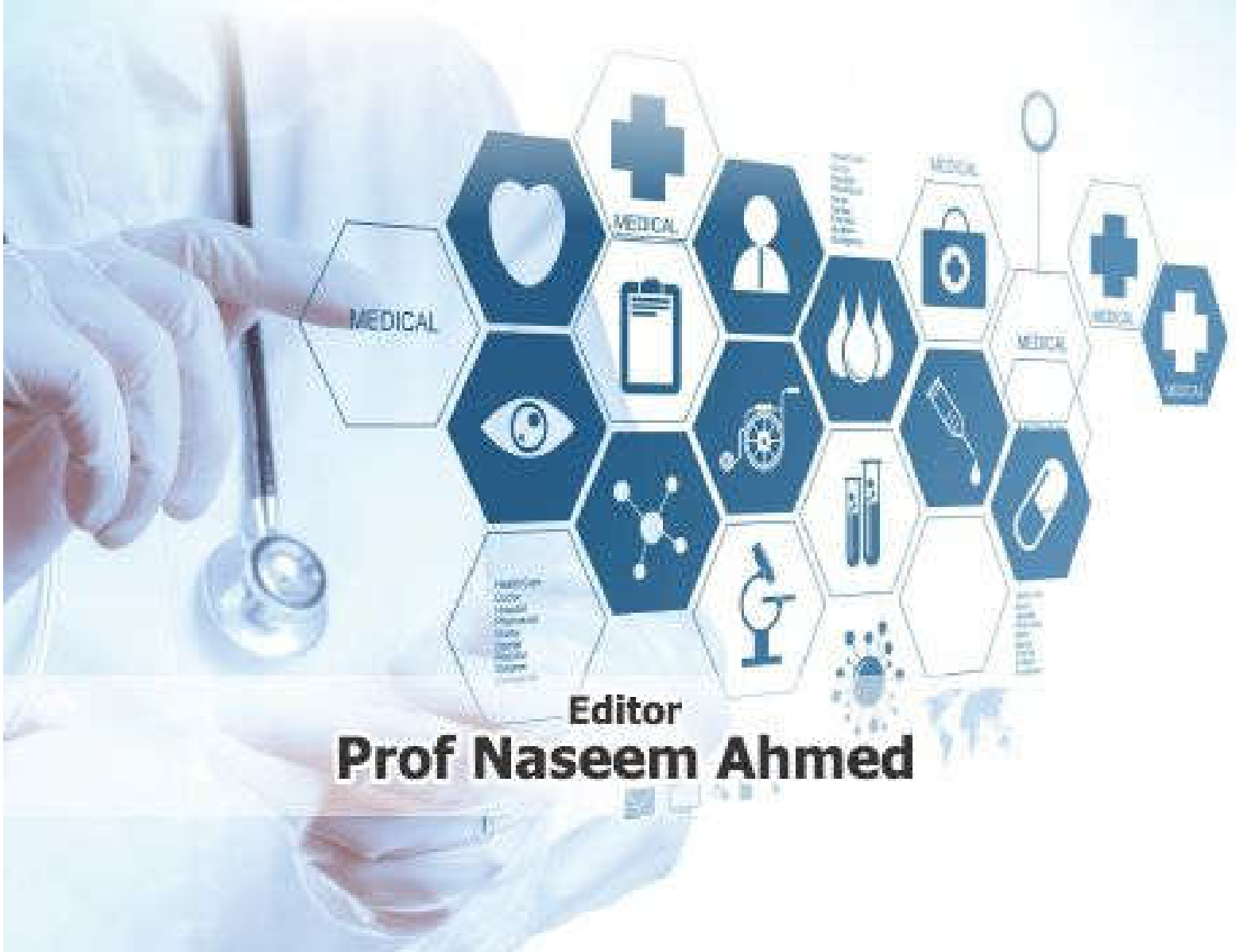


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Editor
Prof Naseem Ahmed

CONVERGENCE OF HEALTH

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A REVIEW OF MENTAL HEALTH LEGISLATIONS AND ITS IMPLEMENTATION IN INDIA

Prof. Zeba Aqil¹

Dr. Vandana Mishra²

ABSTRACT

Mental health legislation refers to laws and legal frameworks that govern the care, treatment, rights, and protection of individuals with mental health conditions. These laws are designed to ensure ethical and humane treatment, regulate psychiatric practice, and balance the rights of individuals with public safety concerns. Mental Health is the most neglected in many parts of the world, especially in low- and middle-income countries like India, and has profound consequences for public health, human rights, and socio-economic development. This neglect refers to the systemic failure to recognize, prioritize, and adequately address mental health needs at individual, community, and institutional levels. It is a pervasive issue

This chapter presents a comprehensive review of mental health legislations in India, tracing their evolution, underlying principles, and practical implications. Beginning with the colonial-era *Indian Lunacy Act of 1912* and culminating in the progressive *Mental Healthcare Act, 2017*, the review critically examines the shifting legal paradigms from custodial care to a rights-based, patient-centric approach. The *Mental Healthcare Act, 2017* is analyzed in detail for its alignment with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), particularly in terms of informed consent, decriminalization of suicide, advance directives, and the right to access mental healthcare. The chapter also addresses the challenges in implementation, including infrastructural gaps, lack of awareness, and coordination between the legal and medical systems. By evaluating the strengths and limitations of existing laws, this review underscores the urgent need for robust policy integration, capacity building, and accountability mechanisms to ensure dignity, autonomy, and justice for individuals with mental health conditions in India.

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Keywords:

Mental health legislation, Mental Healthcare Act 2017, Indian Lunacy Act 1912, United Nations Convention on the Rights of Persons with Disabilities (UNCRPD, healthcare governance)

The World Health Organization (WHO) defines mental health as:

The World Health Organization (WHO) has defined "mental health as a state of well-being that enables people to cope with life's stresses, to make the most of their abilities, to learn and work well, and to contribute to their community" (WHO, 2022). The definition highlights that mental health is not only the absence of disorders but a positive functioning and resilience. It also highlights the importance of emotional, social, and psychological well-being across the life of an individual. It also highlights how the WHO identifies that mental health is shaped by an alignment of personal, social, and larger structural factors such as the genetic makeup of a person, the life experiences of the person, and the availability of support systems and facilities (WHO, 2022)

In addition, WHO observes that mental health is on a continuum and depends on many different determinants and can change over time. It is influenced by a broad spectrum of individual, social, and structural determinants, such as genetics, life course experiences, and societal determinants.

Factors Influencing Mental Health

Mental health is shaped by a complex interplay of various factors:

1. Biological Factors

Biological factors have a major role in influencing human behavior, development, and health. Heredity significantly impacts intelligence, temperaments, and susceptibility to mental disorders. For instance, research shows that genes explain about 50% of the variation in intelligence (Plomin & Deary, 2015). Hormonal influences, especially during windows of sensitivity such as the period of development during puberty, also affect the regulation of emotions and behavior. Neurotransmitter deficiencies, such as the depletion of serotonin, are associated with mood disorders such as depression (Mayo Clinic, 2023). Abnormalities in the structure and function in the brain, such as in the amygdala or the prefrontal cortex, are responsible for conditions such as schizophrenia, as well as anxiety disorders (Kandel et al. , 2013). Furthermore, maternal nutrition, exposure to toxins, or maternal stress during the prenatal period can influence fetal brain development as well as subsequent cognitive outcomes (Gluckman & Hanson, 2006). Thus, there is a need to understand these biological determinants to grasp the