

# Article 21 and Beyond: Exploring the Constitutional Contour of the Right to Mental Health in North-East India

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**Abstract:** *The right to mental health is an integral and inseparable component of the right to health, enshrined in Article 21 of the Indian Constitution. An Act had been introduced, too. North East India, comprising eight states, namely Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, and Tripura face unique mental health challenges due to its geographic isolation, cultural diversity, and history of conflict. This topic examines or scans the mental health landscape in North East India, highlighting the prevalence of mental health issues, such as anxiety, depression, mood disorders, schizophrenia, and substance abuse. My study identifies several challenges, lacunas, including insufficient mental health infrastructure, shortage of health professionals, and cultural and social barriers to help-seeking behavior. Despite these challenges, the topic proposed paper underscores opportunities for promoting mental health in the region, including integrating mental health into primary healthcare, developing culturally sensitive interventions, and exploiting traditional healing practices. I am supposed to conclude the study by emphatically demonstrating the need for a multi-stakeholder approach to promote mental health in North East India, involving government, civil society, and local communities. By prioritizing mental health and addressing the unique challenges faced by the region, it is possible to ensure the realization of the right to mental health for all individuals in North East India. Our unanimous endeavor may solve many intricate issues involved.*

**Keywords:** Article 21 of the Indian Constitution, Mental Health, Constitutional Paradigm, North East India

## 1. Introduction

The Constitution of India, through Article 21, guarantees the fundamental right to the protection of life and personal liberty, which encompasses the right to mental health<sup>1</sup>. Mental health is an integral aspect of human well-being, and its neglect can have severe fatal consequences on individuals, families, and communities. North-East India, comprising eight states namely, Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, and Tripura. This region is also known as the North-Eastern Region (NER) faces unique challenges in ensuring the right to mental health due to its geographical, cultural, and socio-economic diversity<sup>2</sup>. I have tried through my article to explore the constitutional contour of the right to mental health in North-East India, examining the existing legal framework, complying with the provisions for the time being in force, challenges, and opportunities for promoting mental health in the region. I have ventured to portray the real status of the concerned people in implementing their right to mental health.

### Constitutional Paradigm

Article 21 of the Constitution of India states, "No person shall be deprived of his life and personal liberty except according to procedure established by law." Hon'ble Apex Judiciary of India has made several judgments on mental

illness, including rulings on disciplinary proceedings, mental health care, and divorce, and thus recognized that mental health is an essential aspect of human life<sup>3</sup>. Hon'ble Apex Judiciary also ruled that judges should deal with mental health issues very sensitively and approach should not be one-size-fits-all.

The Mental Health Care Act, 2017 (MHCA), is a comprehensive legislation that aims to provide mental health care and services to individuals with mental illnesses<sup>4</sup>. The Act recognizes the rights of persons with mental illnesses, including the right to access mental health care, the right to privacy and confidentiality too, and the right to live in a community with dignity by recognizing his/her human existence or subsistence. Salient and significant features of this Act are decriminalizing attempted suicide. I have already asserted earlier that it protects the rights of people, including right to privacy, safety and confidentiality. MHCA allows people with mental illness to appoint a nominated representative to make decisions about their care. MHCA allows people with mental illness to create a written document, which is called an Advance Directive (AD), which states how they want to be treated in case they fail to make decisions for themselves. MHCA also imposes penalties for violating law, including fines and prison time. Now the big question is how much people belonging to

<sup>1</sup>India Const. art. 21 ("No person shall be deprived of his life or personal liberty except according to procedure established by law."). <https://indiankanoon.org/doc/1199182/>

<sup>2</sup>NgathemPungfa Singh, *Mental Health and Human Rights in North East India: Challenges, Disparities, and Pathways to Reform*, 11 Res Militaris 143 (2021), available at <https://resmilitaris.net/uploads/paper/e36215fca9b3977a2f8e71b4dd9201d8.pdf>.

<sup>3</sup>Shantistar Builders v. Narayan KhimalalTotame, (1990) 1 SCC 520 (India) <https://www.casemine.com/judgement/in/5609accfe4b014971140fcf9#:~:text=Fact%3A%20In%20the%20judgment%20of,and%20Regulation%20Act%2C%201976.>

<sup>4</sup>Mental Healthcare Act, No. 10 of 2017, § 18, Acts of Parliament, 2017 (India) <https://ddashboard.legislative.gov.in/actsofparliamentfromtheyear/mental-healthcare-act-2017>

North–East India are entitled to exercise these rights in their case, are they truly blessed by the Constitution and the safeguards provided under MHCA?

## 2. Discussion

As we delve deeper into the issue, gradually we will be deriving a lot of information's regarding real situation prevailing in North –East India. I shall try to explore one by one and would like to conclude my article providing recommendations for improvement if loopholes exist and will end up lending strategies and solutions.

### Challenges in North-East India

North-East India faces unique challenges in ensuring the right to mental health. Some of the key challenges include:

#### 1) Geographical Barriers:

The region's rugged topography, limited accessibility, and lack of connectivity making it difficult for people to access basic services, the scattered population and limited connectivity can lead to feeling of alienation and loneliness and consequently disconnecting the inhabitants from the rest of the world, the region is also very much prone to natural disasters like earthquake, landslides and floods which may cause significant stress anxiety and trauma<sup>5</sup>. We have to understand that the region's economy largely depends on agriculture and natural resources, so frequent natural calamities may lead to insufficient job opportunities and consequently result in poverty, financial stress, which will be rather very much detrimental for mental health. Hence, the consensus is that geographical barriers can contribute to a range of mental health issues like anxiety and depression, post-traumatic stress disorder (PTSD), and suicidal thoughts and behavior.

#### 2) Cultural and Linguistic Diversity:

The region has over 300 languages spoken and diverse cultural practices, language barriers can lead to communication difficulties, social isolation and feelings of frustration and anxiety, different cultural practices and traditions may lead to misunderstanding, conflicts, and left estranged. The cultural and linguistic diversity of the NER region can also make it challenging to provide mental health services that are culturally sensitive and linguistically appropriate., there are also identity issues ,particularly among young people who may struggle to balance their cultural heritage with modernization and urbanization, lack of collaboration with community leaders due to lack of communication and accessibility problems also one of the major encumbrances in the way of mental health issues to be treated properly<sup>6</sup>.

#### 3) Socio-Economic Factors:

Poverty, unemployment, and lack of education can contribute to mental health issues. One of the alarming issue is ongoing political violence and instability in certain areas can cause trauma and psychological distress<sup>7</sup>. Due to the lack of quality education negative attitudes towards mental illness have developed and furthermore it is now coupled along with cultural beliefs which preventing people from seeking help and exacerbate mental health problems, it is equally true that from whom they will seek help. Limited availability of treatment options and inadequate access to qualified mental health professionals further hinder mental health care.

Moreover, forced displacement due to conflict can disrupt social networks and deteriorate mental health. Easy access to drugs and alcohol is also a coping mechanism for stress, and badly exacerbate mental health issues.

Most states sharing a border with Myanmar and Bangladesh have reported a massive inflow of illegal drugs from these countries<sup>8</sup>.The permeable border covered with thick vegetation and jungles in these states has become a highway for drug trafficking. Since 2017, the 12 Assam Rifles has recovered contraband items worth approximately Rs 70 crore<sup>9</sup>. Prescription drugs, which are cheaper than illegal drugs, are widely used by youths. The reason is not because they are imbecile, but the problem is limited access to proper medical guidance and lack of education, already mentioned in my article, so unconsciously they are proceeding towards a devastating future.

#### 4) Conflict and trauma:

We are very much acquainted with the word 'stigma' , and here the problem is social stigma, I have observed there are so many problems persisted including communication gap, lack of interaction with community leaders, insufficient literate people, Feelings of inadequacy, shattered intuitive and decision making capacity though these are to some extent got gifted qualities and lack of empathy towards fellow creatures prohibits inhabitants to convey and share problems with each other probably they feel if I share my personal problems and mental agony to others this will revert back to me with fatal consequence and outcomes will be perilous. It is the social stigma and improper line of

<sup>5</sup>Cyclone Triggered Landslides in Northeast India, *Drishti IAS* (June 1, 2024), <https://www.drishtias.com/daily-updates/daily-news-analysis/cyclone-triggered-landslides-in-northeast-india>.

<sup>6</sup>Lolly H. Yephtho& Harikrishnan U., *Socio-Cultural Factors and Mental Illness in North-Eastern Region of India: A Review*, 10 Int'l J. Indian Psychol. 2078 (2022), <https://ijip.in/wp-content/uploads/2023/01/18.01.196.20221004.pdf>.

<sup>7</sup>Matthew Ridley, Gautam Rao, Frank Schilbach& Vikram Patel, *Poverty, Depression, and Anxiety: Causal Evidence and Mechanisms*, 370 Science eaay0214 (2020), <https://economics.mit.edu/sites/default/files/2022-09/poverty-depression-anxiety-science.pdf>.Science+8

<sup>8</sup>Lakshmi Priya Vijayan, *Challenges To India's National Security: The Illicit Flow Of Drugs From Myanmar To India – Pre And Post Myanmar Coup Of 2021*, CENTRE FOR JOINT WARFARE STUDIES (June 8, 2023), <https://cenjows.in/challenges-to-indias-national-security-the-illicit-flow-of-drugs-from-myanmar-to-india-pre-and-post-myanmar-coup-of-2021/>.

<sup>9</sup>HT Correspondent, *Assam Rifles Seizes Rs 16 Crore Worth World Is Yours Drug Consignment in Manipur*, Hindustan Times (Apr. 3, 2018), <https://www.hindustantimes.com/india-news/assam-rifles-seizes-rs-16-crore-worth-world-is-yours-drug-consignment-in-manipur/story-s1KGLoS50dh3HRWYelMGfK.html>.

thinking that is indirectly killing them slowly and driving them to end their existence.

### 3. Opportunities and Initiatives

Despite the challenges, there are opportunities and initiatives that can promote mental health in North-East India. Some of these include:

#### 1) Community-Based Mental Health Services:

Community-based services can provide accessible and culturally sensitive mental health care. Mental health Centers need to be established in rural and urban areas, staffed by trained mental health professionals to provide outpatient services, counseling, and therapy. Mobile Mental Health Units need to be deployed to reach remote areas to provide mental health services properly, including assessment, diagnosis, and treatment<sup>10</sup>. People of north-east India also need trained local community members to provide basic mental health support, referrals, and follow-up services. In my opinion few steps will help for sure.

- a) Individuals and group counseling comprising of family too. and group to address mental health concerns, such as anxiety, depression, schizophrenia, bipolar disorder, trauma, etc.
- b) Cognitive- Behavioral Therapy (CBT) session is needed to help people get rid of negative ideas and to manage negative thought pattern, behaviors and emotions<sup>11</sup>.
- c) People of north-east India are to be offered family therapy session to address relationship dynamics, communication and conflict resolution.
- d) Collaborating with traditional healers to incorporate culturally sensitive practices into community based mental –health services.
- e) People of north-east India should get rid of fallacies by adopting evidence- based therapies to accommodate local, cultural beliefs, identification, and referral.
- f) Since we know little learning is a dangerous thing and that's why in order to enhance the skill and efficiency of medical health professionals, we need to offer training and capacity building programs.
- g) Intersectoral collaboration is wanted to foster alliance between healthcare, education, social welfare and other sectors to address the social determinants of mental health.

#### 2) Role of Government

Government should develop a comprehensive mental health policy for North-East India and should take care of whether the Mental Health Care act of 2017 properly implemented and is satisfying the legal need from the perspective of mental health of people belonging to North- East India Government should ensure that the human rights of people

with mental health conditions are protected, including their right to dignity, autonomy, and non-discrimination<sup>12</sup>. Governments' endeavor should be to identify areas with a crisis and in need of mental health support. The government can initiate policies and programs to promote mental health, such as the National Mental Health Programme. On 10<sup>th</sup> October, 2022 Government of India has taken the initiative by launching the 'National Tele Mental Health Programme (NTMHP) to improve access to quality mental health counseling and care services<sup>13</sup>. That is a ray of hope, now it is the government's responsibility to ensure that no one is deprived.

As per the answers provided by the Minister of State in the Ministry of Health and Family Welfare,

The Government is augmenting the availability of manpower to deliver mental healthcare services in the underserved areas of the country by providing online training courses to various categories of general healthcare, medical, and para-medical professionals through the Digital Academies.

The state/UT-wise (North-Eastern Region) funds have already been approved for implementation of the District Mental Health Programme (DMHP) component of the NMHP (National Mental Health Programme) under the National Health Mission for the financial year 2023-24<sup>14</sup>. The total number of students trained at Loko Priya Gopinath Bordoloi Regional Institute of Mental Health, located in Assam, is also mentioned in the prescribed schedule properly. So it's true that the Government is not keeping mum over this delicate issue.

### 4. Conclusion

The right to mental health is an integral aspect of the right to life, and it is essential to recognize and protect this right in North-East India. While there are challenges, there are also opportunities and initiatives that can promote mental health in the region. It is crucial to adopt a holistic approach that integrates community-based services, traditional healing practices, mental health literacy, and collaboration with civil society organizations. In conclusion, addressing the mental health needs of North-East India requires a multi-faceted approach that incorporates medical interventions, social support, and community engagement. We have to remember

<sup>12</sup>Richard M. Duffy & Brendan D. Kelly, *Concordance of the Indian Mental Healthcare Act 2017 with the World Health Organization's Checklist on Mental Health Legislation*, 11 Int'l J. Mental Health Sys. 48 (2017), <https://pmc.ncbi.nlm.nih.gov/articles/PMC5563026/>.

<sup>13</sup>Press Information Bureau, *Measures taken to Improve Mental Healthcare*, Ministry of Health and Family Welfare (Feb. 7, 2025), <https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=2100593>.

<sup>14</sup>Lok Sabha Unstarred Question No. 3194, *National Mental Health Programme in the North Eastern Region (NER)*, Ministry of Health & Family Welfare, Government of India (Aug. 9, 2024), [https://sansad.in/getFile/loksabhaquestions/annex/182/AU3194\\_Ws bTjj.pdf](https://sansad.in/getFile/loksabhaquestions/annex/182/AU3194_Ws bTjj.pdf).

<sup>10</sup>P.K. Maulik et al., *Increasing Use of Mental Health Services in Remote Areas Using Mobile Technology: A Pre-Post Evaluation of the SMART Mental Health Project in Rural India*, 7 J. Glob. Health 1 (2017), <https://pmc.ncbi.nlm.nih.gov/articles/PMC5370210/>.

<sup>11</sup>Mutsuhiro Nakao, Kentaro Shiotsuki & Nagisa Sugaya, *Cognitive-Behavioral Therapy for Management of Mental Health and Stress-Related Disorders: Recent Advances in Techniques and Technologies*, 15 Biopsychosoc. Med. 16 (2021), <https://pmc.ncbi.nlm.nih.gov/articles/PMC8489050/>.



a few lines by none other than Rabindranath Tagore, and these are as follows -

**“The mind is everything, what you think, you become.”**  
That means there should be a positive mindset, and you have an inbuilt capacity to encourage yourself.

**“The highest education is that which does not merely give us information but makes our life in harmony with all existence”.**

**“Do not say, it is morning; and dismiss it with a name of yesterday. See it for the first time, as a newborn child that has no name,”** and the underlying meaning is that individuals' approach towards life should be with full curiosity and openness with a sense of wonder to promote mental stability, wellbeing, and resilience.

## 5. Suggestions and Recommendations

- 1) Establish Community-Based Mental Health Services: Establishing community-based mental health services that provide accessible and culturally sensitive care.
- 2) Integrate Traditional Healing Practices: Integrate traditional healing practices with modern mental health services to provide holistic care.
- 3) Promote Mental Health Literacy: Promote mental health literacy through education and awareness programs.
- 4) Collaborate with Civil Society Organizations: Collaborate with civil society organizations to promote mental health awareness and provide services.
- 5) Initiate Government Policies and Programs: Initiate government policies and Programs to promote mental health and ensure that the right to mental health is protected and promoted.
- 6) Research and Evaluation: Conduct research and Evaluation studies to better understand the mental health needs of North-East India and assess the effectiveness of mental health evaluation.

### The author lastly suggests the followings:

- a) Emphasize to be given on mindfulness and self-care.
- b) Promotion of social connections and community engagement through initiatives like community events, group activities, and volunteer opportunities.
- c) Development of anti-stigma campaigns is very much needed.
- d) We need to encourage people and support local art and cultural practices, which can promote mental well-being and provide a sense of identity and belonging.
- e) Parents should stop satisfying their unfulfilled desire through their kids by forcefully imposing something or any form of art on their son/daughters in which they are not comfortable.
- f) Demonstrating healthy coping mechanisms such as mindfulness, meditation in a scientific way or deep breathing exercise are very much needed.
- g) Incorporating mental health into curriculum is a necessity.
- h) One should refrain from making assumptions or perpetuating negative stereotypes about mental health conditions.

- i) One should not be hesitant in seeking support at the time of mental crisis from colleague, friends even from mental health professionals at the time of need.

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