

MENTAL HEALTH ACT 14 of [1987]

- ❑ Criteria-Admission & restrain
- ❑ New definition-Mentally ill: needs treatment for mental disorder other than retardation
- ❑ Guideline-Establishment & maintenance of hospitals
- ❑ Procedure-admission & detention
- ❑ Provisions-inspection, discharge, leave, removal
- ❑ Provides judicial inquisition for property & person
- ❑ Fix liability for expenses of hospital
- ❑ Protection of Human Right
- ❑ Penalties for violation
- ❑ To protect the society
- ❑ To provide legal aid at state expenses
- ❑ miscellaneous

Admission of lunatic or insane

- PART I: voluntary admission
- S.15- > 18 yrs
- S.16 < 18 yrs
- ❖ S.17 procedure for admission
 - ❖ Examination
 - ❖ Within 24 hrs
 - ❖ Abide by rules- regulation
- S. 18 discharge
 - ❖ Discharge in 24 hrs on receipt [> or < 18 yrs]
 - ❖ When minor turns major- in mth of intimation to pt
 - ❖ If not advisable to discharge- board form of 2 M.O. in 72 hrs of receipt of request in all above cited , max 3 months

- ▣ PART II –special circumstance
 - S. 19 [to I/C of hospital]
 - ❖ Application from relative or attendants [for max.90 days]
 - ❖ Prescribed form
 - ❖ 2 medical certificates [10 days]
 - ❖ If no med.certi./if I/C satisfied that it is proper to do – I/C should arrange examination by 2 M.O.
 - ❖ If patient or relative apply to magistrate for discharge- notice to person at whose instance was admitted and inquiry-allow or dismiss application

- ▣ PART III under reception order
- ▣ S. 20[to magistrueate]
- ❖ Application by (a) i/c or (b) husband/wife/relative
- (a) i/c more than 6 mth trueeatment /for interest and safeignedty of ill/society
- (b) Husband/wife/relative in absence of husband-wife [with reasons for application by not husband-wife]
- (c) Minor/not seen within 14 days X
- (d) Prescribed form + 2 certificates

S. 21 Medical certificates

- ▣ Independent examination
- ▣ Opinion based on own observation and from particulars communicated to him
- ▣ Nature and degree of suffering
- ▣ Interest and safety of patient and society
- ▣ Application within 10 days of examination

S. 22 procedure on application

- i. If made by I/C : Make reception order if satisfied about nature and degree and circumstance for detention
- ii. Relatives: Shall consider the statement and medical certificate
- iii. If sufficient ground examine the alleged or dispose with reasons in writing
- iv. Order for reception if satisfied or fix another date for further inquiry
- v. In camera examination on date fixed
- vi. decision

For patient on reception order

- ▣ In-charge can discharge any patient on recommendation of two doctors [one must be psychiatrist]

or

- ▣ On request of patient

or

- ▣ Person on whose request pt was admitted on order by a magistrate ... certificate should be attached

Magistrate is informed in all cases by copy of discharge order **pratikpatel nhlmmcFM**

▣ S. 23 by police officer

police officer I/C

- i. Should take into protection the wandering or dangerous insane/lunatic
 - i. Inform him if capable or relative for detention
 - ii. Cannot detain without ground
 - iii. Produce within 24 hrs considering time for transportation

○ S. 24 production before magistrate

- i. Examine the person & Examined by M.O. if thinks & Necessary inquiry
- ii. Reception order [expenses paid by relative] or handed over to relative [bond]
- iii. 10 days for diagnosis/ 30 days for observation

- ▣ S. 25 reception for cruelly treated/with poor care and control
 - i. Police /any person may report to magistrate
 - ii. Produced before magistrate
 - iii. Summon relatives
 - iv. Person legally bound to care is handed over custody under penalty /if refuses or no such person --- reception order

Any district court or higher court holding inquiry may pass reception order for admission as in-patient for the interest of patient holding property [inquisition under chapter VI]

- ▣ S. 27 admission-detention of prisoner
-after certificate of M.O.
 - Unable to stand trial
 - Acquitted on ground of being of unsound mind
 - Contracted disease after imprisonment