

Bill No. XLVII of 2018

THE ADOLESCENT MENTAL HEALTH BILL, 2018

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BILL

to raise awareness about and provide facilities for mental well-being to adolescents through schools and coaching centres and for matter connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Adolescent Mental Health Act, 2018.

(2) It extends to the whole of India.

5 (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

10 (b) “adolescent” means a child aged between 12 and 18 enrolled in schools or coaching centres;

Short title,
extent and
commence-
ment.

Definitions.

(c) “coaching centre” means an institution imparting coaching to students for any subject taught at school level or for admission into any professional course, with a student strength of more than 50;

(d) “guidelines” means Adolescent Mental Health Guidelines’, framed under section 3 of the Act;

(e) “practitioner” means a registered medical practitioner of mental health practices who has training in psychiatry or clinical psychology and such other qualifications as may be prescribed by the rules made under this Act;

(f) “prescribed” means prescribed by rules made under this Act;

(g) “school” means a school run by the Central Government or a State Government or a recognised private school;

(h) “session” means an interactive training which may be of the forms such as physical, theoretical, or any sports, aimed at improving mental health or creating awareness among students and parents;

Central Government to grant Adolescent Mental Health Guidelines. **3.** (1) The Central Government shall within one year of the commencement of the Act frame ‘Guidelines’ lay down steps to be followed by schools and coaching centres to ensure mental well-being of students. 15

(2) The guidelines shall categorize schools and coaching centres based on the number of students, the annual revenues, geographical considerations and ownership, public or private and shall contain specific provisions for each category. 20

Appropriate Government to implement the Guidelines. **4.** (1) The appropriate Government shall ensure that every school and coaching centre within its jurisdiction is fully prepared to follow the Guidelines.

(2) The appropriate Government shall take steps to ensure that no school charges any additional amount from the parents of students for arranging sessions on mental health.

Duty to provide mental health facilities in schools and coaching centres. **5.** (1) The appropriate Government shall ensure that every school,— 25

(i) invite practitioners to conduct sessions on mental health and well-being for students and parents as specified in the guidelines;

(ii) provide adequate space in school premises for the practitioners to conduct sessions on mental health awareness through interactive activities.

(2) The appropriate Government shall also ensure that every school and coaching centre hire a practitioner or affiliate itself with a nearby practitioner for fulfilling the mental health needs of students, as per the guidelines; 30

Provided that schools and coaching centres shall not charge any additional fee from the parents of students for the arrangement of the practitioner under sub-rule (1) and (2).

Duty of the students and parents. **6.** The appropriate Government shall take steps to ensure that:— 35

(i) every student mandatorily attend all sessions, as may be prescribed; and

(ii) every parents participates in maximum, but at least the minimum number of sessions as may be prescribed.

Central Government to provide requisite funds. **7.** The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds to the appropriate Government for carrying out the purposes of this Act. 40

Act to have overriding effect. **8.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which
5 may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be
of no effect, as the case may be; so, however, that any such modification or annulment shall
10 be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

With about 400 suicides every day and very sixth person in need of some mental health treatment as per National Mental Health Statistics, India fares poorly in mental health. The statistics for the youth of the country are the grimmest. Every other week, there are numerous cases of students from colleges, and many of them while just in schools and coaching institutions having succumbed to ill mental health. While a suicide is an unfortunate final step of mental illness, there must be government action to prevent any student being a patient of mental, illness which leads them to take such steps of Independent studies have seen as high as 53% of school going students suffering from either moderate or severe form of depression, which some indicating that about 4 out of 10 students feel regular or occasional depression or tension.

Today, the need to address issues regarding mental well-being is more important than ever. The World Bank recognizes mental health as a key challenge to sustainable development. Even the Government has recognized the need for open discussion on depression and other mental health issues.

While a dialogue at the centres of leading government and international institutions is a welcome step, there are two key aspects untouched by policy. Firstly, there is a clear need to raise awareness and remove social stigma regarding mental health issues among student, teachers and parents. Secondly, provision of easy-to-access facilities to students in schools and coaching centres has consistently been ignored, and should be ensured by the appropriate Government. This Bill has been proposed to address the above-mentioned issues

Hence, this Bill.

RITABRATA BANERJEE

FINANCIAL MEMORANDUM

It is estimated that a recurring expenditure of about rupees one hundred crore would involve per annum from the Consolidated Fund of India.

Clause 7 provides that the Central Government shall provide adequate funds to the appropriate Governments for carrying out the purposes of this Bill. The Bill, therefore, if enacted, will involve expenditure from the consolidated fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

As the rules will relate to matters of detail, the delegation of legislative power is of a normal character.

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill.

RAJYA SABHA

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(Shri Ritabrata Banerjee, M.P.)