

PART D.—NON-CRIMINAL LUNATICS.

1. Reception orders are dealt with in Chapter II of Indian Lunacy Act, 1912. The most important provisions refer to- Reception order when passed.

- (a) Reception orders passed on a petition.
- (b) Reception orders passed on a Police report or information otherwise received by a Magistrate.

2. Such orders may be passed by a District Magistrate, Sub-Divisional Magistrate, or a Magistrate of the 1st Class specially empowered in this behalf by the State Government (Vide, definition of 'Magistrate' in Section 3(6) of *the Act*.) Who may pass reception order.

3. Reception orders passed on a petition are dealt with in sections 5 to 11. The most important provisions to be noted are- Reception orders petition.

- (a) The petition should be in the prescribed form (Form 1 in Schedule I of the Act.) It should be presented by a relative, if not reasons must be given.
- (b) There must be two medical certificates, on separate sheets of paper, one of which must be from a medical officer—'Medical Officer' is defined in Section 3(8) as a Gazetted Medical Officer in the service of the Government and includes a medical practitioner so declared by the State Government for the purposes of this Act. (Section 5)
- (c) If the lunatic is not dangerous or unfit to be at large, no order may be passed, unless it has been ascertained that the Mental Hospital is willing to receive him, and some person undertakes to pay for his cost of maintenance. (Section 11.)

4. Sections 13 to 16 deal with orders passed otherwise than on petition. Such orders may be passed on the ground that a person presented is- Reception orders passed otherwise.

- (a) dangerous by reason of lunacy;

(b) not under proper care and control; or
 (c) cruelly treated or neglected by any relative or other person having charge of him.

Reports under (a) may be presented only by the Police. Information under (b) and (c) may be given by the Police or any other person.

Period of detention for Medical examination.

5. Section 16 gives the Magistrate power to order detention up to ten days to enable observation by a Medical Officer. If further time is required, there must be a fresh order, in the same way as with remands; but the total period of detention must not exceed thirty days from the date on which the person has first been brought before the Magistrate.

Copy of reception order to be sent to Medical Hospital.

6. A certified copy of every reception order must be sent to the Medical Superintendent of the Mental Hospital.

Questions to be put to Medical witnesses in case of suggested insanity.

7. For questions which may suitably be put to a Medical witness in case of persons suspected of insanity, see chapter 18, "Medico-Legal Work" Part D, Appendix B, VIII.

Inquiry as to the domicile of the lunatic.

8. A magistrate making a reception order under section 14 or 15 of the Act, shall, after ascertaining that accommodation is available, direct the reception of the lunatic into the Mental Hospital at Amritsar. He shall, in all cases, make strict inquiry as to the domicile of the lunatic, and shall see that entry to that effect is made in the medical history sheet (Form 9, page XLVII, in the Appendices to the Punjab Mental Hospital Manual) or is communicated as soon as possible to the Medical Superintendent of the Hospital in which the lunatic is to be admitted.

Admission of a lunatic in the Mental Hospital in another State.

9. The Magistrate or Courts exercising Jurisdiction in any State may send lunatic or any class of lunatics to a Mental Hospital in any other State in accordance with general or special orders of the State Government made in that behalf with the consent of the Government of that State (Section 85).

In all such cases he shall first satisfy himself that accommodation is available and that the cost of maintenance will be paid (section 11). In order to effect

the earliest possible treatment of the patient action shall be taken as soon as possible and the Magistrate shall furnish to Government in writing full details as to domicile, reasons for the admission, fees agreed to, etc.

10. As soon as it is known that a lunatic, who has been admitted to the Punjab Mental Hospital, is domiciled elsewhere than in the Punjab, the fact (with details of the case) should be brought to the notice of the State Government, so that action for the removal of the lunatic may, if advisable be initiated early with the Government of the State of domicile under section 35 of the Act.

Action to be taken on subsequent discovery of the domicile of the lunatic in Another province.

11. No patient can be admitted to the Punjab Mental Hospital unless accompanied by the following documents:—

Documents to be sent when lunatics is to be admitted to Mental Hospital.

- (a) In the case of patients admitted under sections 13 to 16 of the Indian Lunacy Act, IV of 1912, a Detention Order authorising his detention for observation for a period of not exceeding 10 days. A Police report, and a statement of particulars should also be sent.
- (b) In the case of a patient who has been kept under observation at a jail or Civil Dispensary prior to admission to Punjab Mental Hospital, the following documents are necessary:—
 - (i) Copy or the original order for detention.
 - (ii) Medical Certificate of observing Medical Officer.
 - (iii) Final Reception Order bearing the seal of the court and dated within seven clear days of the Medical Certificate.
 - (iv) Police report or statement of particulars.
 - (v) In the case of patients who have not been admitted within 14 clear days of the Medical Certificate a certificate should be sent stating the reasons and where

the patient has been confined pending his removal to the Mental Hospital.

(c) In the case of patients admitted under sections 5 to 11 of the Indian Lunacy Act,—

(i) Two medical certificates, dated not more than 7 clear days before (ii).

(ii) Application of relatives or friends and statement of particulars.

(iii) Reception order bearing the seal of the court.

Note.— Patients must be admitted within 14 days of the date of the Medical Certificate,—vide Punjab Government letter No. 396-A (Home—Jails), dated the 26th September, 1914, Committing Magistrate are further referred to Punjab Government letter No. 17652-Medical, dated the 31st May, 1928, and are informed that, in accordance with the orders contained in paragraph 11 above, it will be necessary to report to Government all instances in which Committing Magistrates fail to comply with the provisions of the Indian Lunacy Act, 1912, which have been summarized in this order.