



## **ABSTRACT**

**Mental Health Care Act, 2017 – Establishment of State Mental Health Authority as per the provisions of Mental Health Care Act, 2017- Orders - Issued**

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### **HEALTH AND FAMILY WELFARE (EAPI-2) DEPARTMENT**

**G.O.(Ms).No.25**

**Dated: 18.01.2018  
Thiruvalluvar Aandu – 2049  
Heyvilambi, Thai – 5**

**Read :**

1. From the Joint Secretary, Government of India, D.O.No. V.15011/09/2017– PH-1, dated:23.08.2017.
2. From the Member Secretary, SMHA, Letter No.7683/ SMHA/ 2017-1, dated: 23.10.2017.

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### **ORDER:**

In the reference first read above, the Joint Secretary to Government of India has stated that the newly enacted Mental Health Care Act 2017, shall come into force, on such date as the Central Government may, by notification in Government Gazette or on the date of completion of the period of nine months from the date on which the Mental Health Care Act 2017, receives the assent of the president. The nine months period ended on 06.01.2018. He has further stated that before the Act is brought into force, the State Government have to initiate the following actions:

- i. Establishment of State Mental Health Authority.
- ii. State Mental Health Authority funds.
- iii. Constitution of Mental Health Review Boards.
- iv. Rules to be made by State Government
- v. State Mental Health Authority to make regulation.

2. As per section 45 of Mental Healthcare Act, 2017, Government have to establish, for the purposes of this Act, an Authority to be known as the State Mental Health Authority, within a period of nine months from the date on which this Act receives the assent of the President, by notification as per the provision of the Act . Section 46 of the Act deals with the composition of the Authority. The composition of the authority consists of chairperson and its members both ex-officio and non-ex-officio , as detailed below:

|    |  |                           |        |
|----|--|---------------------------|--------|
| 1  | Secretary or Principal Secretary in the Dept. of Health of State Government,   | Chairperson<br>Ex-officio | 46(a)  |
| 2  | Joint Secretary in the Dept. of Health of State in charge of Mental Health   | Member-<br>ex-officio     | 46(b)  |
| 3  | Director Health Services or Medical Education-   | Member-<br>ex-officio     | 46( c) |
| 4  | Joint Secretary to Government, Social Welfare & Nutritious Meal Programme Department   | Member-<br>ex-officio     | 46(d)  |
| 5  | Such other ex officio representatives from the relevant State Government Ministries or Departments;  | Member-<br>ex-officio     | 46(e)  |
| 6  | Head of any of the Mental Hospitals in the State or Head of Department or Psychiatry at any Government Medical College , to be nominated by the State Government                                     | Member                    | 46(f)  |
| 7  | One eminent psychiatrist from the State not in Government service to be nominated by the State Government.   | Member                    | 46(g)  |
| 8  | One mental health professional as defined in item (iii) of clause (g) of sub-section (1) of section 2 having at least fifteen years experience in the field, to be nominated by the State Government | Member                    | 46(h)  |
| 9  | One psychiatric social worker having at least fifteen years experience in the field, to be nominated by the State Government   | Member                    | 46(i)  |
| 10 | One clinical psychologist having at least fifteen years experience in the field, to be nominated by the State Government   | Member                    | 46(j)  |
| 11 | One mental health nurse having at least fifteen years experience in the field of mental health, to be nominated by the State Government.   | Member                    | 46(k)  |
| 12 | Two persons representing persons who have or have had mental illness, to be nominated by the State Government  | Member                    | 46(l)  |
| 13 | Two persons representing care-givers of persons with mental illness or organizations representing care-givers, to be nominated by the State Government .   | Member                    | 46(m)  |
| 14 | Two persons representing non –governmental organizations which provide services to persons with mental illness, to be nominated by the State Government.   | Member                    | 46(n)  |

3. The Member Secretary of the existing State Mental Health Authority has further stated that as per section 52 (1) of the Act a Chief Executive Officer not below the rank of Deputy Secretary to Government, has to be appointed by the State Government to execute and to discharge functions of the State Mental Health Authority as per Mental Health Care Act, 2017. Considering the duties and responsibilities of the post of Chief Executive Officer, it is considered that a Psychiatrist in the rank of Associate Professor or Psychiatrist in the rank of Senior Civil Surgeon equal to the rank of Deputy Secretary to Government in terms of pay would be an appropriate person. He may be appointed either on transfer or on promotion.

4. The Member Secretary, State Mental Health Authority has further stated that as per section 52(2) of the Act, the authority with the approval of the Government, determine the number, nature and categories of other officers and employees required by the State Mental Health Authority in the discharge of its functions and suggested that the following posts are required to be filled up.

1. Administrative Officer -1
2. Assistant -1
3. Junior Assistant -1
4. Data Entry Operator -1
5. Office Assistant -1

5. The Government after careful examination, ordered as follows:

- (i) The State Mental Health Authority for Tamil Nadu be constituted with the following members as per the section 45 of Mental Health Care Act 2017.

| Sl. No | Name of the Post   | Position in the authority | Rule Provision of SMH care Act. |
|--------|--|---------------------------|---------------------------------|
| 1      | Secretary or Principal Secretary in the Dept. of Health of State Government          | Chairperson-Ex-officio    | 46 (a)                          |
| 2      | Joint Secretary in the Dept. of Health of State in charge of mental Health           | Member-ex-officio         | 46 (b)                          |
| 3      | Director of Medical Education  | Member-ex-officio         | 46 (c)                          |
| 4      | Joint Secretary to Government, Social Welfare & Nutritious Meal Programme Department | Member-ex-officio         | 46 (d)                          |
| 5      | Director of Medical and Rural Health Services  | Member-ex-officio         | 46 (e)                          |

|    |  |                   |        |
|----|--|-------------------|--------|
| 6  | Mission Director, State Health Society   | Member-ex-officio | 46 (e) |
| 7  | State Commissioner for Welfare of Differently Aabled Persons.  | Member-ex-officio | 46 (e) |
| 8  | State Nodal Officer, District Mental Health Programme  | Member-ex-officio | 46 (f) |
| 9  | Director, Institute of Mental Health   | Member-ex-officio | 46 (f) |
| 10 | Head of the Department, Department of Psychiatry, from any Government Medical College, Chennai                                   | Member-ex-officio | 46 (f) |
| 11 | Eminent psychiatrist   | Member            | 46 (g) |
| 12 | Mental health professional as defined in item (iii) of clause (q) of sub-section (1) of section 2 of Mental Health Care Act,2017 | Member            | 46 (h) |
| 13 | One psychiatric social worker  | Member            | 46 (i) |
| 14 | Clinical psychologist  | Member            | 46 (j) |
| 15 | Mental health nurse  | Member            | 46( k) |
| 16 | Two persons representing persons who have or have had mental illness   | Members           | 46 (l) |
| 17 | Two persons representing care-givers of persons with mental illness or organizations representing care-givers                    | Members           | 46(m)  |
| 18 | Two persons representing non-governmental organizations  | Members           | 46 (n) |

(ii) The existing State Mental Health Authority is directed to send suitable nomination of members in each categories in SI.No.10,11,12,13,14 and 15 above. In respect of SI.No.11 to 15, the following procedures may be followed:

“ Applications through public advertisement in national and local language newspapers and official website of Health and Family Welfare Department. Eligible applicants have to submit self-attested copies of relevant documents in support candidature, to the Chief Executive Officer of the Authority.

- (iii) With regard to appointment of members referred in serial nos (16) and (17) above, the Director, Institute of Mental Health is requested to send the nomination of two members residing with & providing care for the family members affected with Mental illness or organization representing care – givers. In respect of SI.No.18, the Director, Institute of Mental Health is authorized to recommend representatives of registered NGOs with 10 years' experience in the field of mental health for nomination as members of the State Mental Health Authority.

6. The existing State Mental Health Authority is requested to send a panel of names among the eligible Psychiatrist for appointment as Chief Executive Officer for the State Mental Health Authority.

7. The State Mental Health Authority is permitted to take action to appoint officers and other staff required for State Mental Health Authority referred at para 4 above.

8. The details of duties and responsibilities of the Chief Executive Officer, the salaries allowances and other terms and conditions of services of the Chairperson and Member of the State Mental Health Authority are annexed to this order.

**(BY ORDER OF THE GOVERNOR)**

**J.RADHAKRISHNAN  
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Mission Director, State Health Society, Chennai-6  
The Director, Institute of Mental Health, Chennai-10  
The Member Secretary, State Mental Health Authority, Chennai-10  
The State Commissioner for Disabled, Chennai-5  
The Director of Medical Education, Chennai-10  
The Director of Medical and Rural Health Services, Chennai-6  
The Director of Public Health and Preventive Medicine, Chennai-6.  
Dr.C. Ramasubramanian, State Nodal Officer, Madurai Medical College, Madurai.  
The Director, National Institute of Mental Health and Neuro Science, Bangalore.  
The Social Welfare & Nutrias Meal Programme Department, Chennai-9

Copy to

Health and Family Welfare ( Z/ EAP-II/Data Cell) Department, Chennai-9

**//FORWARDED BY ORDER //**

12/13

*B. Jayadev*  
**SECTION OFFICER**

**ANNEXURE**

**G.O. (Ms).No. 25 , Health and Family Welfare (EAPI-2) Department, dated:  
18.01.2017.**

- 1. Salaries, allowances and other terms and conditions of service of the chairperson and members of the State Mental Authority**
- 1) All ex-officio members including the Chairperson will draw their salaries and allowances as admissible to them as per their primary appointment in Government service.
- 2) Where a member of the State Authority is a retired Government servant or a retired official of any institute or body funded by the Government, and draws a pension in respect of such previous service, the salary admissible to him shall be reduced by the amount of the pension and by the amount of commuted value of the pension, if any.
- 3) All non-ex-officio members and special invitees, if any, will be paid a daily fee for attending the meetings of the Authority or any work undertaken for the Authority as per existing norms of the State Government from time to time.
- 4) Non ex-officio members and any special invitees will be paid TA/DA as admissible to Group B officers of the State Government.
- 5) No additional pension and gratuity shall be admissible for service rendered to the State Authority.
- 6) The chairperson and other *ex officio* members of the State Mental Authority will hold office as such chairperson or member, as the case may be, so long as he/she holds the office by virtue of which he/she is nominated
- 7) The members of the State Mental Health Authority referred to in clauses (e) to (n) mentioned above will hold office as such for a term of three years from the date of nomination and will be eligible for reappointment. Provided that a member will not hold office as such after he/she has attained the age of seventy years.
- 8) A member of the State Mental Health Authority may resign his office, by giving notice addressed to Government. Provided that a member, unless he/she is permitted by the State Government, to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice by Government or until a person duly appointed as his successor enters upon office or until the expiry of his term of office, whichever is earlier.
- 9) Government will, within two months from the date of occurrence of any vacancy by reason of death, resignation or removal of a member of the Authority and three

months before the superannuation or completion of the term of office of any member of the Authority, make nomination for filling up of the vacancy.

- 10) No act or proceeding of the State Authority shall be invalid merely by reason of—
- (a) any vacancy in, or any defect in the constitution of, the State Authority; or
  - (b) any defect in the appointment of a person as a member of the State Authority; or
  - (c) any irregularity in the procedure of the Authority not affecting the merits of the case.
- 11) Any member having any direct or indirect interest, whether pecuniary or otherwise, in any matter coming up for consideration at a meeting of the State Authority, will, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at such meeting and such disclosure will be recorded in the proceedings of the State Mental Health Authority, and the member will not take any part in any deliberation or decision of the State Mental Health Authority with respect to that matter.

**Salaries, allowances and other terms and conditions of service of Chief Executive Officer, of the State Mental Health Authority:**

1. The Chief Executive Officer shall draw salary salaries and allowances as admissible to him as in Government service.
2. He shall be paid TA/DA as admissible to Group B officers of the State Government.
3. No additional pension and gratuity shall be admissible for service rendered to the State authority.
4. He shall hold office as such for a term of three years from the date of appointment and shall be eligible for reappointment. Provided that he shall not hold office after he has attained the age of superannuation.
5. A member of the State Authority may, by notice in writing under his hand addressed to the State Government, resign his office Provided that a member shall, unless he is permitted by the State Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon office or until the expiry of his term of office, whichever is the earliest

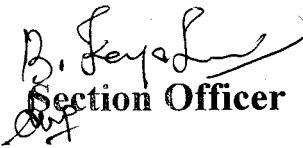
**Duties and responsibilities of chief executive officer**

- (1) He shall be the legal representative of the State Authority and shall be responsible for
  - (a) the day-to-day administration of the State Authority;
  - (b) implementing the work programmes and decisions adopted by State Mental Health Authority
  - (c) drawing up of proposal for the State Authority's work programmes;

- (d) the preparation of the statement of revenue and expenditure and the execution of the budget of the State Mental Health Authority.
- (2) Every year, the chief executive officer shall submit to the State Authority for approval
  - (a) a general report covering all the activities of the Authority in the previous year;
  - (b) programmes of work;
  - (c) the annual accounts for the previous year; and
  - (d) the budget for the coming year.
- (3) The chief executive officer shall have administrative control over the officers and other employees of the State Authority.

**J.RADHAKRISHNAN**  
**PRINCIPAL SECRETARY TO GOVERNMENT**

**//True Copy//**

  
**Section Officer**