

THE CENTRAL MENTAL HEALTH AUTHORITY RULES, 1990

G.S.R. 1004 (E), DATED 29TH DECEMBER, 1990.¹—In exercise of the powers conferred by sub-section (1) of Sec. 94 of the Mental Health Act, 1987 (14 of 1987), read with Sec. 22 of the General Clauses Act, 1897 (10 of 1897) the Central Government hereby makes the following rules, namely:

CHAPTER I

PRELIMINARY

1. **SHORT TITLE AND COMMENCEMENT.**—(1) These rules may be called the Central Mental Health Authority Rules, 1990.

(2) They shall come into force on the date of commencement of the Act.

2. **DEFINITIONS.**—In these rules unless the context otherwise requires,—

(a) "Act" means the Mental Health Act, 1987 (14 of 1987) ;

(b) "Authority" means the Central Mental Health Authority established under Sec. 3 of the Act ;

(c) "Chairman" means the Chairman nominated under rule 5 ;

(d) "Member" means member of the Authority appointed under rule 3 ;

(e) "Membership" means the membership of the Authority established under rule 3 ;

(f) "Non-Official Member" means a member appointed under sub-rule (2) of rule 3 ;

(g) "Official Member" means a member appointed under sub-rule (1) of rule 3 ;

(h) "Secretary" means the Secretary to the Authority appointed under rule 13 ;

(i) words and expressions used herein and not defined but defined in the Act shall respectively have the meaning assigned to them in the Act

CHAPTER II

CENTRAL MENTAL HEALTH AUTHORITY

3. **CONSTITUTION OF THE AUTHORITY.**—The Authority shall consist of the following members, namely :

1. *Official Member.*—(a) Secretary or Additional Secretary, Ministry of Health and Family Welfare, Government of India.

(b) Joint Secretary, Ministry of Health and Family Welfare dealing with Mental Health.

(c) Additional Director-General of Health Services dealing with Mental Health.

(d) Director, Central Institute of Psychiatry, Ranchi.

(e) Director, National Institute of Mental Health and Neuro Sciences, Bangalore.

1. Published in *Gazette of India Extraordinary* Pt. II, Sec. 3 (i) dated 29th December 1990

(f) Medical Superintendent, Hospital for Mental Diseases, Shahdara, Delhi

2. *Non-Official Members*.—Three members including one Social Worker, one Clinical Psychologist and one Medical Psychiatrist who, in the opinion of the Central Government, have special interest in the field of Mental Health.

COMMENT

This rule provides that the Authority under this rule shall consist of certain official and non-official members mentioned therein.

4. **DISQUALIFICATION**.—A person shall be disqualified for being appointed as a member or shall be removed from membership by the Central Government if he,—

(a) has been convicted and sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude ; or

(b) is an undischarged insolvent ; or

(c) is of unsound mind and stands so declared by a competent court ; or

(d) has been removed or dismissed from the Government or a body corporate owned or controlled by the Government.

5. **CHAIRMAN** —(1) The Central Government may nominate any official member to act as the Chairman of the Authority.

(2) The Chairman shall cease to hold office when he ceases to be a member of the Authority.

6. **TERM OF OFFICE OF MEMBERS** —(1) Every official member shall hold office as such member so long as he holds the office by virtue of which he was so appointed.

(2) Every non-official member shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment.

(3) A non-official member may at any time resign from membership of the Authority by forwarding his letter of resignation to the Chairman and such resignation shall take effect only from the date on which it is accepted.

(4) Where a vacancy occurs by resignation of a non-official member under sub-rule (3) or otherwise, the Central Government shall fill the vacancy by appointing from amongst category of persons referred to in sub-clause (2) of rule 3 and the person so appointed, shall hold office for the remainder of the term of office of the member in whose place he was so appointed.

(5) Where the term of office of any non-official member is about to expire the Central Government may appoint a successor at any time within three months before the expiry of the term of such member but the successor shall not assume office until the term of the member expires.

CHAPTER III

PROCEEDINGS OF THE AUTHORITY

7. **MEETINGS OF THE AUTHORITY**.—(1) The Authority shall ordinarily meet once in every six months at such time and place as may be fixed by the Chairman :

Provided that the Chairman,—

(i) may call a special meeting at any time to deal with any urgent matter requiring the attention of the Authority,

(ii) shall call a special meeting if he receives a requisition in writing signed by not less than four members and stating the purpose for which they desire the meeting to be called.

(2) The first meeting of the Authority to be held in any calendar year shall be the annual meeting for that year.

8. SUBJECTS FOR SPECIAL MEETING.—Where a meeting referred to in the proviso to sub-rule (1) of rule 7 has been convened, only the subjects for the consideration of which the meeting was convened, shall be discussed.

9. SUBJECTS FOR THE ANNUAL MEETING.—At the Annual Meeting of the Authority, the following subjects shall be considered and disposed of, namely :—

(a) review of the progress of implementation of the various provisions of Mental Health Act during the preceding one year ;

(b) other business on the agenda ; and

(c) any other business brought forward with the consent of the Chairman or where he is absent, with the consent of officer presiding at the meeting

10. PROCEDURE FOR HOLDING MEETINGS.—(1) Every notice calling for a meeting of the authority shall—

(a) specify the place, date and hour of the meeting ;

(b) be served upon every member of the Authority not less than twenty-one clear days in the case of annual meeting and fifteen clear days in the case of other meetings before the day appointed for the meeting.

(2) The Secretary shall prepare and circulate to the members alongwith the notice of the meeting an agenda for such meeting showing the business to be transacted.

(3) A member who wishes to move a resolution on any matter included in the agenda shall give notice thereof to the Secretary not less than seven days before the date fixed for the meeting.

(4) A member who wishes to move any motion not included in the agenda shall give notice to the Secretary not less than fourteen days before the date fixed for the meeting

COMMENT

This rule lays down the procedure for holding the meeting

11. PROCEEDINGS OF THE AUTHORITY.—(1) The Chairman or in his absence any member authorised by him shall preside at the meetings of the Authority.

(2) The quorum for the meeting of the Authority shall be four members.

(3) If within half an hour from time appointed for holding a meeting of the Authority quorum is not present, the meeting shall be adjourned to the same day in the following week at the same time and place and the presiding officer of such meeting shall inform the members present and send notice to other members

(4) If at the adjourned meeting also, quorum is not present within half an hour from the time appointed for holding the meeting, the members present shall constitute the quorum

(5) In the adjourned meeting if the Chairman is not present and no member has been authorised to preside at such meeting, the members present shall elect a member to preside at the meeting

(6) Each member including the Chairman shall have one vote. In the case of an equality of votes, the Chairman or any member presiding over such meeting shall in addition, have a casting vote.

(7) All decisions of the meeting of the Authority shall be taken by a majority of the members present and voting

12. APPROVAL BY CIRCULATION—Any business which may be necessary for the Authority to transact except as such may be placed before the annual meeting, may be carried out by circulation among all members and any resolution so circulated and approved by a majority of members, shall be valid and binding as if such resolution had been passed at the meeting of the Authority.

13. SECRETARY TO THE AUTHORITY.—(1) The Chairman shall cause to be appointed a Secretary to the Authority from amongst persons possessing post-graduate degree in psychiatry and having three years' experience in the field of psychiatry.

(2) The Secretary shall be a full-time or part-time servant of the Authority and shall function as the Administrative Officer of the Authority.

(3) The Secretary shall be responsible for the control and management of office accounts and correspondence.

(4) The Secretary shall attend and take notes of the proceedings of the meetings of the authority.

(5) The Secretary shall cause to be appointed such members of the ministerial and non-ministerial staff which are essential for the efficient functioning of the Authority

(6) The Secretary shall exercise such other powers and discharge such other functions as may be authorised in writing by the Chairman for the efficient functioning of the Authority.

14 FORWARDING OF COPIES OF THE PROCEEDINGS OF THE AUTHORITY TO THE CENTRAL GOVERNMENT.—The Secretary shall forward copies of the proceedings of the Authority to the Central Government periodically

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