

# **Mental Healthcare (Central Mental Health Authority and Mental Health Review Boards) Rules, 2018**

UNION OF INDIA

India

## **Mental Healthcare (Central Mental Health Authority and Mental Health Review Boards) Rules, 2018**

### **Rule**

### **MENTAL-HEALTHCARE-CENTRAL-MENTAL-HEALTH-AUTHORITY-AN of 2018**

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Mental Healthcare (Central Mental Health Authority and Mental Health Review Boards) Rules, 2018Published vide Notification No. G.S.R. 507(E), dated 29.5.2018Last Updated 13th August, 2021G.S.R. 507(E). - In exercise of the powers conferred by sub-sections (1) and (3) of section 121 of the Mental Healthcare Act, 2017 (10 of 2017), the Central Government hereby makes the following rules, namely: -

## **Chapter I Preliminary**

### **1. Short title and commencement.**

(1)These rules may be called the Mental Healthcare (Central Mental Health Authority and Mental Health Review Boards) Rules, 2018.(2)They shall come into force on the date of their publication in the Official Gazette.

### **2. Definitions.**

(1)In these rules, unless the context otherwise requires, -(a)"Act" means the Mental Healthcare Act, 2017 (10 of 2017);(b)"Form" means a Form appended to these rules;(c)"non-official member" means a member of the Central Authority nominated under clauses (i) to (p) of subsection (1) of section 34 of the Act;(d)"section" means a section of the Act.(2)The words and expressions used herein and not

defined, but defined in the Act or, as the case maybe, in the Indian Medical Council Act, 1956 (102 of 1956) or in the Indian Medicine Central Council Act, 1970 (48 of 1970), in so far as they are not inconsistent with the provisions of the Act, shall have the meanings respectively assigned to them in the Act or, as the case may be, in those enactments.

## **Chapter II**

### **Central Mental Health Authority**

#### **3. Nomination of ex officio members of Central Authority.**

(1)The Central Government shall nominate Secretary or Additional Secretary to the Government of India in the Department of Health and Family Welfare as Chairperson of the Central Authority under clause (a) of section (1) of section 34.(2)The Central Government shall nominate the following persons as ex officio members of the Central Authority respectively under clauses (b), (c), (d), (e), (f) and (g) of sub-section (1) of section 34, namely: -(a)Joint Secretary to the Government of India in the Department of Health and Family Welfare;(b)Joint Secretary to the Government of India in the Department of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy;(c)Director General of Health Services;(d)Joint Secretary to the Government of India in the Department of Disability Affairs in the Ministry of Social Justice and Empowerment;(e)Joint Secretary to the Government of India in the Ministry of Women and Child Development; and(f)Directors of the Central Institutions for Mental Health.(3)The Central Government shall nominate three persons, not below the rank of Joint Secretary to the Government of India in the Ministries of Home Affairs, Finance and Law, to be ex officio members under clause (h) of sub-section (1) of section 34.

#### **4. Norms for selection of non-official members of Central Authority.**

- A person shall not be selected for nomination as a non-official member unless, he-(a)is an Indian National;(b)is of the age not exceeding sixty-seven years;(c)possesses qualifications and experience as specified in rule 5.

#### **5. Qualification and experience of non-official members of Central Authority.**

(1)The Central Government shall nominate one mental health professional, one psychiatric social worker, one clinical psychologist and one mental health nurse, having a minimum of fifteen years' experience in their respective fields and registered as mental health professionals with a State Authority, as members of the Central Authority respectively under clauses (i), (j), (k) and (l) of sub-section (1) of section 34.(2)The Central Government shall nominate two persons each from the following categories as members of the Central Authority respectively under clauses (m), (n), (o) and (p) of sub-section (1) of section 34, namely: -(a)persons representing persons who have or have had mental illness;(b)persons representing care-givers of persons with mental illness or organisations representing care-givers;(c)persons representing non-governmental organisations which provide services to persons with mental illness; and(d)persons representing areas relevant to mental health:Provided that in case none of the members nominated under clause (g) or clause (i) of

sub-section (1) of section 34 are psychiatrists, then two psychiatrists shall be nominated as members under clause (p) thereof.

## **6. Invitation of application for nomination as non-official members of Central Authority.**

- A vacancy for the post of nonofficial member of the Central Authority shall be given wide publicity through open advertisement in at least two national daily newspapers (one English and one Hindi) having wide circulation and the advertisement shall also be made available on the website of the Ministry.

## **7. Selection Committee for nomination of non-official members of Central Authority.**

- The Selection Committee for nomination of non-official members of Central Authority shall consists of a Chairperson who shall be the Chairperson of the Central Authority and two independent experts of eminence in the field of mental healthcare, to be nominated by the Central Government.

## **8. Procedure for nomination of non-official members of Central Authority.**

(1)The Selection Committee constituted under rule 7 shall consider all applications received by the Ministry and scrutinize such applications which fulfill the requirements of section 34 and rules 4 and 5.(2)The Selection Committee shall, having regard to the provisions of the Act and these rules, decide about the suitability of the applicants for being selected as members of Central Authority:Provided that in case of persons to be nominated under sub-rule (2) of rule 5, preference shall be given to the persons with ten years of experience in dealing with persons with mental illness.(3)The Central Government shall nominate the persons selected by the Selection Committee as members of the Central Authority.

## **9. Term of office and allowances of non-official members of Central Authority.**

(1)Every non-official member of the Central Authority nominated under rule 8 shall hold his office for a term of three years at a time from the date of his nomination.(2)Every non-official member attending the meeting of the Central Authority shall be entitled to sitting allowance, travelling allowance, daily allowance and such other allowances as are applicable to non-official members of the Commissions and Committees of the Central Government attending the meetings of such Commission or Committee.(3)[ The Central Government may, remove from office a non-official member of the Central Mental Health Authority, if he, -(i)Has been adjudged as an insolvent; or(ii)Has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or(iii)Has become physically or mentally incapable of acting as a member; or(iv)Has acquired such financial or other interest as is likely to affect prejudicially his function as a

member; or(v)Has so abused his position as to render his continuance in office prejudicial to the public interest; or(vi)Remains absent for three consecutive meetings of the Central Mental Health Authority except for reasons beyond his control or without permission of the chairperson.]

## **10. Furnishing of information.**

- The Central Government may call for information concerning the activities of the Central Authority or the State Authority or the Board periodically or as and when required by it and the Central Authority or the State Authority or the Board, as the case may be, shall furnish such information in Form-A.

## **Chapter III**

## **Provisional Registration of Mental Health Establishments by Central Authority**

### **11. Procedure for provisional registration of mental health establishments by Central Authority.**

(1)Every mental health establishment under the control of the Central Government shall be registered with the Central Authority.(2)Every mental health establishment referred to in sub-rule (1) shall submit an application for provisional registration to the Central authority in Form-B, containing details as specified therein, along with a fee of rupees twenty thousand by way of a demand draft drawn in favour of the Chairperson, Central Mental Health Authority payable at New Delhi.(3)The Central Authority shall, on being satisfied that the mental health establishment fulfils all the requirements as specified in sections 65 and 66 of the Act, grant to such mental health establishment a provisional registration certificate in Form-C.

### **12. Validity and renewal of certificate of registration.**

- The provisional registration certificate granted under sub-rule (3) of rule 11 shall be valid for a period of twelve months from the date of such grant and an application for renewal of such certificate shall be made in Form-B within thirty days before the date of expiry of the period of validity of such certificate and in case application is not made within the specified period, the mental health establishment concerned shall be liable to pay renewal fee of rupees twenty thousand by way of a demand draft drawn in favour of the Chairperson, Central Mental Health Authority payable at New Delhi.

### **13. Issue of duplicate certificate.**

- Where a certificate of registration granted to a mental health establishment is destroyed or lost or mutilated or damaged, the Central Authority may issue a duplicate certificate on an application made by such establishment along with fee of rupees two thousand by way of a demand draft drawn

in favour of the Chairperson, Central Mental Health Authority payable at New Delhi.

#### **14. [ Digitization of services. [Substituted by Notification No. G.S.R. 567(E), dated 12.8.2021 (w.e.f. 29.5.2018).]**

(1) A category-wise register in Form-D of all registered mental health establishments shall be maintained by the Central Authority in digital format in accordance with the provisions of section 71 of the Mental Healthcare Act, 2017. (2) The Central Authority shall also provide an online platform for digital submission of application for grant of provisional registration/ renewal of provisional registration of a mental health establishment (Form-B) and for digital issuance of certificate of provisional registration/ renewal of provisional registration (Form-C).] [Inserted by Notification No. G.S.R. 567(E), dated 12.8.2021 (w.e.f. 29.5.2018).]

### **Chapter IV**

### **Finance, Accounts and Audit**

#### **15. Accounts and audit of Central Authority.**

(1) The Central Authority shall maintain accounts of its income and expenditure relating to each year and prepare an annual statement of accounts consisting of income and expenditure account and the balance sheet. (2) Annual statement of accounts shall be submitted for audit not later than 30th June each year in the common accounting format prescribed from time to time by the Ministry of Finance for the central autonomous bodies or as nearer thereto as the circumstances admit. (3) The annual statement of accounts prepared under sub-rule (1) shall be signed on behalf of the Central Authority by the officer in-charge of accounts and the Chief Executive Officer and shall be approved by the Central Authority.

#### **16. Annual report of the Central Authority.**

(1) The Central Authority shall prepare its annual report in Form-E and forward it to the Central Government within nine months of the end of the financial year for being laid before each House of Parliament. (2) The annual report shall give full account of the activities of the Central Authority during the previous year and shall include the audited accounts of the year and the report of the Comptroller and Auditor General of India thereon. Chapter-V Mental Health Review Boards

#### **17. Mental Health Review Boards.**

- [\*\*\*] [Omitted '(1)' by Notification No. G.S.R. 120(E), dated 18.2.2021 (w.e.f. 29.5.2018).] For the purpose of constituting Mental Health Review Boards under section 73, the State Authority shall, in consultation with the State Government, take decision on the number of such Boards to be constituted in the State, their location and jurisdiction, having regard to the following, namely:- (a) the expected or actual workload of the Board to be constituted; (b) the number of mental

health establishments existing in that State;(c)the number of persons with mental illness in that State;(d)the population of the place where such Board is to be constituted;(e)the geographical and climatic conditions of the place where such Board is to be constituted:[Provided that the Boards so, constituted under this rule may have clearly defined jurisdiction to cover all the districts under one Board or the other.] [Substituted by Notification No. G.S.R. 120(E), dated 18.2.2021 (w.e.f. 29.5.2018).]

## **18. Appointment of chairperson and members of Board.**

(1)For the purpose of appointment of the chairperson of the Board under clause (a), and the members of the Board under clauses (c) and (d) of sub-section (1) of section 74, the State Authority shall call for applications by giving wide publicity through open advertisement in at least two daily newspapers (one English and one local language) having wide circulation in the State and the advertisement shall also be made available on the website of the State Authority:Provided that the District Collector or District Magistrate or Deputy Commissioner of the district in which the Board is to be constituted shall nominate its representative as the member of the Board under clause (b) thereof.(2)The chief executive officer of the State Authority shall consider all applications received under sub-rule (3) and shortlist such applications which fulfill the basic eligibility requirements as provided in section 74 and place the same before the Chairperson of the Central Authority.(3)The appointment of chairperson and members of the Board shall be made by the Chairperson of the State Authority in accordance with merit.(4)The State Authority shall, three months prior to occurrence of vacancy in the office of chairperson or member of the Board, or where such vacancy arises by reason of death or resignation or removal of such member, initiate the process for filling up such vacancy in a like manner.(5)The State Authority shall, from time to time, arrange for the chairpersons and members of the Board to undergo induction training in mental health law, mental healthcare and related areas of not less than two working days.

## **19. Other disqualifications for chairperson or member of Board.**

(1)In addition to the disqualifications specified in clauses (a) to (d) of sub-section (2) of section 74, a chairperson or a member of the Board appointed by the State Authority shall stand disqualified for the purposes of said sub-section (2), if he holds-(i)any full-time or part-time assignment that prevents him from giving adequate time and attention to the work of the Board under the provisions of the Act and the rules made thereunder; or(ii)any office in any political party during his tenure of office in the Board.(2)The State Authority may remove the chairperson or a member of the Board if a complaint is received against such person and on enquiry by a competent authority appointed for that purpose by the State Authority, it is found that there is substance in such complaint and that the conduct of such person is unbecoming of the office he holds:Provided that if such complaint is against a chairperson who had been a judicial officer, the complaint shall be forwarded to the Registrar of the concerned High Court for enquiry by the competent authority.(3)The State Authority may suspend the chairperson or a member of the Board immediately if a criminal case is registered against such person and revoke such suspension if such person is acquitted of the charges framed against him in such case.

## **20. Honorarium, allowances and other terms and conditions of service of chairperson and members of Board.**

(1) If a retired Judge of the District Court is appointed as the chairperson of the Board, he shall be entitled to a consolidated monthly honorarium which together with the pension or pensionary value of the terminal benefits or both received by such person shall not exceed the last pay drawn by him. (2) If a retired government servant is appointed as a member of the Board, he shall be entitled to a consolidated monthly honorarium which together with the pension or pensionary value of the terminal benefits, or both received by such person shall not exceed the last pay drawn by him. (3) If Chairperson or any member of the Board is in service of the State Government or Central Government, his consolidated honorarium shall be in accordance with the rules applicable to Government servants of his cadre and he shall receive travel allowance only for the day of sitting in the Board. (4) Every member of the Board, who is not a servant of the Government, attending the meeting of the Board shall be entitled to sitting allowance, travelling allowance, daily allowance and such other allowances as are applicable to nonofficial members of the Commissions and Committees of the Central Government attending the meetings of such Commission or Committee. (5) No additional pension and gratuity, except as provided in sub-rules (1) and (2), shall be admissible to the chairperson or any member of the Board for service rendered by him to the Board. (6) The chairperson or a member of the Board shall be entitled to thirty days of earned leave for every year of service and the payment of consolidated honorarium during leave shall be governed by the Central Civil Services (Leave) Rules, 1972. (7) The chairperson and other members of the Board shall be entitled to such medical treatment and hospital facilities as are provided under the Central Government Health Scheme to a retired Central Government servant and at places where such Scheme is not in operation, the chairperson and other members of the Board shall be entitled to such medical facilities as are provided in the Central Service (Medical Attendance) Rules, 1944.

## **Chapter VI**

## **Audit, Inspection And Enquiry of Mental Health Establishments**

### **21. Audit of mental health establishments.**

(1) The Central Authority shall, for the purpose of conducting audit of registered mental health establishments, authorize one or more of the following persons, to ensure that such mental health establishment comply with the minimum standards specified under the Act, namely:-(a) a representative of the District Collector or District Commissioner of the district where the mental health establishment is situated; (b) a representative of the State Human Rights Commission of the State where the mental health establishment is situated; (c) a Psychiatrist who is in Government service; (d) a Psychiatrist who is in private practice; (e) a mental health professional who is not a psychiatrist; (f) a representative of a non-governmental organization working in the area of mental health; (g) representatives of the care-givers of persons with mental illness or organisations representing caregivers; and (h) representatives of the persons who have or have had mental illness. (2) For conducting audit of registered mental health establishment, the Central Authority shall charge a fee of rupees ten thousand by way of a demand draft drawn in favour of the Chairperson,

Central Mental Health Authority payable at New Delhi.

## **22. Inspection and inquiry of mental health establishments.**

(1)The Central Authority may, suo moto or on a complaint received from any person with respect to non-adherence of minimum standards specified by or under the Act or contravention of any provision thereof, order an inspection and inquiry of any mental health establishment, to be made by one or more of the following persons, namely:-(a)a Psychiatrist in Government service;(b)a Psychiatrist in private practice;(c)a mental health professional who is not a psychiatrist;(d)a representative of a non-governmental organization working in the area of mental health;(e)a police officer in charge of the police station under whose jurisdiction, the mental health establishment is situated;(f)a representative of the District Collector or District Commissioner of the district where the mental health establishment is situated.(2)The Central Authority or the person authorized by it under sub-rule (1) may, if it has reasons to believe that a person is operating a mental health establishment without registration, or is not adhering to the minimum standards specified by or under the Act or has been contravening any of the provisions of the Act or the rules and regulations made thereunder, enter and search such mental health establishment.(3)During search, the Central Authority or the person authorized by it may require the mental health professional in charge of the mental health establishment to produce the original documents relating to its registration with the Central Authority and it shall be obligatory on the part of the mental health establishment to produce such documents.(4)Within two days of completing search of the mental health establishment under sub-rule (3), a written report of the findings of such search shall be submitted to the Chairperson of the Central Authority.(5)The Chairperson of the Central Authority, shall, on receipt of the written report under sub-rule (4), take such action as it deems fit, against the defaulting mental health establishment in accordance with the provisions of the Act. Form-A[See rule 10]Information on the Activities of the Central Authority/ State Authority/ Board

### **1. New Regulations notified:**

### **2. Number of orders passed during the year:**

### **3. Meetings held during the year:**

### **4. Number and details of mental health establishments under the control of the Central Government**

### **5. Number and details of mental health establishments in the State or Union Territory:**

### **6. Registration of mental health professionals by the State Authority:**



**7. Statement on references received from Central Government and State Government and action taken thereon:**

**8. Quality and service provision norms for different types of mental health establishments under the Central Government/State Government:**

**9. Training imparted to persons including law enforcement officials, mental health professionals and other health professionals about the provisions and implementation of the Mental Healthcare Act, 2017:**

**10. Applications for registration of mental health establishments received, accepted and rejected along with reasons for such rejection:**

**11. Audit of Mental Health Establishments along with audit reports:**

**12. Complaints received regarding violation of rights of Mentally ill persons and action taken thereon:**

**13. Details regarding guidance document for medical practitioners and mental health professionals:**

**14. Number of cases registered regarding Sexual Harassment of Women at Workplace under section 22 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and details thereof:**

**15. Details of inspection and inquiry of Mental Health Establishments:**

**16. Number of appeals to High Court against order of Authority and status thereof:**

**17. Complaints received regarding deficiencies in provision of services and action taken thereon:**

**18. Stakeholders Consultations:**

**19. Inquiry initiated by the Authority/Board:**

**20. Administration and establishment matters**

**21. Budget and Accounts with details including balance sheet, income and expenditure account, etc.:**

**22. Any other matter which may be relevant:**

Form-B[See rules 11(2) and 12]Application For Grant of Provisional Registration/ Renewal of Provisional Registration of a Mental Health EstablishmentToThe .....Ministry/ DepartmentGovernment of India.....Dear Sir/ Madam,I/we intend to apply for grant of provisional registration/ permanent registration/ renewal of provisional registration for the Mental Health Establishment namely ..... of which I am/we are holding a valid licence/registration for the establishment/ maintenance of such hospital/nursing home. Details of the hospital/nursing home are given below:

**1. Name of applicant**

.....

**2. Details of licence with reference to the name of the authority issuing the licence and date.....**

**3. Age .....**

**4. Professional experience in Psychiatry**

.....

**5. Permanent address of the applicant**

.....

**6. Location of the proposed hospital /nursing home**

.....

**7. Address of the proposed nursing home/hospital .....**

**8. Proposed accommodations: .....**

(a)Number of rooms .....(b)Number of beds

.....(c)Facilities provided: .....(d)Out-patient  
 .....(e)Emergency services .....(f)In-patient facilities  
 .....(g)Occupational and recreational facilities .....(h)ECT  
 facilities (n X-Ray facilities .....(i)Psychological testing facilities  
 .....(j)Investigation and laboratory facilities  
 .....(k)Treatment facilities .....Staff pattern:(a)Number of  
 doctors .....(b)Number of nurses .....(c)Number of  
 attendees .....(d)Others .....I am herewith sending a bank  
 draft for Rs..... drawn in favour of..... as application fee.I hereby undertake to abide by  
 the rules and regulation of the Mental Health Authority.I request you to consider my application  
 and grant the licence for establishment/ maintenance of psychiatric hospital/ nursing home.Yours  
 faithfullySignature .....Name .....Date .....Form-C[See rule 11(3)]Certificate of  
 Provisional Registration/ Renewal of Provisional RegistrationThe Central Authority/ State  
 Authority, after considering the application dated.....submitted by.....under section  
 65 (2) or section 66 (3) or section 66(10) of the Mental Healthcare Act, 2017, hereby accords  
 provisional registration/renewal of provisional registration to the applicant mental health  
 establishment in terms of section 66 (4) or section 66 (11), as per the details given hereunder:Name:  
 .....Address .....No of beds  
 .....The provisional registration certificate issued, is subject to the  
 conditions laid down in the Mental Healthcare Act, 2017 and the rules and regulations made there  
 under and shall be valid for a period of twelve months from the date of its issue and can be  
 renewed.PlaceDateRegistration AuthoritySeal of the Registration AuthorityForm - D(See rule  
 14)Register of Mental Health Establishments(in digital format)\*Category .....

Sl. No.	Name and Address of the applicant	Name of the establishment and address	Date of the application	Date and particulars of Registration	No. of beds	Remarks
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\*Separate table for each category of mental health establishment.Form-E[See rule 16(1)]Annual  
 Report of Central Authority

## 1. Introduction

## 2. Profile of the Authority's Members

### **3. Scope of Regulation**

**4. New Regulations/procedures etc. notified/issued**

**5. Orders passed by the Authority**

**6. Meetings of the Central Mental Health Authority held during the year**

**7. Mental health establishments under the control of the Central Government**

**8. Mental health establishments in the States/UTs**

**9. Registration of mental health professionals by the State Authorities**

**10. A statement on references received from Central and State Governments and action taken thereon**

**11. A statement on references sent to the Central and State Governments and action taken thereon by the respective Governments**

**12. Quality and service provision norms for different types of mental health establishments under the Central Government**

**13. Supervision of mental health establishments under the Central Government and action taken on the complaints received about deficiencies in provision of services therein**

**14. Training imparted to persons including law enforcement officials, mental health professionals and other health professionals about the provisions and implementation of the Mental Healthcare Act, 2017**

**15. Applications for registration of mental health establishments received, accepted and rejected along with reasons for such rejection.**

**16. Audit of Mental Health Establishments**

**17. Complaints received regarding violation of rights of Mentally ill persons and action taken thereon**

**18. Instances of supersession of the Central Authority by the Central Government and reasons therefor.**

**19. Details regarding guidance document for medical practitioners and mental health professionals**

**20. Implementation of RTI Act, 2005**

**21. Details regarding Sexual Harassment of Women at Workplace under Section 22 of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.**

**22. Inspection and Inquiry of Mental Health Establishments**

**23. Appeals to High Court against order of Authority and status thereof**

**24. Status of review of use of advance directives and recommendations of the Authority in respect thereof.**

**25. Complaints received about deficiencies in provision of services and action taken thereon.**

**26. Stakeholders Consultations**

**27. Inquiry initiated by the Authority**

**28. Administration and establishment matters**

**29. Annual accounts**

**30. Any other matter which in the opinion of the Authority needs to be highlighted**