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## **Gearing up mental health and wellness: Psycho-socio-religio-legal perspectives with special reference to mental healthcare act, 2017**

**Upankar Chutia**

Assistant Professor, Alliance School of Law, Alliance University Bangalore  
Email: [upankarsls@gmail.com](mailto:upankarsls@gmail.com)

**Gyanashree Dutta**

Assistant Professor, Alliance School of Law, Alliance University Bangalore  
Email: [duttagyanashree123@gmail.com](mailto:duttagyanashree123@gmail.com)

**Harguneet Kaur**

Assistant Professor, School of Humanities and Social Sciences, CHRIST (Deemed to be University) Delhi- NCR, India  
Email: [harguneet.kaur@christuniversity.in](mailto:harguneet.kaur@christuniversity.in)

**Arunima Shastri**

Assistant Professor, School of Law, CHRIST (Deemed to be University) Delhi- NCR, India  
Email: [arunima.shastri@christuniversity.in](mailto:arunima.shastri@christuniversity.in)

**Surveer Singh**

Assistant Professor, Department of Religious Studies, General Shivdev Singh Diwan Gurbachan Singh Khalsa College, Patiala  
Email: [surveer2020@gmail.com](mailto:surveer2020@gmail.com)

**Bhupinder Singh**

Associate Professor, School of Law, CHRIST (Deemed to be University) Delhi- NCR, India  
Email: [bhupinder.singh@christuniversity.in](mailto:bhupinder.singh@christuniversity.in)

**Abstract**---Good health refers to the mind and body's soundness and the state in which its tasks are carried out properly and effectively. Health is described by the World Health Organization as "*a condition of complete physical, mental, and social well-being*". There are a variety of elements that influence health in developing nations like India, such as poverty, food insecurity, food pricing and malnutrition, pollution and deterioration of the environment, occupational and reproductive health issues, cost prices of private health care systems,

public health care delivery systems, and so on. The health of mothers, new-borns, and children is currently the prime agenda of multilateral organizations, international cooperation agencies, and governments around the world. Children are our future, and maintaining their health, development, and growth should be the top priority for all nations. Malnutrition, infectious diseases, being born underweight, maternal or neonatal or infant mortality, and other factors make new-borns and children more susceptible. This paper looks at the changes in the Mental Health Act 1987 to the new legislation of 2017 for the treatment and care of a mentally ill person and analyzes the various provisions of it from a psycho-socio-legal perspective.

**Keywords**---mental health, mental healthcare act, malnutrition, depression, stress, psycho-socio legal.

## **Introduction**

Children around the world live in diverse conditions such as orphans, street children, refugees, internally displaced individuals, as victims of armed conflict as well as other man-made disasters. More children in India are dying every year even after being vaccinated for deadly viruses and diseases. The reality of easily accessible quality health care in some rural areas of India still remains a myth. Numerous gaps exist in the field of healthcare, wherein several of the most critical gaps include awareness of the disease and the factors that lead to poor health, availability and utilization of suitable technologies for disease management, and service delivery. The health of the children has been a primary focus of the country's initiatives. This goal was to be accomplished through increasing access to and usage of health services, designing of programs to increase family welfare, smooth functioning of the nutrition services, as well as by strengthening the legal system. Although it is well known that physical health is imperative for a healthy body, however, the importance of mental health can not be neglected. Numerous people are affected by mental illness because of various reasons such as - psychological trauma, brain injury, loss of near and dear ones, financial loss, etc. Mental conditions requires both medical attention and psychological care. Possible indicators of a mental health disorder include symptoms of stress, feelings of hopelessness, worthlessness, reduced levels of energy, being confused/disoriented, cognitive distortions such as selective filtering, dichotomous thinking etc. As per the World Health Organization (WHO), 1948, the mental health is "a state of well-being in which an individual realizes his or her own abilities, can cope with the normal stresses of life, can work productively, and is able to make a contribution to his or her community."

## **Relevance of Mental Health Care**

Healthcare law is connected with the health of both individual and public health, the legal aspect of taking care and protection of health care and the procedures of systems followed for the health care service delivery. Public health is considered to be a prime concern of any government around the world, and its protection and preservation is the duty of every sector of the government. Physical and mental

health is interconnected and an imbalance of one impacts the other. Mental health comprises intellectual, behavioral and emotional well-being and human beings can live productive and satisfying lives when they achieve a workable balance between their personal capacities and societal expectations. Mental Health and well-being refers to how anyone thinks, behaves and feels under different circumstances. Many times a mentally ill person is not able to make rational decisions on their own which makes him dependent on others and seek emotional support. People affected with any kind of mental disorder still hesitate to opt for psychological services due to the attached social stigma. Mental health and physical health are deeply interlinked. A person in excellent physical health is likely to have optimal biological functions and processes. Physical well-being requires a balanced lifestyle in the form of a well-balanced diet, self-care and proper sleep. Physical activity helps safeguard and increase a person's breathing and heart rate endurance, muscular strength, flexibility, and body composition, all of which help lower the risk of sickness.

### **Understanding Mental Health**

The words "mental health" and "behavioral health" refer to the cognitive and affective well-being of individuals. Good mental health encompasses high emotional, psychological as well as social well-being. A person who is not mentally healthy may be suffering from any type of mental impairment or illness. Stress, depression, and anxiety may affect a person's mental health and disturb their daily routine. Such mental states usually have a significant negative impact on one's daily life, interpersonal relationships, and physical health. To be able to enjoy one's life to the fullest it is imperative to ensure high mental wellbeing. In order to achieve this, identification and alteration of maladaptive coping strategies to productive coping strategies becomes essential. According to the World Health Organization, "*mental health includes much more than just the absence of mental disorders or disabilities*". Mental health, therefore, is not just the absence of illnesses, stress and/or depression but also comprises continued efforts towards achieving happiness and growth.

### **Contributory Factors for Mental Illness and Symptoms**

Mental illness not only affects one's mood and feelings but causes disturbances in multiple settings such as personal, school/worklife, and social life. Treatment of mental disorders usually include an eclectic approach inclusive of medications, biofeedback therapy/ talk therapy (psychotherapy)/ cognitive behavior therapy, relaxation techniques and/or yoga. Many people suffer from mental health issues at some point in their life, however, when the signs and symptoms persist, become frequent and intense, cause significant impairment they get converted into mental health disorders. Eating disorders such as bulimia, anorexia nervosa, pica; mood disorders such as depression and anxiety; and personality disorders such as antisocial personality disorder, borderline personality disorder etc. to name a few, have all been described and categorized in Diagnostics and Statistical Manual of Mental Disorders published by the American Psychiatric Association. Mental illness can be described as inappropriate, irrational and unrealistic thoughts and actions of which degree may range from mild to severe. Such mental abnormalities are a result of multiple factors such as personal or

situational conditions which includes major loss in life viz., death of parents in early life, unemployment etc., negative childhood experiences in the form of parental neglect, harsh parenting, inconsistent disciplining, separation or divorce of parents, victim or witness of domestic violence, abuse (physical/emotional/financial/sexual) etc., being in toxic relations, or one's dissatisfaction with one's body. Common symptoms of mental disorders are visible in the form of mood swings, temper tantrums, relationship issues, hallucinations, stress, anxiety, thoughts of suicide, self-injury, harming others, defying authorities, sleep disturbances, eating issues etc.

### **Religion and Mental Health**

Religion and mental health are deeply interconnected. Religion has been the psychological need of humankind from ancient times. Primitive man worshiped different kinds of natural forces to seek their blessings and protection. The act of worshiping gave them mental security and strength to cope up with difficult situations. The main purpose of religion is to connect the person with a spiritual experience. Meditation is one of the primary routes in awakening spiritual energies. Religion provides us with certain kinds of meditation techniques and mantras which cures mental illness such as anxiety, depression etc. The continuous practice of these *mantras* generates inner peace, happiness and positive thinking. Religion forms a sacred kind of society which is called congregation. This positive society promotes a sense of belongingness and attachment with fellow beings. It provides mental and emotional support to the believer which is direly needed in today's fast pacing world. Religion teaches and cultivates in us the values of compassion, gratitude, respect for others and forgiveness. With the practice of these virtues any person can resolve his internal conflicts and become mentally calm and serene.

### **Medico-Legal Responses for Treatment of Mental Illness**

The mentally ill person has less chances of adequate medical treatment due to social stigma, or non-observance of the serious mental health condition. There are several approaches for dealing with mental health illness which depend whether the symptoms are mild or severe. The medical and psychological treatment is available which may vary from person to person and some strategies/ treatments are used in combinations. Case history taking and mental status examination help to find out the root of mental illness and accordingly the psychologist prepares a treatment plan to support a person's daily life and also diminish the hazard of isolation and self-harm. The mental impairment puts an extensive and long-term negative impact on their capability to live life normally, so there is a dire need of medico-legal guidance and support which aims to help them cope up from mental disorder.

There exists a need to change the outlook of the members of the society for mental disorders and mentally ill people and to remove any stigma attached to it. The need felt by the government to pass specific legislation on this issue was in early 1912 when the Indian Lunacy Act, 1912 was passed for the reception, care and treatment of lunatic persons. This Act has become out-dated due to speedy advancement in medical science and it has become imperative to pass fresh

legislation with a view to frame specific provisions for treatment of mentally ill persons. The Mental Health Act, 1987 is the specific legislation which “consolidate and amend the law relating to the treatment and care of mentally ill persons and to make better provision with respect to their property and affairs and for matters connected therewith”. The provisions of this Act provide to-

- Establish mental health authorities at central and state level for mental healthcare services
- admission and detention to psychiatric hospitals or psychiatric nursing homes of mentally ill-persons
- maintenance of such hospitals and nursing homes and their inspection

This Act was also repealed as it was not able to fully take care of the rights of the mentally ill persons. The lack of provisions concerning proper review by any judicial body to oversee and address the issues (if any) created dissatisfaction amongst people. This Act also provided that the research on mentally ill can be carried out by the consent of the caregiver, which violated the human rights of the mentally ill. Therefore, for better protection and safety the Mental Healthcare Act, 2017 was passed “to provide for mental healthcare and services for persons with mental illness and to protect, promote and fulfill the rights of such persons during delivery of mental healthcare and services and for matters connected therewith or incidental thereto”.

This new legislation repeals the previous Mental Healthcare Act of 1987, which was widely panned for failing to accept mentally ill persons' rights and paving the way for their isolation. This act nullifies Section 309 of the Indian Penal Code, which makes attempting suicide by a mentally ill person illegal. Mental Healthcare Act, defines mental illness as a “substantial disorder of thinking, mood, perception, orientation, or memory that grossly impairs judgment or ability to meet the ordinary demands of life, mental conditions associated with the abuse of alcohol and drugs but does not include mental retardation which is a condition of arrested or incomplete development of mind of a person, specially characterized by subnormality of intelligence.”\* It also protects the rights of a mentally ill person by making services more available to him/her and allowing him/her to decide how he/she wishes to be treated for his/ her illness via an advance directive. Every citizen would have the freedom to seek mental health treatment and these services should be of high quality, as well as convenient, affordable, and readily available. This act also aims to protect such people from inhumane treatment, providing them with free legal care and access to their medical records, and giving them the right to sue if their rights are violated.

## **Conclusion**

Physical and mental health are two sides of the same coin and for protection against diseases, stress, depression, anxiety, etc. self-care, preventive measures and therapy is essential. The existing healthcare system has certain flaws which harms the quality of life and mental health treatment. One of the main highlights of the Act is the decriminalization of attempted suicide, as well as the definition of

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\* Section 2 (s) of the Mental Health Act, 2017.

Advance Directive and the prohibition of all barbaric practices which give mentally ill people nightmares. The Mental Healthcare Act also tries to fix the structure of hospitals by enlisting them and ensuring that they operate to the requirements set by the authorities in the legislation. The Act ensures support and protects human rights during admission, treatment and care. The proper implementation of mental healthcare legislative provisions is the dire need for the improvement of this health issue so that everyone in India can lead a healthy, balanced and respectable life.

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