIM/PCIM&H/ Managing Director, IMPCL
6. NIC Cell, Ministry of AYUSH with a request to upload the communication on the Website of the Ministry of AYUSH. The communication may please be uploaded on e-Office as well.

Copy to:
1. PPS to Secretary (AYUSH)
2. PPS to AS
3. PS to JS (RJ)/PPS to JS (PNRK)
OFFICE MEMORANDUM

Subject: Compliance of provisions of the Mental Healthcare Act, 2017

The undersigned is directed to refer to this Ministry's OM No. V.15011/04/2018-PH-I dated 05/03/2019 (copy enclosed). The Mental Healthcare Act, 2017 along with the following Rules came into force w.e.f. 29/05/2018:

i) Central Mental Health Authority and Mental Health Review Boards Rules, 2018.
ii) State Mental Health Authority Rules, 2018.

2. It has been brought to the notice of this Ministry that the provisions of the Mental Healthcare Act, 2017, including, inter-alia, educational qualification of various categories of Mental Health professionals are not being followed by certain Central Government Hospitals/Institutions. In this connection, it may please be noted that immediate compliance of the provisions of the Mental Healthcare Act, 2017 is statutorily warranted and non-compliance would lead to contraventions of the provisions of the Act.

3. It is therefore requested that necessary directions may be issued to concerned Healthcare facilities under your Ministry/Department/Organization for ensuring strict compliance of the provisions of the Act on priority.

(Adviser (Mental Health) & CEO, CMHA
Telfax: 011-23052870)

To,

1. Secretary, Ministry of Railways
2. Secretary, Ministry of Ayush
3. Secretary, Ministry of Home Affairs
4. Secretary, Ministry of Labour and Employment
5. Secretary, Ministry of Defense
6. Secretary, Ministry of Social Justice and Empowerment
7. Secretary, Ministry of Human Resource Development
8. Secretary, Ministry of Science and Technology
9. Secretary, Department of Public Enterprises
10. Secretary, Ministry of Tribal Affairs
11. Secretary, Ministry of Coal
12. Secretary, Ministry of Mines
13. Secretary, Ministry of Petroleum and Natural Gas
14. Secretary, National AIDS Control Organization
15. Secretary, Department of Health Research
OFFICE MEMORANDUM


The undersigned is directed to state that the Mental Healthcare Act, 2017 along with the following Rules (copies enclosed) came into force w.e.f 29/05/2018:

i. Central Mental Health Authority and Mental Health Review Boards Rules, 2018.

ii. State Mental Health Authority Rules, 2018.


2. As per the Mental Healthcare Act, 2017, a “mental health establishment” means any health establishment, including Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy establishment, by whatever name called, either wholly or partly, meant for the care of persons with mental illness, established, owned, controlled or maintained by the appropriate Government, local authority, trust, whether private or public, corporation, co-operative society, organisation or any other entity or person, where persons with mental illness are admitted and reside at, or kept in, for care, treatment, convalescence and rehabilitation, either temporarily or otherwise; and includes any general hospital or general nursing home established or maintained by the appropriate Government, local authority, trust, whether private or public, corporation, co-operative society, organization or any other entity or person; but does not include a family residential place where a person with mental illness resides with his relatives or friends.

3. I would like to request your personal intervention for strict compliance of the provision of the Mental Healthcare Act, 2017 and the Rules framed
thereunder by any Institution/ Hospital, under the administrative control of your Ministry/ Department, which qualifies as per the above mentioned definition.

4. It is also requested that the details of such Institution/Hospitals under the administrative control of your Ministry/Department may kindly be made available.

(\(\text{(Oma Nand)}\))

Advisor (Mental Health) & CEO, CMHA
Telfax: 011-23062870

To,

1. Secretary, Ministry of Railways
2. Secretary, Ministry of Ayush
3. Secretary, Ministry of Home Affairs
4. Secretary, Ministry of Labour and Employment
5. Secretary, Ministry of Defense
6. Secretary, Ministry of Social Justice and Empowerment
7. Secretary, National AIDS Control Organization
8. Secretary, Department of Health Research