

THE INDIAN LUNACY MANUAL

FOR

MEDICAL OFFICERS AND THE GENERAL PUBLIC

*A summary of the Lunacy Acts and Rules regulating the admission into
detention in, and discharge from Government Lunatic Asylums of
Private and Public Patients*

COMPILED BY

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Indian Medical Service

THIRD EDITION

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Indian Medical Service

AND
Lunacy

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PREFACE TO THIRD EDITION

THE passing into law of Act IV of 1912, has rendered necessary the revision of Major Bryson's Manual, and the appearance of the present edition has been somewhat delayed by the necessity for awaiting the rules of procedure framed by Local Governments under section 91 of that Act.

It is hoped that the Manual will now provide all the information required by Medical men, Magistrates, and the general public in India, regarding the steps to be taken for the treatment of sufferers from mental disorder in asylums in India, for the transfer of insane Europeans to Europe, when such course is permissible, and for the care and disposal of the property of insanes

MADRAS,

May 1913.

P. HEFFERNAN,

CAPTAIN, I.M.S.,

Supdt., Govt. Lunatic Asylum.

PREFACE TO SECOND EDITION.

THE title of this edition has been slightly altered in response to the appreciation, by the general public, of the intention of the compiler to supply a handbook of information in aid of those who have a relative afflicted with insanity sufficiently pronounced to require admission into an asylum. Obviously if the book enabled a Medical Officer to answer the relation's questions, it would be of use to the relations themselves.

Another section has been added on Military insanes. With the Native Soldier and with the relations of the British Soldier who do not come under the Army Regulations, the matter is simple. In both cases they come under the Civil Lunacy Act, *i.e.*, they are disposed of in accordance with the rules in the first portion of this Manual. In the case of the Sepoy he is at once discharged from the service. But the British Soldier has to be sent home either at once or after a sojourn in a Government Asylum. For him various Regulations are laid down from Vol. I to Vol. X of the Army Regulations India. These have been brought together to obviate wading through the various volumes and appended are the various forms laid down by order.

The Regulations in A. R. I., Vol. VI, have been omitted, as every officer is expected to have this book in his possession.

If the first edition of the book was of use to the Civil Surgeon, I hope this one will be of assistance also to the Indian Medical Service Officer in Military employ, to my brother officers in the Royal Army Medical Corps and to the P. M. O. of either service who, though he may have all the volumes A. R. I. in his office for reference, will not, I think, find it easy to lay hands on the Civil Lunacy Act to which he is referred in Vol. VI, and the rules of which he must comply with in dealing with the Native Army and with the British Soldier's wife, daughter, *etc.*, as the case may be.

COONOOOR, NILGIRIS,

March 1910.

PREFACE TO FIRST EDITION.

MEDICAL Officers have to deal with two classes of insanes, those who want treatment at the hospital or in their homes, and those who require certificates for admission into an Asylum. The latter are either Private Patients or Public Patients, and the Forms, Rules, etc., differ widely in each case.

These notes have been drawn up with a two-fold object :—

- (i) To place within handy reach of all Medical Officers a Summary of the Rules and Regulations referring to insanes.
- (ii) To enable Medical Officers to reply to the numerous questions asked by friends and relations of the mentally disordered, who are anxious to put their patients under restraint in a Government Asylum, but wish to get all the information possible before doing so.

The three Acts appended are intended for reference by Medical Officers, more particularly, Civil Surgeons and District Surgeons in charge of Sub-Jails or Jails. These, with the explanations based on them, and the forms (excepting the form, "For Detention of a Supposed Lunatic," a local one), which together form the bulk of this book, apply to all the Government Asylums in India.

In most cases the authority is quoted in the margin. Where this is omitted either the Rule is copied from the Madras Asylum Code, or the rationale of the paragraph is sufficiently obvious not to require any authority. In a very few instances the Rules refer only to the Madras Presidency in which this book is written. The Manual would have been incomplete without them, and in most cases the corresponding Rules in other Presidencies would differ only in the way they have been worded.

MADRAS,

September 1908

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PRIVATE PATIENTS

PATIENTS CONFINED IN INDIAN LUNATIC ASYLUMS

According to the law, may be —

PUBLIC PATIENTS

THE INDIAN LUNACY MANUAL.

PART I.

PRIVATE PATIENTS.

Lunatic Asylums in India serve :—

1. As Hospitals for treatment of acute and curable cases of mental disorder, and
2. As Homes for the care of incurable cases of insanity and mental deficiency.

The following is a list of the Government Lunatic Asylums in India and Burma :—

BENGAL PRESIDENCY	..	Berhampore (Central Asylum), Bhawanipur.
MADRAS PRESIDENCY	...	Madras (Central Asylum), Calicut, Waltair (Vizagapatam).
BOMBAY PRESIDENCY	...	Colaba, Naupada (Thana), Ratnagiri, Poona (Central), Dharwar, Ahmedabad, Hyderabad (Sind).
UNITED PROVINCES	..	Agra (Central Asylum), Bareilly, Benares.
PUNJAB	...	Labore (Central Asylum).
ASSAM	...	Dacca, Tezpur.
CENTRAL PROVINCES	...	Nagpur.
ORISSA	...	Patna.
BURMA	...	Rangoon (Central Asylum), Minbu.

The six central asylums are whole-time charges for their Medical Superintendent.

There are, at present, no licensed private asylums or hospitals for mental diseases in India.

Private patients in Asylums may be :—

- (i) Voluntary Boarders.
- (ii) Patients admitted by "Reception Order on Petition."
- (iii) Patients committed to a lunatic asylum by order of a Presidency High Court, or District Court after inquisition.

(I) *Voluntary Boarders*.—A patient who desires admission to a Lunatic Asylum for treatment as a Voluntary Boarder must apply, in person to the Superintendent. If the Superintendent of the Asylum considers the case a suitable one for admission, the Prospective Boarder must then make a written application for admission, which application must be countersigned by two Official Visitors of the Asylum in token of their approval.

In the Madras Asylum a special form may be obtained from the Superintendent for this purpose. The form is filled up and signed by the Voluntary Boarder.

Discharge of Voluntary Boarders.

Act IV, 1912, Sec 4 (a) Voluntary Boarders may be discharged by the
(2), **Sec 31 (1)** Official Visitors.

(b) At their own request, on giving 24 hours notice in writing to the Superintendent.

Voluntary Boarders are subject to the usual rules as regards payment of maintenance, etc.

Act IV, 1912, Sec (II) *Patients admitted by Reception Order on*
7 or 10 *Petition*.—The necessary steps for the admission of a patient of this class are as follow :—

1. The patient's nearest available relative must ascertain if there is accommodation for the patient in the lunatic asylum ; and must obtain two medical certificates indicating the mental condition of the patient, on Form 3 (Act IV, 1912). These medical certificates must be filled in and signed by two Medical Officers, or by a Medical Officer, and a recognised Medical Practitioner, who must examine the patient separately.

The relative should then fill up and sign the application for the Reception Order on Form 1 (Act IV, 1912) and present the three completed forms within 7 days of the date of medical certification to a First Class Magistrate.

That Officer will decide if the case is a suitable one for admission to the lunatic asylum, and for this purpose will usually require the patient to be produced before him. He may, if he deems it necessary, adjourn the enquiry for further evidence.

If the Magistrate decides that the case is a suitable one for admission, he will make the necessary Reception Order (Form 2, Act IV of 1912) and will require the petitioner, or some other person, to engage in writing to pay the cost of maintenance of the patient.

The patient, accompanied by those documents, may then be conveyed to the lunatic asylum.

In case any obstacle should prevent the patient's immediate removal to the asylum, the Magistrate may order the temporary

Sec. 23. detention of the patient in a suitable place and under proper custody.

Discharge of patients admitted by Reception Order.—Such a patient shall be discharged :—

(a) At any time, irrespective of his or her recovery, or otherwise, on written application to the Superintendent of the Lunatic Asylum by the person who signed the petition for the patient's Reception Order.

But, if the officer in charge of the lunatic asylum certifies in writing that the patient is dangerous, and unfit to be at large,

Sec. 32 the patient shall not be discharged ;

Sec. 31 (b) at any time, by three Official Visitors to the lunatic asylum ;

Sec. 34 (c) by the High Court, or the empowered District Court after inquisition.

(III) *Patients found insane by inquisition.*—If any person, possessed of considerable property, and residing within the jurisdiction of the High Courts of Fort William,

Secs. 38 & 39 Madras, or Bombay, is believed to be insane, application for the enquiry into his or her mental condition may be made to the High Court within the jurisdiction of which the supposed insane resides, by any relative or by the Advocate-General.

If the suspected insane resides in the mofussil, application may be made to the District Court by any relative, or by a Public Curator, or by the Government Pleader, as defined in the Civil Procedure Code ; or if the alleged lunatic possesses landed property, by the Collector of the District for the same purpose.

(For the procedure before the Court—See Chapters IV & V of Act IV of 1912, at pp. 54 to 60 of the Manual.)

The court applied to may order an inquisition regarding the mental condition of the person alleged to be insane. As a result of the inquisition, the individual in question may be found (a) to be of sound mind ; (b) to be of unsound mind, so as to be incapable of managing his or her affairs, but capable of managing himself or herself, and not dangerous to himself or others, and (c) of unsound mind and incapable of managing himself and his affairs.

In case of finding (b) the court may make such orders as it thinks fit for the managing of the estate of the lunatic, including provision for the

maintenance of himself and his family, but need not make any order as to the custody of the patient's person.

Such a patient may, of course, enter an asylum as a Voluntary Boarder.

If he should at any time become dangerous to himself or others, an application may be made to a Magistrate for a Reception Order by his wife or nearest relative.

In case of finding (c), the court may make orders both for the custody
 Secs. 45 & 46, 25 of the insane, and for the management of his or her estate. In practice, the court either appoints a relative as guardian of the insane's person, or orders the insane to be confined in a lunatic asylum.

In cases of urgency, when confinement of the individual in an asylum is obviously necessary, application may be made to a Magistrate for a Reception Order on Petition in the usual way, and the patient may be confined in an asylum. Application for inquisition may be subsequently made to the proper court so as to enable the property of the lunatic to be administered during his period of insanity.

Relatives of insanes possessing personal or landed property should remember that, for the purpose of administering their insane relatives' property during his period of unsoundness of mind, application for inquisition before the proper court is necessary, and that they take considerable risks by neglecting to make such application.

Discharge of Patients found Insane by Inquisition.

Court patients may be discharged from the lunatic asylum in which they have been confined :—

(a) By an order in writing of three Official Visitors of the asylum, one of whom must be a Medical Officer.

Notice of the order for such discharge must be immediately communicated to the court.

(b) By order of the court which originally
 Sec. 48 authorised the patient's detention.

Reduction of charges or exemption from payment in the case of private insanes is made only when it appears to the Official Visitors, or Superintendent that the friends or relatives are unable to pay the whole or part of the maintenance of the patient. For instance, a reduction of charge may be made, when though a man's income is valued at a certain sum, he has to support a family or part of it, or again when a relative or friend who is paying for an inmate shows that, owing to illness or other cause, he cannot reasonably be expected to pay or continue to pay a higher rate.

When any sum is payable in respect of pay, pension, gratuity or other similar allowance to any person by Government and the person to whom the sum is payable is certified by a Magistrate to be a lunatic, the Government officer under whose authority such sum would be payable if the payee were not a lunatic may pay so much of the said sum as he thinks fit to the person having charge of the lunatic, and may pay the surplus, if any, or such part thereof as he thinks fit for the maintenance of such members of the lunatic's family as are dependent on him for maintenance.

The Secretary of State for India in Council shall be discharged of all liability in respect of any amounts paid in accordance with this section.

Sec 488, C P. C. A man having the means is obliged to maintain his wife and legitimate or illegitimate child unable to maintain itself.

Local and Municipal bodies are relieved of all charges connected with pauper lunatics, whether for their maintenance in lunatic asylums or elsewhere, or for their transport, etc.

G O No 315 F of
511-88 & No 22 L &
M of 8-1-91.

**GENERAL RULES, ETC., IN CONNECTION WITH
"PRIVATE PATIENTS."**

*Medical Officers are not empowered to send Patients to the
Lunatic Asylum for "Observation."*

Before applying for a Reception Order, enquiry should be made as to whether accommodation is available. As far as possible due notice should be given of time of arrival at the asylum, so that arrangements for diets may be made.

**Act IV
Sec. 11**

For each asylum, Official and Non-Official Visitors are appointed by Government; and three of them, one of whom shall be a Medical Officer, shall once at least in every month

Secs 28 and 29

together inspect every part of the asylum and submit a report on it.

In addition to the monthly inspections, any Official or Non-Official Visitor may at any time visit and inspect any asylum of which he is a visitor, and may see all inmates, visit all wards, cells, and yards and call for and examine all papers and records. At the close of the visit, the Visitor shall record in the visitor's book any remarks and suggestions he may wish to make, and the Superintendent shall forward a copy of such record to the Surgeon-General for orders.

Blocks in a special range, on the male and female side of the asylum, are reserved for paying patients. As far as possible the class of paying patients are accommodated together.

**G O No. 618 of
23rd June 1902**

No mechanical means of restraint are used except under special circumstances and under the orders of the Superintendent.

**G O No. 699 of
14th May 1872**

The use of the distinctive asylum clothing is obligatory only in the case of criminal insanes.

Separate accommodation is provided for Europeans and Indians. Females and juvenile insanes are attended to by female attendants.

A private patient may have a private servant, but the latter must be paid for by the insane or his representatives. All patients may be visited in the asylum by relations and friends on Saturdays between 2 and 4 P.M., unless the visit is likely to be prejudicial; but private patients may be visited on other days by permission of the Superintendent or Deputy Superintendent.

Letters to and from patients in an asylum must always be submitted to the Superintendent prior to delivery or despatch. If likely to produce or aggravate excitement, a letter to a lunatic will be returned to the writer with an explanatory note. Letters from insanes are forwarded as the Superintendent thinks proper.

For the mental occupation and recreation of patients, a library, newspapers, * periodicals, musical instruments, games and writing and drawing materials are provided.

Tractable and well-behaved insanes may at the discretion of the Superintendent be allowed to go out for a few hours a day accompanied by an attendant.

All patients except such as are excited or seriously ill in hospital are weighed once a fortnight, and a report made to the Surgeon-General; the Superintendent recording therein any remarks regarding those who have lost weight, showing how he has dealt with them.

Clergymen may be permitted to visit and minister to inmates of their respective denominations. In all cases, the Superintendent shall decide whether an inmate is in a fit state to receive religious instruction.

Arrangements can always be made with the asylum officials for relatives or friends to be informed in case of serious illness, or if there is any likelihood of the patient dying. In many cases periodical reports are made on the bodily and mental state of the inmates to relations or friends. In case of death, the funeral expenses of paying patients should be defrayed by the person responsible for their maintenance.

TRANSFER OF INSANES TO EUROPE.

Insane paupers of European parentage may be transferred to the United Kingdom at the public expense under the following circumstances :—

(a) If they have an unquestionable settlement in the United Kingdom, and if the Superintendent of the Lunatic Asylum in which they are confined certifies in writing that their transfer home is likely to promote their recovery.

(b) Or, if they have relatives in the United Kingdom who apply for their transfer, and undertake to bear the cost of their maintenance at home.

2. These transfers are arranged for by the Government of Bombay, and as a rule the accommodation provided on the Indian troopships returning to England is utilised for the purpose, but when such accommodation is unavailable, and in the case of females, arrangements are made with lines of steamships plying between Bombay and England.

3. The following procedure will be adopted in such cases :—

The pauper patients in question shall, in the first place, be admitted to a Central Lunatic Asylum. The Surgeon-General or the Inspector-General of the Province shall be addressed by the friends of the patient who wish him transferred to England, or by the Superintendent of the Asylum in which the lunatic is confined.

Copies, in triplicate, of the patient's admission documents, and the medical history sheet shall accompany the application, as also shall full information regarding patient's European domicile, and the names of any relatives or friends who wish to receive and maintain the patient in the United Kingdom with their written undertaking to that effect.

4. If the Surgeon-General, or the Inspector-General of the Province considers the case a suitable one for transfer home, he will address the Local Government on the matter.

5. The Government will deal with each case, as it arises, in direct communication with Lieutenant-General of the Command in which the asylum where the lunatic is detained, is situated.

6. (a) Private insanes, not paupers, admitted to the asylums by Reception Order, on petition or otherwise ; or persons found lunatic by inquisition under the provisions of Chapter IV and Chapter V of Act IV of 1912, may, at the discretion of the Local Government, be similarly dealt with, on application being made through the Surgeon-General to Government or Inspector-General of Civil Hospitals of the Province. In such cases, all the expenses of the transfer shall be payable by the relative of the patient who makes the application ; or if the patient is found insane by the High Court of Judicature, after enquiry under Chapters V and VI of Act IV of 1912, in such manner as the court may order.

(b) The relatives of lunatics found so by inquisition, or admitted to asylums by Reception Order on petition, or otherwise, may, however, make private arrangements for the transfer of the lunatic home, with, in the former case, the consent of the court, if they so desire.

In these cases, if the patient is an inmate of the lunatic asylum, he or she must be first discharged under section 32 or 33 of Act IV of 1912, to the care of the relative or friend who applies for the transfer.

7. Pauper lunatics transferred to the United Kingdom under these rules will be handed over to the Poor Law authorities at their permanent domicile, or to the relative or friend who originally applied for the transfer, or an agent legally authorised by such relative or friend.

Lunatics cannot be directly transferred from an Indian Lunatic Asylum, to one in the United Kingdom. Fresh certification according to the laws of the United Kingdom on arrival in England is always necessary.

8. All particulars regarding the transfer of lunatics to the United Kingdom shall be despatched, before the transfer of the lunatic, by the Government of the Province direct to the Secretary of State for India.

9. These rules do not apply to insane seamen, who will be sent home under instructions issued by the Board of Trade under the provisions of the Merchant Shipping Act, or to Insane Prisoners and Criminal Lunatics, who are dealt with under Statute 14 and 15 Victoria, Chapter 81; and the orders and directions of the Local Government must, under that Statute, be conveyed to commanders of vessels and others to whom the care and custody of such persons may be committed, as a warrant and authority for their removal to England.

10. In the event of necessity arising for sending from India to Europe distressed insane persons who are not British subjects, application should be made to the Consuls or other representatives in India of the Foreign Government to which the lunatics owe allegiance, for the conveyance of such persons direct to their own country.

If no such assistance should be available, it will be necessary to extend to those non-British subjects the same consideration as is given to British subjects who are insane. Insane persons not being of European parentage should, under no circumstances, be sent to England, and even lunatics of European parentage should be deported only in cases where their transfer is likely to promote their recovery, or where there is reason to believe that they have relatives in the United Kingdom who will be able and willing to bear the cost of their maintenance. Persons who, though of European parentage, have been born in India, and spent their whole lives in this country, ought not to be deported to England, unless they have an unquestionable settlement somewhere in the United Kingdom. It is clear that no benefit to lunatics who are not British-born subjects can, as a general rule, arise from their transfer from the land of their birth to a country where climate is so different from what they have been accustomed to where they have no friends, and where all old associations must be wanting, while, on the other hand, the expense incurred in maintaining them in asylums in England must be considerably greater than if they were retained in asylums in India.

It is of great importance that the most accurate information should be collected regarding the medical history of every insane patient sent to England, and that this information, together with full particulars concerning his relatives, should be transmitted to the Secretary of State in anticipation of the departure of the insane person from India, in order that the necessary

No 21-553-64, Extract from Proceedings of the Government of India in the Home Department, Medical, Simla, 29th Oct 1886.

G. O. No 1294 of 15th May 1886 and No. 3085 of 18th Nov. 1886

communications may be sent to the relatives (if any), as well as police authorities, advising them of the expected arrival of the insane person in England or about a given date. Copies of document should also accompany the patient in each case. The responsibility of maintaining pauper lunatics in England rests on the Poor Law Guardians, and these authorities should be enabled before the patient's arrival as far as possible, to discover the parishes of all those who may possess a settlement original or derivative in the United Kingdom. All such persons, on reaching the United Kingdom, will be treated as ordinary paupers and will be dealt with as such, not by the Secretary of State for India or under his orders but by the Police and Poor Law Authorities of the country.

G. O. No 22-6880,
Medical of 11th Dec
1900.

Government Medical Officers shall not give a certificate as to the mental condition of persons to effect their removal from this country for confinement in foreign lunatic asylums.

G. O No 685 Public,
of 28th May 1912

Officers of the British or Indian Army and Indian Medical Service, when pronounced unmistakably insane, shall not be allowed to return to duty.

**SUMMARY OF THE RULES RELATING TO THE ADMISSION OF
PRIVATE PATIENTS INTO THE GOVERNMENT LUNATIC
ASYLUMS OF THE MADRAS PRESIDENCY.**

I. Private patients are of two classes :—

(a) Voluntary Boarders ;

(b) Patients admitted under section 7 or 10, Indian Lunacy Act, 1912, after application for a Reception Order has been made to a First Class Magistrate by a relative of the patient.

(a) A Voluntary Boarder is a patient who suffers from some mental disorder and wishes to enter the asylum for treatment. Such a patient must apply to the Superintendent for a form, which he (the patient) will fill up, sign and have countersigned by two Official Visitors. He then can enter the asylum as a voluntary patient.

Voluntary Boarders may leave the asylum at any time, on giving the Superintendent 24 hours' notice in writing.

If in possession of means, Voluntary Boarders will pay at the rates laid down in the asylum rules. But, if destitute, such patients may be admitted free.

(b) To secure the admission of a relative under section 7 or 10, Act IV of 1912, the following documents are necessary—

(1) (Form I) application for a Reception Order. This form must be filled up by patient's nearest relative (or, if not by the nearest relative, the reason should be stated), and presented to a First Class Magistrate of the district or division in which the patient resides, together with—

(2) Two medical certificates (on Form III). These medical certificates must be signed, one by a Gazetted Medical Officer, and the other by a recognized Medical Practitioner, who must have examined patient separately within the previous seven days.

(3) Reception Order (Form II). This document is filled up and signed by the Magistrate, after he has enquired into the case and is the authority for the admission of the patient to the Lunatic Asylum.

(4) An engagement in writing to the satisfaction of the Magistrate by the petitioner or some other person, to pay the cost of the maintenance of the lunatic in the asylum.

II The rates at which patients are admitted are graded according to income. In the case of poor patients with families dependent on them, a reduction of charges may be made.

III. All forms may be obtained free from Government Medical Officers and from the Superintendents of Lunatic Asylums.

IV. Patients admitted under Reception Order can be removed from the asylum at any time by the relative who petitioned for their admission on making an application in writing to the Superintendent. But the Superintendent may refuse to discharge a patient of this class whom he considers dangerous and unfit to be at large.

V. All classes of private patients may have private servants, if they pay for them. These private servants are, as a rule, engaged by the Superintendent, and work under his control.

VI. Friends or relatives are permitted to visit patients on Saturdays, between the hours of 2 and 4 P.M., or by special arrangement, on other days; the Superintendent or Deputy Superintendent giving the necessary permission in suitable cases.

VII. All letters to and from patients must pass through the hands of the Superintendent who is the sole judge as to the advisability of their being delivered to the parties concerned.

VIII. Arrangements can always be made for reports on the health of the patients being sent to friends or relations and for notice being given in case of sudden or dangerous illness.

IX. Before applying for the reception of a patient to an asylum, enquiry should be made as to whether accommodation is available and, as far as possible, due notice should be given of the time of arrival, so that arrangements for diet, etc., may be made beforehand.

SCALE OF HOSPITAL CHARGES.

In the 'General Wards' Private Patients, both official and non-official, pay at the following rates —

Monthly incomes.			Rates per diem		
			Rs. A. P.		
From Rs.	25 to Rs. 49	...	...	0	4 0
"	" 50 to " 99	"	...	0	8 0
"	" 100 to " 149	...	...	0	12 0
"	" 150 to " 199	...	...	1	0 0
"	" 200 and above	...	...	2	0 0

Children under 15 years— $\frac{1}{4}$ rate for the head of the family.

Children above 15 years and wives— $\frac{1}{2}$ rate for the head of the family.

Military patients treated in the General Wards shall be charged the rates laid down in the Army Regulations as in Military Hospitals.

In the 'Special Wards' as follows :—

Monthly income of the patient or head of a family.	Scale of daily charges for Government officials.	Scale of daily charges for non-officials.
	2	3

EUROPEANS AND EURASIANS.

	Rs.	A.	P.	Rs.	A.	P.
Minimum ...	3	0	0	4	0	0
300 to 399	4	0	0	4	8	0
400 to 499	5	0	0	5	8	0
500 to 599	6	0	0	7	0	0
600 to 699	7	0	0	8	8	0
700 to 799	8	0	0	10	0	0
800 to 899	9	0	0	11	8	0
900 to 999	10	0	0	13	0	0
1,000 to 1,099	11	0	0	14	8	0
1,100 and above	12	0	0	16	0	0

NATIVES.

Minimum ...	0	8	0	0	12	0
50 to 74 ...	0	12	0	1	0	0
75 to 99 ...	1	0	0	1	8	0
100 to 149 ...	1	8	0	2	0	0
150 to 199 ...	2	0	0	3	9	0
200 to 299 ...	3	0	0	4	0	0
300 and above	The rates for Europeans and Eurasians					

Children of twelve years of age and less will in all cases be charged half-rates.

When two or more children of the same person are in the asylum at the same time, the total charge will not exceed the daily rate payable by the head of the family.

1. Hospital charges are recovered monthly in arrear. Cheques and money orders should be made payable to the Superintendent.

2. A sum of money may be deposited with the Steward of the Lunatic Asylum, on behalf of any private patient, for the purchase of clothing and extras not supplied by the asylum, for the payment of carriage or motor hire, etc. All such expenditure to be incurred with the permission of the Superintendent.

A private patient's ledger is maintained by the Asylum Steward and may be inspected at any time by the patient or his guardian.

PART II

PUBLIC PATIENTS.

Public patients comprise :—

- I. Civil Insanes admitted under sections 13 to 17 of Act IV of 1912.
- II. Criminal Insanes admitted under sections 466 and 471 of Act V, 1898 (the Criminal Procedure Code) and under section 30 of the Prisoners' Act—Act III of 1900.
- III. Military Insanes admitted under section 12 of Act IV of 1912.

CIVIL INSANES.

This class comprises .—

(a) Persons found wandering at large, who are believed by a Magistrate to be dangerous by reason of lunacy, and who are certified as insane by the appointed Medical Officer ;

(b) Persons, deemed to be lunatics, who are not under proper care and control, or who are cruelly treated or neglected by a relative, or other person having the charge of them, and who are certified as insane by the appointed Medical Officer.

For the details of procedure to be followed in these cases—See Act IV of 1912, sections 13 to 22. (See pages 47 to 49.)

SUPPOSED LUNATICS

A supposed lunatic is one who requires to be kept under observation for some time to enable the Medical Officer to form an opinion as to whether he is sane or not.

Supposed lunatics are Public Patients, and can only be admitted to a Government Lunatic Asylum through the Magistracy or the Police.

The procedure to secure the observation of a supposed case of insanity is as follows :—

1. A report should be made to the local Magistrate, or in the case of the Presidency Towns, to the Commissioner of Police, that the person in question is "deemed to be a lunatic not under proper care and control." This report may be made by anybody. At the same time, the supposed

lunatic should be produced before the Magistrate, or this officer may order the alleged lunatic to be arrested by the police and produced before him.

2. The Magistrate will then enquire into the case, and if he thinks fit, authorise the detention of the supposed lunatic, in suitable custody for such time not exceeding ten days as may be necessary for the appointed Medical Officer to determine whether such alleged lunatic is a person in respect of whom a medical certificate may be properly given. This period of ten days may be extended to thirty, if necessary.

3. When the appointed Medical Officer gives the medical certificate, the Magistrate shall make a Reception Order for the admission of such lunatic into an asylum.

In the Madras Presidency, if the supposed insane resides within 100 miles of Madras, Calicut, or Vizagapatam, the asylums situated at these towns shall be the place of observation for such supposed lunatic. Consequently, in these localities, the supposed lunatic is sent direct by the Magistrate to the Lunatic Asylum for observation, and, if found to be insane, is certified by the Superintendent of the Asylum. If found to be sane, a report is made to the Magistrate, and the patient is set at liberty.

If, however, the supposed lunatic resides at a greater distance than 100 miles from any of these towns, he may be observed in a district hospital, municipal dispensary or private house, as the Magistrate may direct. If necessary, a police guard may be detained for his control.

If the case should be particularly violent or dangerous, the Magistrate may order that the observation period should be spent in a jail or sub-jail, and an extra warden may be sanctioned by the District Magistrate in case when a supposed lunatic is sent for observation to a sub-jail.

The Rules regarding the detention, etc., of supposed cases in the Madras Presidency are as follows :—

1. The Magistrate who makes a detention order for the observation of an alleged lunatic under section 15 or 16, shall ordinarily provide for the proper custody of such patients in a district, municipal, or local fund hospital, or in a dispensary with suitable premises, or in a private house, and shall detain a police guard for this purpose. But—

(a) If the head-quarters of the Magistrate are within 100 miles of Madras, Calicut, or Vizagapatam, the lunatic shall be sent to the nearest lunatic asylum for observation.

(b) If the head-quarters of the Magistrate are more than 100 miles from Madras, Calicut, or Vizagapatam, and the Magistrate considers that on account of the violent and dangerous character of the supposed lunatic, it would be unsafe to detain him in a hospital under police guard, he shall provide for the safe custody of the lunatic in a jail. This shall ordinarily be

a district jail, but a lock-up or subsidiary jail may be used as a temporary measure in cases of urgency.

2. The Medical Officer under whose observation the supposed insane is placed shall inspect him daily, and shall be responsible that the supposed insane is properly cared for and restrained and controlled. The Magistrate shall, if possible, occasionally meet the Medical Officer in his visits to the patient. Whenever the observations are recorded, if the Medical Officer's certificate are not full, the Magistrate shall also take down a supplementary deposition from that officer.

3. If the supposed insane is a female, a female should always be in attendance during the period of detention.

4. The following form shall be used for order of detention of supposed lunatic.

ORDER FOR DETENTION OF A SUPPOSED LUNATIC.

To

THE SUPERINTENDENT, OR

THE MEDICAL OFFICER IN CHARGE,

Asylum, Hospital, Dispensary, or Jail.

Whereas A B. of
has been found wandering at large, and is deemed to be a lunatic, (or) is believed to be dangerous by reason of lunacy, (or) is believed to be a lunatic not under proper care and control, (or) is believed to be cruelly treated or neglected by the person having the care or charge of him (as the case may be).

You are hereby required to receive the said A B. into your custody in the lunatic asylum, hospital, or jail, and him there safely keep until an order shall be passed under section 14 or 15 of the Indian Lunacy Act, 1912 (IV of 1912), for his release or removal.

Dated this day of

Court Seal.

Signature of the Magistrate, or
Commissioner of Police.

5. The Medical Officer who certifies as to the insanity of a patient detained under section 16, will furnish a certificate as to the fitness of the patient to travel, and shall see that the patient is supplied with sufficient clothing for the journey.

6. All possible information should be obtained regarding the ~~previous~~ ^{Medical History} history of persons said to be insane. ^{Sheet.} Medical Officers sending in patients should make every endeavour to obtain a full and correct history of each case, especially with reference to causation and previous occupation. If particulars are not available, when the papers are sent in, they may be communicated in a supplementary report.

7. Before sending a lunatic to the asylum, enquiries should be made as to whether accommodation is available.

8. The Judicial Officer who despatches the lunatic is held responsible ^{Sections 14 and 24, Act IV, 1912.} that the escort is provided with sufficient means to purchase such articles as milk, coffee, biscuits, or any suitable cooked food for the use of the lunatic during his journey to the asylum; and that, in case, the lunatic refuses food, or becomes sick, he should be taken to the nearest hospital for advice and treatment.

9. Every female lunatic sent to the asylum should be accompanied by a female attendant, or relative, in addition to the usual police escort.

When committing a lunatic to the asylum, the Judicial Officer should take ^{Chapter VII, Act IV, 1912.} steps to procure at the same time from those legally bound to maintain the lunatic, the cost of keeping him in the asylum. It will always be open to him to compound with the parties for any smaller payment which alone their circumstances may appear to admit of. If necessary, he may procure, as provided by law, an order of the Civil Court for payment of the cost of the lunatic's maintenance wherever such lunatic has an estate applicable to his maintenance, or where any person is legally bound to, has the means of maintaining such lunatic.

The Medical Officer may be called on for the following in the case of civil lunatics :—

Civil Lunatics.

- | | | |
|--|-----|-----------|
| (i) Medical Certificate, Form 3 | ... | One copy. |
| (ii) Medical History Sheet | ... | One copy. |
| (iii) Certificate of fitness to travel | ... | One copy. |

CRIMINAL LUNATICS.

(a) Persons under Act III of 1900, who have become insane while undergoing imprisonment in jail and are confined under warrant from Government; or in case of a capital sentence, prisoners who have become insane before the sentence can be carried out, and have had their sentence commuted.

(b) Prisoners incapable of making their defence owing to unsoundness of mind and detained under Section 466 of Act V of 1898 (C. P. C.) (Under trial).

(c) Prisoners who have been tried for a criminal offence and found to have committed the act alleged, but who have been acquitted on the ground of having been insane while the act was committed, and who are detained under Section 471 of Act V of 1898 (C. P. C.) (Tried and acquitted).

The Medical Officer may be called on for the following in the above cases :—

Criminal Lunatics.

- | | | |
|---|-----|-----------|
| (a) Those becoming insane while in prison— | | |
| (i) Medical Certificate, Form 3 | ... | One copy. |
| (ii) Medical History Sheet | ... | One copy. |
| (iii) Certificate of fitness to travel | | One copy. |
| (b) Those under trial or incapable of making their defence— | | |
| (i) Medical Certificate, Form 3 | .. | One copy. |
| (ii) Medical History Sheet | ... | One copy. |
| (iii) Statement of the Medical Officer made in court | ... | One copy. |
| (iv) Certificate of fitness to travel | ... | One copy. |
| (c) Those who have been tried and acquitted— | | |
| (i) Medical History Sheet | ... | One copy. |
| (ii) Statement of Medical Officer | ... | One copy. |
| (iii) Certificate of fitness to travel | ... | One copy. |
| (iv) Copy of judgment | ... | One copy. |

RULES, ETC., IN CONNECTION WITH "PUBLIC PATIENTS."

CIVIL INSANES

A Medical Officer granting a certificate of lunacy shall, except in the case of private lunatics, furnish a complete medical history of the case, and any neglect of this important duty shall be immediately brought to the notice of the Surgeon-General. If the lunatic has not been under the care of the certifying Medical Officer, the latter shall then collect from the lunatic's friends all information likely to throw any light on the nature and cause of the disease and forward this along with the medical certificate.

G. O. No 109 of 18th June 1892 & No. 407, Pub., dated 8-4-97, also G. O.'s Nos. 1786 & 2224 of 24-3-1894 and 18th September, 1894

In all cases in which a Magistrate or Judge of a Civil Court orders a lunatic to be received into an asylum, the Medical History Sheet should be prepared by the Medical Officer who prepared the certificate of insanity in Form 3.

Chronic patients who are harmless and have no prospect of improvement may be boarded out with relatives or friends under the sanction of the Surgeon-General, at a cost not exceeding Rs. 5 per mensem; they shall, however, be produced every month for the inspection of the Superintendent or Medical Officer of a superior grade.

Efforts should be made to hand over an appreciable number of harmless Civil Lunatics to their friends and relations.

The duty of sending a Medical History Sheet in the prescribed form to the lunatic asylum with a lunatic committed thither under Act IV of 1912 rests with the Court making the committal.

Native military men, on being declared insane, should be discharged from the army, and thereafter handed over to the Civil Authorities to be dealt with as Civil Lunatics.

Act IV of 1912 has been extended to Coorg, and the Madras Lunatic Asylum has been appointed under Section 85 of the Act as an asylum for the reception and detention of lunatics from Coorg: the maintenance charges being met from the Coorg revenues.

CRIMINAL LUNATICS.

When a female prisoner is sent to stand trial, she shall invariably be accompanied by a female attendant.

All Criminal Lunatics in the Madras Presidency shall be concentrated in the Madras Asylum.

No Criminal Lunatics shall be received into an asylum except under a special order of Government, which should be accompanied by a copy of the order of the Court before which he was tried, a copy of the Medical History Sheet in the form laid down and a medical certificate of insanity.

When a Magistrate, holding an enquiry or trial, has reason to believe that the accused is of unsound mind and consequently incapable of making his defence, the Magistrate shall enquire into the facts of such unsoundness and shall cause such person to be examined by the Civil Surgeon of the District.

or such other Medical Officer as the Local Government directs, and thereupon shall examine such person or other officer as a witness and shall reduce the examination to writing.

Under Section 464 the Court, when examining into the fact of insanity, should examine the Surgeon and reduce such examination to writing. It is not sufficient merely to record the opinion of the Surgeon and supplement that by certificate. There should be sufficient matter on the record itself taken by the Court to justify the order made by it.

The production of a certificate of insanity in Form 3 is unnecessary in the case of persons judicially acquitted on the grounds of insanity under Section 471 of Act V of 1898 (C. P. C.).

In the Madras Presidency, the Governor in Council has directed that, under Section 464 of the Code of Criminal Procedure, the Officer in Medical charge of the Penitentiary at Madras shall be the Medical Officer by whom persons

accused before a Presidency Magistrate of offences, and appearing to such Magistrates to be of unsound mind and incapable of making their defence, are to be examined; and under Section 541 of the Code, the Penitentiary at Madras shall be the place in which persons so accused and found to be of unsound mind and incapable of making their defence, are to be kept under Section 466, pending the orders of Government, if the offences of which they are accused are non-bailable, or if sufficient bail is not given.

Criminal Lunatics, recovered and unrecovered, when sent by rail, shall not be allowed to mix with other passengers, but must, upon reserved accommodation being engaged, be placed with their escort or attendants in a prison van, or in a separate compartment, as the case may be. To ensure reservation of a compartment, 24 hours' notice is necessary.

Inmates on discharge shall be furnished with diet money at two annas for every twenty miles they have to travel by road to their homes; if the entire or any portion of the journey can be performed by rail, a third class ticket, or the price of it, should be furnished to them, with, in the latter case, the necessary funds for the remaining road or water journey.

Resolution of Govt. of India, Fort St George Gazette, of 22-9-98, Part 1, Page 1102, Rule 6

G. O No 1354 of 4th June 1894 and No. 1893 of 15-9-1891.

PART III.

APPLICATION FORM FOR VOLUNTARY BOARDER.

To _____ Dated _____ 191

THE OFFICIAL VISITORS,

GOVERNMENT LUNATIC ASYLUM,

SIRS,

I _____ having consulted the Superintendent, Lunatic Asylum, hereby request that you will authorise that officer to receive me into the abovenamed institution as a "Voluntary Boarder" under Section IV, Part II, of the Indian Lunacy Act IV of 1912.

I hereby engage to pay the cost of my maintenance in the Lunatic Asylum at the rate of Rs. _____ per diem ; or, I hereby declare that I am destitute, and unable to defray the cost of my maintenance.

I beg to remain,
Sirs,
Yours faithfully,

Signature of the applicant.

I.

I certify that I am willing to receive Mr. _____ for treatment as a "Voluntary Boarder" in the Lunatic Asylum. Accommodation for _____ is available.

Dated _____ Capt., I.M.S.,
Superintendent, Govt. Lunatic Asylum,

Approved.

Approved.

Signature of the Official Visitor.

Signature of the Official Visitor.

To _____
The Superintendent,
Government Lunatic Asylum

FORM No. 1.

APPLICATION FOR RECEPTION ORDER.

(Sections 5 and 6, Act IV, 1912.)

In the matter of [1]
 residing at _____, by occupation _____
 son of _____; a person alleged to be a lunatic.
 To the _____ Presidency Magistrate, for
 (or District Magistrate of
 or Sub-divisional Magistrate of
 or Magistrate specially empowered under Act IV 1912 for
 The petition of [1], _____ residing at _____
 _____, by occupation _____
 _____, son of _____ in the town of _____
 (or sub-division of _____ in the
 district of _____

1. I am _____ [1] years of age.
2. I desire to obtain an order for the reception of _____
 as a lunatic in the _____ Asylum of _____
 situate at [1]
3. I last saw the said _____ at _____
 on the _____ [1] day of _____
4. I am the _____ [1] of the said _____
 (or if the petitioner is not a relative of the patient state as follows)
 I am not a relative of the said _____
 The reasons why this petition is not presented by a relative are as follows :—
 The circumstances under which this petition is presented by me are as follows :—
5. The persons signing the medical certificates which accompany the petition are [1]
6. A statement of particulars relating to the said _____ accompanies
 this petition.
7. (If that is the fact) an application for an enquiry into the mental capacity of the
 said _____ was made to the _____ on the _____
 and a certified copy of the order made on
 the said petition is annexed hereto. (Or if that is the fact)
 No application for an inquiry into the mental capacity of the said
 has been made previous to this application.

The petitioner therefore prays that a reception order may be made in accordance
 with the foregoing statement.

The statements contained or referred to in paragraphs _____ are true to my
 knowledge; the other statements are true to my information and belief.

Place.

(Signed)

Dated.

[1] Full name, caste and titles.

[2] Enter the number of completed years. The petitioner must be 18 or 21 whichever is the age of majority under the law to which the petitioner is subject.

[3] Insert the full description of the name and locality of the asylum or the name, address and description of the person in charge of the asylum.

[4] A day within 14 days before the date of the presentation of the petition is requisite.

[5] Here state the relationship with the patient.

[6] Here state whether either of the persons signing medical certificates is a relative, partner or assistant of the lunatic or the petitioner and, if a relative of either, the exact relationship.

STATEMENT OF PARTICULARS.

[If any of the particulars in this statement is not known, the fact to be so stated.]

The following is a statement of particulars relating to the said

The name of patient at length

Sex and age.

Married, single, or widowed.

Previous occupation.

Caste, and religious belief, as far as known.

Residence at or immediately previous to the date hereof.

Names of any near relatives to the patient who are alive.

Whether this is the first attack of lunacy.

Age (if known) on first attack.

When and where previously under care and treatment as a lunatic.

Duration of existing attack.

Supposed cause.

Whether the patient is subject to epilepsy.

Whether suicidal.

Whether the patient is known to be suffering from phthisis or any form of tubercular disease.

Whether dangerous to others and in what way.

Whether any near relative (stating relationship) has been afflicted with insanity.

Whether the patient is addicted to alcohol, or the use of opium, ganja, charas, bhang, cocaine or other intoxicants.

[The statements contained or referred to in paragraphs _____ are true to my knowledge. The other statements are true to my information and belief.]

[Signature of the person making the statement.]

FORM No. 2.**RECEPTION ORDER UNDER SECTIONS 7, 10, ACT IV OF 1912.**

I, the undersigned
 being a Presidency Magistrate of
 or District Magistrate of
 or Sub-divisional Magistrate of
 or a Magistrate of the first class specially empowered by Government to
 perform the functions of a Magistrate under Act IV of 1912 upon peti-
 tion of*
 in the matter of*

a lunatic accompanied by the medical certificates of

, a medical officer, and of

, a medical practitioner

or medical officer, under the said Act, hereto annexed, hereby authorise you
 to receive the said

into your asylum And I declare that I have (or have not) personally seen
 the said

before making this order

Designation.

To

The Superintendent,
 Govt Lunatic Asylum,

* Address and description.

FORM No. 3.**MEDICAL CERTIFICATE.**

(See sections 18 and 19, Act IV, 1912.)

In the matter of _____ of [1]
 in the town of _____ (or the sub-
 division of _____ in the district of
) an alleged lunatic.

I, the undersigned, _____ do hereby certify
 as follows :—

1. I am (a gazetted Medical Officer) or a Medical practitioner declared by Government to be
 a holder of [2] or declared by Local Government to be a Medical practitioner under
 Medical Officer under Act IV of 1912 and I am in the actual practice of the Medical
 Act IV of 1912 profession.

2. On the _____ day of 191 _____ at [3]
 in the ^{town}_{village} of _____ or the sub-division
 of _____ in the district of
 (separately from any other practitioner) [4], I personally
 examined the said
 and came to the conclusion that the said
 is a lunatic and a proper person to be taken charge of and detained under
 care and treatment.

3. I formed this conclusion on the following grounds, viz. :—

(a) Facts indicating insanity observed by myself, viz. :—

(b) Other facts (if any) indicating insanity communicated to me
 by others, viz. :—

Place.

Rank.

Date.

Designation.

(1) Insert patient's residence.

(2) Do. qualification to practise medicine and surgery registrable in the United Kingdom.

(3) Do. place of examination.

(4) Omit this where only one certificate is required.

FORM No. 5.

RECEPTION ORDER IN CASE OF WANDERING OR DANGEROUS LUNATICS OR LUNATICS NOT UNDER PROPER CONTROL OR CRUELLY TREATED (SENT TO AN ASYLUM ESTABLISHED BY GOVERNMENT).

(See Sections 14, 15, 17 of Act IV, 1912.)

I,

Presidency Magistrate of

or Commissioner of Police for

or the District Magistrate of

or the Sub-divisional Magistrate of

or a Magistrate specially empowered by Government under Act IV of 1912, having caused

to be examined by

a Medical Officer under the Indian Lunacy Act, 1912, and being satisfied that

is a lunatic who was wandering at large (or is a person dangerous by reason of lunacy, or is a lunatic not under proper care and control or is cruelly treated or neglected by the person having the care or charge of him), and a proper person to be taken charge of and detained under care and treatment, hereby direct you to receive the said
in your asylum.

Dated the

Designation.

To

The Officer in charge of the Asylum at

FORM OF MEDICAL CERTIFICATE IN CERTAIN CASES.

I hereby certify that I have examined the lunatic named in the margin,
 and that, in my opinion, he is in a fit/unfit state of health to proceed on a
 journey to
 Clothing is also sufficient/insufficient.

Date

Signed

Surgeon

In Medical Charge.

MEDICAL HISTORY SHEET FOR LUNATICS.

*Order—dated 13th September 1894, No. 2224, Judicial; G. O. No. 174,
Public, dated 20th February 1897, and G. O. No. 407,
Public, dated 8th April 1897.*

THIS Medical History Sheet will be prepared by the Superintendent of the Asylum in cases where the release of a person from a Lunatic Asylum is in question and by the Medical Officer who prepared the certificate of insanity in Form A in cases where such a certificate is given. In the cases of persons acquitted by Criminal Courts on the ground of insanity at the time of the commission of the crimes charged, the Medical History Sheet will be prepared by the acquitting Court in communication, if necessary, with a Medical Officer. In all cases the information required to fill in headings 27 and 28 will generally be obtained from the District Magistrate or the Commissioner of Police.

(If any of the particulars in this statement be not known, the
fact to be so stated.)

-
- | | |
|--|-----|
| 1. Name of patient in full, and
caste or race ... | ... |
| 2. Name of patient's father ... | ... |
| 3. Sex and age of patient ... | ... |
| 4. Marks whereby the patient may
be identified ... | ... |
| 5. Married, or single, or widowed. | |
| 6. Condition of life and previous
occupation (if any) ... | ... |
| 7. Religion ... | ... |
| 8. Place of birth and recent place
of abode ... | ... |
| 9. Whether homeless or living with
relatives or friends ... | ... |
| 10. Previous history and habits ... | ... |
| 11. State of bodily health .. | .. |
| 12. Whether any member of pa-
tient's family has been or is
affected with insanity ... | ... |
| 13. Whether the attack is the first
attack of insanity or not ... | ... |

14. Age (if known) at onset of first attack
15. Duration and nature of any previous attacks... ..
16. Duration of existing attack
17. Symptoms exhibited
18. Supposed cause of insanity
19. Supposed exciting cause * of present attack
20. Whether subject to epilepsy
21. Whether suicidal... ..
22. Whether dangerous to others

SUPPLEMENTARY

N B.—Information under the following headings should be afforded in all cases in which the Government may be moved under the provisions of the Criminal Procedure Code, or the Prisoners' Act, 1871, either to order the confinement of a Lunatic in an Asylum or Jail, or his release therefrom —

23. Whether civil or criminal lunatic and date of admission to asylum (in cases sent up for orders of Government under sections 474 and 475, Criminal Procedure Code).
24. If Criminal, the offence with which charged
25. Type of insanity
26. Is lunatic capable of—
 - * (a) Taking care of himself.
 - (b) Earning a livelihood.
27. Is release on security recommended.
28. If so, what amount should be demanded and what are the names, social position, character and relationship to lunatic of the sureties?

STATION _____ }
Date _____ }

PART IV.

ACT V OF 1898.

CHAPTER XXXIV.

Criminal Lunatics.

464. (i). When a Magistrate, holding an enquiry or a trial, has reason to believe that the accused is of unsound mind and consequently incapable of making his defence, the Magistrate shall enquire into the fact of such unsoundness, and shall cause such person to be examined by the Civil Surgeon of the district or such other Medical Officer as the Local Government directs and thereupon shall examine such Surgeon or other Officer as a witness, and shall reduce the examination to writing.

(2). If such Magistrate is of opinion that the accused is of unsound mind and consequently incapable of making his defence, he shall postpone further proceedings in the case.

465. (i). If any person committed for trial before a Court of Session or a High Court appears to the Court at his trial to be of unsound mind and consequently incapable of making his defence, the jury or the Court with the aid of assessors shall, in the first instance, try the fact of such unsoundness and incapacity, and, if satisfied of the fact, shall pass judgment accordingly and thereupon the trial shall be postponed.

(2). The trial of the fact of the unsoundness of mind and incapacity of the accused shall be deemed to be part of his trial before the Court.

466. (i). Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Magistrate or Court as the case may be if the case is one in which bail may be taken, may release him on sufficient security being given that he shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, and for his appearance when required before the Magistrate or Court or such Officer as the Magistrate or Court appoints in his behalf.

Procedure in case of accused being lunatic.

Procedure in case of person committed before Court of Session or High Court being lunatic

Release of lunatic pending investigation or trial.

(2). If the case is one in which bail may not be taken, or if sufficient security is not given, the Magistrate or Court shall report the case to the Local Government remanding the accused to custody pending orders and the Local Government may order the accused to be confined in a lunatic asylum, jail or other suitable place of safe custody, and the Magistrate or Court shall give effect to such order.

467. (1). Whenever an enquiry or a trial is postponed under Section 464 or Section 465, the Magistrate or Court, as the case may be, may at any time resume the enquiry or trial and require the accused to appear or be brought before such Magistrate or Court.

(2) When the accused has been released under Section 466, and the sureties for his appearance produce him to the Officer whom the Magistrate or Court appoints in his behalf, the certificate of such Officer that the accused is capable of making his defence shall be receivable in evidence.

468. (1). If, when the accused appears or is again brought before the Magistrate or the Court, as the case may be, the Magistrate or Court considers him capable of making his defence, the enquiry or trial shall proceed.

(2). If the Magistrate or Court considers the accused persons to be still incapable of making his defence, the Magistrate or Court shall again act according to the provisions of Section 464, or Section 465, as the case may be.

469. When the accused appears to be of sound mind at the time of enquiry or trial, and the Magistrate is satisfied from the evidence given before him that there is reason to believe that the accused committed an act which, if he had been of sound mind, would have been an offence, and that he was at the time when the act was committed, by reason of unsoundness of mind, incapable of knowing the nature of the act or that it was wrong or contrary to law, the Magistrate shall proceed with the case, and, if the accused ought to be committed to the Court of Session or High Court, send him for trial before the Court of Session or High Court, as the case may be.

470. Whenever any person is acquitted upon the ground that at the time at which he is alleged to have committed an offence, he was, by reason of unsoundness of mind, incapable of knowing the nature of the act alleged as constituting the offence, or that it was wrong or contrary to law, the findings shall state specifically whether he committed the act or not.

471. (i). Whenever such judgment states that the accused person committed the act alleged, the Magistrate or Court before whom or which the trial has been held shall, if such act would, but for the incapacity found, have constituted an offence, order such person to be kept in safe custody in such place and manner as the Magistrate or Court thinks fit, and shall report the case for the orders of the Local Government.

Person acquitted on such ground to be kept in safe custody

(2). The Local Government may empower the Officer in charge of the jail in which a person is confined under the provisions of Section 466 or "this Section," to discharge all or any of the functions of the Inspector-General of Prisons under Section 472, Section 473 or Section 474.

Power of Local Government to relieve Inspector-General of certain functions.

473. If such person is confined under the provisions of Section 466 and such Inspector-General or visitors shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Magistrate or Court as the case may be, at such time as the Magistrate or Court appoints, and the Magistrate or Court shall deal with such person under the provisions of Section 468; and the certificate of such Inspector-General or visitors as aforesaid shall be receivable as evidence.

Procedure where lunatic prisoner is reported capable of making his defence.

474. (i) If such person is confined under the provisions of Section 466 or Section 471, and such Inspector-General or visitors shall certify that, in his or their judgment, he may be discharged without danger of his doing injury to himself or to any other person, the Local Government may thereupon order him to be discharged, or to be detained in custody, or to be transferred to a public lunatic asylum if he has not been already sent to such an asylum, and in case it orders him to be transferred to an asylum, may appoint a commission, consisting of a Judicial and two Medical Officers.

Procedure where lunatic confined under Sec 466 or 471 is declared fit to be discharged.

(2). Such commission shall make formal inquiry into the state of mind of such person, taking such evidence as is necessary, and shall report to the Local Government which may order his discharge or detention as it thinks fit.

475. (i). Whenever any relative or friend of any person confined under the provisions of Section 466 or Section 471 desires that he shall be delivered over to his care and custody, the Local Government, upon the application of such relative or friend and on his giving security to the satisfaction of such Government that the person delivered shall be properly taken care of

Delivery of lunatic to care of relative.

and shall be prevented from doing injury to himself or to any other person may order such person to be delivered to such relative or friend.

(2). Whenever such person is so delivered, it shall be upon condition that he shall be produced for the inspection of such Officer and at such times as the Local Government directs.

(3). The provisions of Section 474 shall, *mutatis mutandis*, apply to persons delivered under the provisions of this section, and the certificate of the inspecting officer appointed under this section shall be receivable as evidence.

ACT III OF 1900.

Lunatic prisoners how to be dealt with.

30. (1). Whenever it appears to the Local Government that any person detained or imprisoned under any order or sentence of any Court is of unsound mind, the Local Government may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to a lunatic asylum, or other place of safe custody within the Province, there to be kept and treated as the Local Government directs during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned, or if on the expiration of that term it is certified by a Medical Officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment, then until he is discharged according to law.

(2). Where it appears to the Local Government that the prisoner has become of sound mind, the Local Government shall, by a warrant directed to the person having charge of the prisoner, if still liable to be kept in custody, remand him to the prison from which he was removed or to another prison within the Province, or if the prisoner is no longer liable to be kept in custody, order him to be discharged.

(3). The provisions of Section 9 of the Lunatic Asylums Act, 1912 (Act IV of 1912), shall apply to every person confined in a lunatic asylum under sub-section (1) after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned; and the time during which a prisoner is confined in a lunatic asylum under that sub-section shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Court to undergo.

(4). In any case in which a Local Government is competent under sub-section (1) to order the removal of a prisoner to a Lunatic Asylum or other place of safe custody within the Province, the Governor-General in Council may order his removal to any lunatic asylum or other place of safe custody in any part of British India; and the provisions of this section respecting the custody, detention, remand and discharge of a prisoner removed by order of a Local Government shall, so far as they can be made applicable, apply to a prisoner removed by order of the Governor-General in Council.

(a) Section 30 of Act III of 1900 does not authorize detention in a lunatic asylum of a prisoner whose sentence expired before transfer to a lunatic asylum. In the case of such a prisoner, therefore, he should be re-arrested by the Police on release and placed before a Magistrate to be dealt with under Act IV of 1912 (G. O. No. 600, Judicial, 31st March 1890).

(b) The certificate of the Medical Officer referred to in sub-section (1) of Section 30 can be given by any Medical Officer, whether independent of, or connected with, the asylum, though it is desirable that it should be given by an independent medical man and not by the officer whom it authorizes to detain the patient (G. O. No 1296 Misc, 12th June 1888).

(c) The warrant referred to in sub-section (1) of Section 30 will be in the following form. Under this form of warrant no further orders of Government are needed for the detention in an asylum of a lunatic after the expiry of his sentence —

WARRANT

To

The Superintendent for the

jail at

and to

The Superintendent of the Lunatic Asylum at

Whereas

who is now undergoing

imprisonment in the

jail at

under a

sentence of

imprisonment from the

passed upon him by

is believed to be of un-sound mind, the grounds of such belief being

This is to authorize and require you the said Superintendent of the
jail at

to cause the said

to be removed to the lunatic asylum at

and you the said Superintendent of the Lunatic Asylum at

to receive the said

into your custody in the said lunatic asylum, together with this warrant, and him there safely to keep, for the purpose of undergoing medical treatment, during the remainder of his sentence, or if on the expiration of that term it is certified by a Medical Officer under section 30 (1) of the Prisoners' Act, 1900 (III of 1900), that his further detention is necessary for his own safety, or that of others, then until he is discharged according to law.

Dated the

day of

19

ACT NO. IV OF 1912.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 16th March 1912)

THE INDIAN LUNACY ACT, 1912

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SCHEDULE I.—FORMS.

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AN ACT TO CONSOLIDATE AND AMEND THE LAW RELATING TO LUNACY.

WHEREAS it is expedient to consolidate and amend the law relating to lunacy ; It is hereby enacted as follows : —

PART I.

PRELIMINARY.

CHAPTER I.

- | | |
|-------------------------------|---|
| Short title and extent | 1. (1) This Act may be called the Indian Lunacy Act, 1912. |
| | (2) It extends to the whole of British India, including British Baluchistan, the Santhal Parganas, and the Pargana of Spiti. |
| Savings | 2. Nothing contained in Part II shall be deemed to affect the powers of any High Court which is or hereafter may be established under the Indian High Courts Acts, 1861 to 1911, over any person found to be a lunatic by inquisition or over the property of such lunatic, or the rights of any person appointed by such Court as guardian of the person or manager of the estate of such lunatic. |
| Definitions | 3. In this Act, unless there is anything repugnant in the subject or context,— |
| | (1) “asylum” means an asylum for lunatics established or licensed by Government : |
| | (2) “cost of maintenance” in an asylum includes the cost of lodging, maintenance, clothing, medicine and care of a lunatic and any expenditure incurred in removing such lunatic to and from an asylum : |
| | (3) “District Court” means the principal Civil Court of original jurisdiction in any area outside the local limits for the time being of the Presidency-towns : |
| | (4) “criminal lunatic” means any person for whose confinement in, or removal to an asylum, jail or other place of safe custody an order has been made in accordance with the provisions of section 466 or section 471 of the Code of Criminal Procedure, 1898, or of section 30 of the Prisoners Act, 1900 : |
| | (5) “lunatic” means an idiot or person of unsound mind : |
| | (6) “Magistrate” means a Presidency Magistrate, District Magistrate, Subdivisional Magistrate or a Magistrate of the first class specially empowered by the Local Government to perform the functions of a Magistrate under this Act : |

(7) "medical officer" means a gazetted medical officer of Government, and includes a medical practitioner declared by general or special order of the Local Government to be a medical officer for the purposes of this Act:

(8) "medical practitioner" means a holder of a qualification to practise medicine and surgery which can be registered in the United Kingdom in accordance with the law for the time being in force for the registration of medical practitioners, and includes any person declared by general or special order of the Local Government to be a medical practitioner for the purposes of this Act.

(9) "prescribed" means prescribed by this Act or by rule made thereunder:

(10) "reception order" means an order made under the provisions of this Act for the reception into an asylum of a lunatic other than a lunatic so found by inquisition.

(11) "relative" includes any person related by blood, marriage or adoption, and

(12) "rule" means a rule made under this Act.

PART II

RECEPTION, CARE AND TREATMENT OF LUNATICS.

CHAPTER II

RECEPTION OF LUNATICS

4. (1) No person other than a criminal lunatic or a lunatic so found by inquisition shall be received or detained in an asylum without a reception order save as provided by sections 8, 16 and 98.

Reception of person in asylum
 Provided that any person in charge of an asylum may, with the consent of two of the visitors of such asylum, which consent shall not be given except upon a written application from the intending boarder, receive and lodge as a boarder in such asylum any person who is desirous of submitting himself to treatment.

(2) A boarder received in an asylum under the proviso to sub-section (1) shall not be detained in the asylum for more than twenty-four hours after he has given to the person in charge of the asylum notice in writing of his desire to leave such asylum.

Reception Orders on petition.

5. (1) An application for a reception order shall be made by petition accompanied by a statement of particulars to the Magistrate within the local limits of whose jurisdiction the alleged lunatic ordinarily resides, shall be in the form prescribed and shall be supported by two medical certificates on separate sheets of paper, one of which certificates shall be from a medical officer.

(2) If either of the medical certificates is signed by any relative, partner or assistant of the lunatic or of the petitioner, the petition shall state the fact, and, where the person signing is a relative, the exact manner in which he is related to the lunatic or petitioner.

(3) The petition shall also state whether any previous application has been presented for an inquiry into the mental capacity of the alleged lunatic in any Court; and if such application has been made, a certified copy of the order made thereon shall be attached to the petition.

(4) No application for a reception order shall be entertained in any area outside the Presidency-towns unless the Local Government has, by notification in the local official Gazette, declared such area as an area in which reception orders may be made.

Application by whom to be presented

6. (1) The petition shall be presented, if possible, by—

(a) the husband or wife of the alleged lunatic, or

(b) by any other relative of his.

(2) If the petition is not so presented, it shall contain a statement of the reasons why it is not so presented, and of the connection of the petitioner with the alleged lunatic, and the circumstances under which he presents the petition.

(3) No person shall present a petition unless he has attained the age of majority as determined by the law to which he is subject, and has, within fourteen days before the presentation of the petition, personally seen the said lunatic.

(4) The petition shall be signed and verified by the petitioner, and the statement of prescribed particulars by the person making such statement.

7. (1) Upon the presentation of the petition the Magistrate shall consider the allegations in the petition and the evidence of lunacy appearing by the medical certificates.

(2) If he considers that there are grounds for proceeding further, he shall personally examine the alleged lunatic unless for reasons to be recorded in writing he thinks it unnecessary or inexpedient so to do.

(3) If he is satisfied that a reception order may properly be made forthwith; he may make the same accordingly.

Procedure upon petition for reception order.

(4) If he is not so satisfied, he shall fix a date (notice whereof shall be given to the petitioner and to any other person to whom in the opinion of the Magistrate notice should be given) for the consideration of the petition, and he may make such further or other inquiries of or concerning the alleged lunatic as he thinks fit.

Detention of alleged lunatic pending inquiry.

8. Upon the presentation of the petition the Magistrate may make such order as he thinks fit for the suitable custody of the alleged lunatic pending the conclusion of the inquiry.

9. The petition shall be considered in private in the presence of the petitioner, the alleged lunatic (unless the Magistrate in his discretion otherwise directs), any person appointed by the alleged lunatic to represent him and such other persons as the Magistrate thinks fit.

10. (1) At the time appointed for the consideration of the petition, the Magistrate may either make a reception order or dismiss the petition, or may adjourn the same for further evidence or inquiry, and may make such order as to the payment of the costs of the inquiry by the person upon whose application it was made or out of the estate of the alleged lunatic if found to be of unsound mind or otherwise, as he thinks fit.

Order.

(2) If the petition is dismissed, the Magistrate shall record in writing his reasons for dismissing the same, and shall deliver or cause to be delivered to the petitioner a copy of such order.

Further provisions as to reception orders on petition

11. No reception order shall be made under section 7 or section 10, save in the case of a lunatic who is dangerous and unfit to be at large, unless—

(a) the Magistrate is satisfied that the person in charge of an asylum is willing to receive the lunatic, and

(b) the petitioner or some other person engages in writing to the satisfaction of the Magistrate to pay the cost of maintenance of the lunatic.

Reception orders otherwise than on petition.

12. When any European who is subject to the provisions of the Army Act has been declared a lunatic in accordance with the provisions of the military regulations in force for the time being, and it appears to any administrative medical officer that he should be removed to an asylum, such administrative medical officer may, if he thinks fit, make a reception order under his hand for the admission of the said lunatic into any asylum which has been duly authorized for the purpose by the Governor-General in Council.

Reception order in case of lunatic soldier

Powers and duties of police in respect of wandering or dangerous lunatics and lunatics cruelly treated or not under proper care and control.

13. (1) Every officer in charge of a police station may arrest or cause to be arrested all persons found wandering at large within the limits of his station whom he has reason to believe to be lunatics, and shall arrest or cause to be arrested all persons within the limits of his station whom he has reason to believe to be dangerous by reason of lunacy. Any person so arrested shall be taken forthwith before the Magistrate.

(2) Every officer in charge of a police station who has reason to believe that any person within the limits of his station is deemed to be a lunatic and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the charge of him, shall immediately report the fact to the Magistrate.

Reception order in case of wandering and dangerous lunatics

14. Whenever any person is brought before a Magistrate under the provisions of sub-section (1) of section 13, the Magistrate shall examine such person, and if he thinks that there are grounds for proceeding further shall cause him to be examined by a medical officer and may make such other inquiries as he thinks fit; and if the Magistrate is satisfied that such person is a lunatic and a proper person to be detained, he may, if the medical officer who has examined such person gives a medical certificate with regard to such person, make a reception order for the admission of such lunatic into an asylum:

Provided that, if any friend or relative desires that the lunatic be sent to a licensed asylum and engages in writing to the satisfaction of the Magistrate to pay the cost of maintenance of the lunatic in such asylum, the Magistrate shall, if the person in charge of such asylum consents, make a reception order for the admission of the lunatic into the licensed asylum mentioned in the engagement:

Provided further that if any friend or relative of the lunatic enters into a bond with or without sureties for such sum of money as the Magistrate thinks fit, conditioned that such lunatic shall be properly taken care of, and shall be prevented from doing injury to himself or to others, the Magistrate, instead of making a reception order, may, if he thinks fit, make him over to the care of such friend or relative.

Order in case of lunatic cruelly treated or not under proper care and control

15. (1) If it appears to the Magistrate, on the report of a police officer or the information of any other person, that any person within the limits of his jurisdiction deemed to be a lunatic is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the charge of him, the Magistrate may cause the alleged

lunatic to be produced before him, and summon such relative or other person as has or ought to have the charge of him.

(2) If such relative or other person is legally bound to maintain the alleged lunatic, the Magistrate may make an order for such alleged lunatic being properly cared for and treated, and, if such relative or other person wilfully neglects to comply with the said order, the Magistrate may sentence him to imprisonment for a term which may extend to one month.

(3) If there is no person legally bound to maintain the alleged lunatic, or if the Magistrate thinks fit so to do, he may proceed as prescribed in section 14, and upon being satisfied in manner aforesaid that the person deemed to be a lunatic is a lunatic and a proper person to be detained under care and treatment may, if a medical officer gives a medical certificate with regard to such lunatic, make a reception order for the admission of such lunatic into an asylum.

16. (1) When any person alleged to be a lunatic is brought before a Magistrate under the provisions of section 13 or section 15, the Magistrate may, by an order in writing, authorize the detention of the alleged lunatic in suitable custody for such time not exceeding ten days as may be, in his opinion, necessary to enable the medical officer to determine whether such alleged lunatic is a person in respect of whom a medical certificate may be properly given.

(2) The Magistrate may, from time to time, for the same purpose by order in writing, authorize such further detention of the alleged lunatic for periods not exceeding ten days at a time as he thinks necessary.

Provided that no person shall be detained in accordance with the provisions of this section for a total period exceeding thirty days from the date on which he was first brought before the Magistrate.

17. All acts which the Magistrate is authorized or required to do by section 14, 15 or 16 may be done in the Presidency-towns or Rangoon by the Commissioner of Police; and all duties which an officer in charge of a police-station is authorized or required to perform, may be performed in any of the Presidency-towns by an officer of the police-force not below the rank of an inspector.

Further provisions as to reception orders and medical certificates.

18. (1) Every medical certificate under this Act shall be made and signed by a medical practitioner or a medical officer, as the case may be, and shall be in the form prescribed.

Medical certificates.

Detention of alleged lunatic pending report by medical officer

Commissioner of Police, etc. to act in the Presidency-town

(2) Every medical certificate shall state the facts upon which the person certifying has formed his opinion that the alleged lunatic is a lunatic, distinguishing facts observed by himself from facts communicated by others; and no reception order on petition shall be made upon a certificate founded only upon facts communicated by others.

(3) Every medical certificate made under this Act shall be evidence of the facts therein appearing and of the judgment therein stated to have been formed by the person certifying on such facts, as if the matters therein appearing had been verified on oath.

19. (1) A reception order required to be founded on a medical certificate shall not be made unless the person who signs the medical certificate, or, where two certificates are required, each person who signs a certificate has personally examined the alleged lunatic, in the case of an order upon petition, not more than seven clear days before the date of the presentation of the petition, and, in all other cases, not more than seven clear days before the date of the order.

(2) Where two medical certificates are required, a reception order shall not be made unless each person signing a certificate has examined the alleged lunatic separately from the other.

20. A reception order, if the same appears to be in conformity with this Act, shall be sufficient authority for the petitioner or any person authorized by him, or in the case of an order not made upon petition, for the person authorized so to do by the person making the order, to take the lunatic and convey him to the place mentioned in such order and for his reception and detention therein, or in any asylum to which he may be removed in accordance with the provisions of this Act, and the order may be acted on without further evidence of the signature or of the jurisdiction of the person making the order.

Copy of reception order to be sent to person in charge of asylum

21. Any authority making a reception order under this Part shall forthwith send a certified copy of the order to the person in charge of the asylum into which such lunatic is to be admitted.

22. Subject to the provisions of section 85, no Magistrate shall make a reception order for the admission of any lunatic into any asylum established by Government outside the province in which the Magistrate exercises jurisdiction.

Restriction as to asylums into which reception orders may direct admission

Detention of lunatics pending removal to asylum.

23. When any reception order has been made under sections 7, 10, 14 or 15, the Magistrate may, for reasons to be recorded in writing, direct that the lunatic, pending his removal to an asylum, be detained in suitable custody in such place as the Magistrate thinks fit

Detention of lunatics pending removal to asylum

Reception and detention of criminal lunatics

24. An order under section 466 or section 471 of the Code of Criminal Procedure, 1898, or under section 30 of the Prisoners' Act, 1900, directing the reception of a criminal lunatic into any asylum which is prescribed for the reception of criminal lunatics shall be sufficient authority for the reception and detention of any person named therein in such asylum or in any other asylum to which he may be lawfully transferred

Reception and detention of criminal lunatics

Reception after inquisition

25. A lunatic so found by inquisition may be admitted into an asylum—

(1) in the case of an inquisition under Chapter IV, on an order made by or under the authority of the High Court,

(2) in the case of an inquisition under Chapter V, on an order made by the District Court

26. (1) When any lunatic has been admitted into an asylum in accordance with the provisions of section 25, the High Court or the District Court, as the case may be, shall, on the application of the person in charge of the asylum, make an order for the payment of the cost of maintenance of the lunatic in the asylum, and may from time to time direct that any sum of money payable under such order shall be recovered from the estate of the lunatic or of any person legally bound to maintain him.

Provided that, if at any time it shall appear to the satisfaction of the Court that the lunatic has not sufficient property, and that no person legally bound to maintain such lunatic has sufficient means for the payment of such cost, the Court shall certify the same instead of making such order for the payment of the cost as aforesaid.

(2) An order under sub-section (1) shall be enforced in the same manner and shall be of the same force and effect and subject to the same appeal as a decree made by the Court in a suit in respect of the property or person therein mentioned.

Amendment of order or certificate.

Amendment of order or certificate 27. If, after the reception of any lunatic into any asylum, on a reception order, it appears that the order upon which he was received or the medical certificate or certificates upon which such order was made is or are defective or incorrect, the same may at any time afterwards be amended by the person or persons signing the same with the sanction of two or more of the visitors of the said asylum, one of whom shall be a medical officer.

CHAPTER III.

CARE AND TREATMENT.

*Visitors.***Appointment of visitors**

28. (1) The Local Government shall appoint for every asylum not less than three visitors, one of whom at least shall be a medical officer.

(2) The Inspector-General of Prisons (where such office exists) shall be a visitor *ex-officio* of all the asylums within the limits of his jurisdiction.

Monthly inspection by visitors

29. Two or more of the visitors, one of whom shall be a medical officer, shall, once at least in every month, together inspect every part of the asylum of which they are visitors, and see and examine as far as circumstances will permit, every lunatic and boarder therein, and the order and certificate for the admission of every lunatic admitted since the last visitation of the visitors, and shall enter in a book to be kept for that purpose any remarks which they may deem proper in regard to the management and condition of the asylum and the inmates thereof.

Inspection of criminal lunatics by Inspector-General or visitors

30. (1) When any person is confined under the provisions of section 466 or section 471 of the Code of Criminal Procedure, 1898, the Inspector-General of Prisons, if such person is confined in a jail, or the visitors of the asylum or any two of them, if he is confined in an asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every six months by such Inspector-General or by two of such visitors as aforesaid; and such Inspector-General or visitors shall make a special report as to the state of mind of such person to the authority under whose order he is confined.

(2) The Local Government may empower the officer in charge of the jail in which such person may be confined to discharge all or any of the functions of the Inspector-General under sub-section (1).

Discharge of lunatics.

31. (1) Three of the visitors of any asylum, of whom one shall be a medical officer, may, by order in writing, direct the discharge of any person detained in such asylum, and such person shall thereupon be discharged :

Order of discharge from asylum by visitors.

Provided that no order under this sub-section shall be made in the case of a person detained under a reception order under section 12, or, in the case of a criminal lunatic, otherwise than as provided by section 30 of the Prisoners' Act, 1900.

(2) When such order is made, if the person is detained under the order of any public authority, notice of the order of discharge shall be immediately communicated to such authority.

32. (1) A lunatic detained in an asylum under a reception order, made on petition, shall be discharged if the person on whose petition the reception order was made so applies in writing to the person in charge of the asylum :

Discharge of lunatics in other cases and of European military lunatics.

Provided that no lunatic shall be discharged under the provisions of sub-section (1) if the officer in charge of the asylum certifies in writing that the lunatic is dangerous and unfit to be at large.

(2) A person detained in an asylum under a reception order made under section 12 shall be detained therein until he is discharged therefrom in accordance with the military regulations in force for the time being, or until the officer making the order applies for his transfer to the military authorities in view to his removal to England.

(3) Whenever it appears to the officer in charge of an asylum that the discharge of a person therein detained under an order made under section 12 is necessary either on account of his recovery, or for any other purpose, such person shall be brought before the visitors of the asylum, and on the visitors recording their opinion that the discharge should be made, the General or other Officer Commanding the division, district, brigade or force, or other officer authorized to order the admission of such persons into an asylum, shall forthwith direct him to be discharged, and such discharge shall take place in accordance with the military regulations in force for the time being.

33. When any relative or friend of a lunatic detained in any asylum under the provision of section 14, 15 or 17 is desirous that such lunatic shall be delivered over to his care and custody, he may make application to the authority under whose order the lunatic is detained, and such authority, if it thinks fit, in consultation with the person in charge of the asylum and with the visitors or with one of them, being a medical officer,

Order of discharge on undertaking of relative of due care of the lunatic.

and upon such relative or friend entering into a bond with or without sureties for such sum of money as the said authority thinks fit conditioned that such lunatic shall be properly taken care of and shall be prevented from doing injury to himself or to others, may make an order for the discharge of such lunatic, and such lunatic shall thereupon be discharged.

34. If any lunatic detained in an asylum on a reception order made under sections 7, 10, 14, 15 or 17 is subsequently found on an inquisition under Chapter IV or Chapter V not to be of unsound mind and incapable of managing himself and his affairs, the person in charge of the asylum shall forthwith, on the production of a certified copy of such finding, discharge the alleged lunatic from the asylum.

**Discharge of person
subsequently found
on inquisition not to
be of unsound mind**

Removal of lunatics.

35. (1) Any lunatic may be removed from any asylum established by Government to any other asylum within the province in accordance with any general or special order of the Local Government, and to any other asylum in any part of British India in accordance with any general or special order of the Governor-General in Council.

Provided that no lunatic admitted into an asylum on a reception order made on petition shall be removed in accordance with the provisions of this sub-section until notice of such intended removal has been given to the petitioner.

(2) The Governor-General in Council may make such general or special order as he thinks fit directing the removal of any person for whose confinement an order has been made under section 466 or section 471 of the Code of Criminal Procedure, 1898, from the place where he is for the time being confined, to any asylum, jail or other place of safe custody in British India.

Escape and re-capture.

36. Every person received into an asylum under any such order as is required by this Act, may be detained therein until he is removed or discharged as authorized by law, and in case of escape may, by virtue of such order, be re-taken by any police-officer or by the person in charge of such asylum, or any officer or servant belonging thereto, or any other person authorized in that behalf by the said person in charge, and conveyed to and received and detained in such asylum :

Provided that in the case of a lunatic not being a criminal lunatic or a lunatic in respect of whom a reception order has been made under section

**Order to justify
detention and re-
capture after escape**

12, the power to re-take such escaped lunatic under this section shall be exercisable only for a period of one month from the date of his escape.

PART III.

JUDICIAL INQUISITION AS TO LUNACY.

CHAPTER IV.

PROCEEDINGS IN LUNACY IN PRESIDENCY-TOWNS.

Inquisition.

Jurisdiction in lunacy in Presidency-towns

37. The Courts having jurisdiction under this Chapter shall be the High Courts of Judicature at Fort William, Madras and Bombay.

38. (1) The Court may upon application by order direct an inquisition whether a person subject to the jurisdiction of the Court who is alleged to be lunatic, is of unsound mind and incapable of managing himself and his affairs.

Court may order inquisition as to persons alleged to be insane

(2) Such order may also contain directions for inquiries concerning the nature of the property belonging to the alleged lunatic, the persons who are his relatives, the time during which he has been of unsound mind, or such other matters as to the Court may seem proper.

Application by whom to be made

39. Application for such inquisition may be made by any relative of the alleged lunatic, or by the Advocate-General.

Notice of time and place of inquisition

40. (1) Notice shall be given to the alleged lunatic of the time and place at which it is proposed to hold the inquisition.

(2) If it appears that personal service on the alleged lunatic would be ineffectual, the Court may direct such substituted service of the notice as it thinks fit.

(3) The Court may also direct a copy of such notice to be served upon any relative of the alleged lunatic and upon any other person to whom in the opinion of the Court notice of the application should be given.

41. (1) The Court may require the alleged lunatic to attend at such convenient time and place as it may appoint for the purpose of being personally examined by the Court, or by any person from whom the Court may desire to have a report of the mental capacity and condition of such alleged lunatic.

Powers of Court in respect of attendance and examination of lunatic.

(2) The Court may likewise make an order authorizing any person or persons therein named to have access to the alleged lunatic for the purpose of a personal examination.

42. The attendance and examination of the alleged lunatic under the provisions of section 41 shall, if the alleged lunatic be a woman who, according to the manners and customs of the country, ought not to be compelled to appear in public, be regulated by the law and practice for the examination of such persons in other civil cases.

Rules respecting attendance and examination of females alleged to be lunatic.

43. (1) If the alleged lunatic is not within the local limits of the jurisdiction of the Court, and the inquisition cannot conveniently be made in the manner hereinbefore provided, the Court may direct the inquisition to be made before the District Court within whose local jurisdiction the alleged lunatic may be; and such District Court shall accordingly proceed to make such inquisition in the same manner as if the alleged lunatic were subject to its jurisdiction, and shall certify its finding upon the matters of inquisition to the Court directing the inquisition.

Power to direct District Court to make inquisition in certain cases.

(2) The record of evidence taken upon the inquisition shall be transmitted, together with any remarks the Court may think fit to make thereon, to the Court by which the inquisition was directed.

44. If the finding of the District Court appears to the Court directing the inquisition to be defective or insufficient in point of form, it may either amend the same or refer it back to the Court which made the inquisition to be amended.

Amendment of finding of District Court if defective or insufficient in form

45. The finding of the Court on the inquisition or the finding of the District Court to which the inquisition may have been referred under the provisions of section 43 with such amendments as may be made under the provisions of section 44, as the case may be, shall have the same effect, and be proceeded on in the same manner in regard to the appointment of a guardian of the person and a manager of the estate of the lunatic as the findings referred to in section 12 of the Lunacy (Supreme Courts) Act, 1858, immediately before the commencement of this Act.

Proceedings on finding of Court

Judicial powers over person and estate of lunatic.

Custody of lunatics and management of their estates

46. (1) The Court may make orders for the custody of lunatics so found by inquisition and the management of their estates.

(2) When upon the inquisition it is especially found that the person to whom the inquisition relates is of unsound mind so as to be incapable of managing his affairs, but that he is capable of managing himself, and is not dangerous to himself or to others, the Court may make such orders as it thinks fit for the management of the estate of the lunatic including proper provision for the maintenance of the lunatic and of such members of his family as are dependent on him for maintenance, but it shall not be necessary to make any order as to the custody of the person of the lunatic.

47. The Court, on the appointment of a manager of the estate of a lunatic, may direct by the order of appointment, or by any subsequent order, that such manager shall have such powers for the management of the estate as to the Court may seem necessary and proper, reference being had to the nature of the property, whether moveable or immoveable, of which the estate may consist :

**Powers of manager
in respect of manage-
ment of lunatic's
estate**

Provided that no manager so appointed shall without the permission of the Court—

(a) mortgage, charge or transfer by sale, gift, exchange or otherwise, any immoveable property of the lunatic ; or

(b) lease any such property for a term exceeding five years.

Such permission may be granted subject to any condition or restriction which the Court thinks fit to impose.

48 The Court may, on application made to it by petition concerning any matter whatsoever connected with the lunatic or his estate, make such order, subject to the provisions of this Chapter, respecting the application, as in the circumstances, it thinks fit

**Power to make
order concerning any
matter connected
with the lunacy**

Management and administration.

49. The Court may, if it appears to be just or for the lunatic's benefit, order that any property, moveable or immoveable, of the lunatic, and whether in possession, reversion, remainder, or contingency be sold, charged, mortgaged, dealt with or otherwise disposed of as may seem most expedient for the purpose of raising or securing or repaying with or without interest money to be applied or which has been applied to all or any of the following purposes, namely—

- (1) the payment of the lunatic's debts or engagements ;
- (2) the discharge of any incumbrance on his property ;
- (3) the payment of any debt or expenditure incurred for the lunatic's maintenance or otherwise for his benefit ;

**Power to dispose of
lunatic's property for
certain purposes.**

(4) the payment of or provision for the expenses of his future maintenance and the maintenance of such members of his family as are dependent on him for maintenance, including the expenses of his removal to Europe, if he shall be so removed, and all expenses incidental thereto ;

(5) the payment of the costs of any inquiry under this Chapter, and of any costs incurred by order or under the authority of the Court.

50. (1) The manager of the lunatic's estate shall, in the name and on behalf of the lunatic execute all such conveyances and instruments of transfer relative to any sale, mortgage or other disposition of his estate as the Court may order.

Execution of conveyances and powers by manager under order of Court

(2) Such manager shall, in like manner, under the order of the Court, exercise all powers whatsoever vested in a lunatic, whether the same are vested in him for his own benefit or in the character of trustee or guardian.

51. Where a person, having contracted to sell or otherwise dispose of his estate or any part thereof, afterwards becomes lunatic, the Court may, if the contract is such as the Court thinks ought to be performed, direct the manager of the estate to execute such conveyances and to do such other acts in fulfilment of the contract as it shall think proper.

Court may order performance of contract

52. (1) Where a person, being a member of a partnership firm, is found to be a lunatic, the Court may, on the application of the other partners, or of any person who appears to the Court to be entitled to require the same dissolve the partnership.

Dissolution and disposal of property of partnership on a member becoming lunatic

(2) Upon such dissolution, or upon a dissolution by decree of Court or otherwise by due course of law, the manager of the estate may, in the name and on behalf of the lunatic, join with the other partners in disposing of the partnership property upon such terms, and shall do all such acts for carrying into effect the dissolution of the partnership, as the Court shall think proper.

53. Where a lunatic has been engaged in business, the Court may, if it appears to be for the lunatic's benefit that the business premises should be disposed of, order the manager of the estate to sell and dispose of the same ; and the moneys arising from such sale shall be applied in such manner as the Court may direct.

Disposal of business premises

54. Where a lunatic is entitled to a lease or under-lease, and it appears to be for the benefit of his estate that it should be disposed of, the manager of the estate may, by order of the Court, surrender, assign or otherwise dispose

Manager may dispose of lease

of the same to such person for such valuable or nominal consideration, and upon such terms, as the Court thinks fit.

55. If a lunatic is possessed of any immoveable property situate beyond the local limits of the jurisdiction of the Court, which, by the law in force in the Province wherein such property is situated, subjects the proprietor, if disqualified, to the jurisdiction of the Court of Wards, the said Court of Wards may assume the charge of such property and manage the same according to the law for the time being in force for such management :

Provided that—

(1) in such case, no further proceedings in respect of the lunacy shall be taken under any such law, nor shall it be competent to the Court of Wards or to any Collector, to appoint a guardian of the person of the said lunatic or a manager of the estate except of the immoveable property which so subjects the proprietor as aforesaid :

(2) the surplus of the income of such property, after providing for the payment of the Government revenue and expenses of management, shall be disposed of from time to time in such manner as the High Court may direct :

(3) nothing contained in this section shall affect the powers given to the High Court by sections 49, 50 and 51 or (except so far as relates to the management of the said immoveable property which so subjects the proprietor as aforesaid) the powers given by any other section.

56. (1) If it appears to the Court, having regard to the situation and condition in life of the lunatic and his family and the other circumstances of the case, to be expedient that his property should be made available for his or their maintenance in a direct and inexpensive manner it may, instead of appointing a manager of the estate, order that the property if money or if of any other description the produce thereof, when realized, be paid to such person as the Court may think fit, to be applied for the purpose aforesaid.

(2) The receipt of the person so appointed shall be a valid discharge to any person who pays any money or delivers any property of the lunatic to such person.

Vesting Orders.

57. Where any stock or Government securities or any share in a company (transferable within British India or the dividends of which are payable there) is or are standing in the name of, or vested in, a lunatic, beneficially entitled thereto, or in a manager of the estate of a

Power to order transfer of stock belonging to lunatic, in certain cases

lunatic, or in a trustee for him, and the manager dies intestate, or himself becomes lunatic, or is out of the jurisdiction of the Court, or it is uncertain whether the manager is living or dead, or he neglects or refuses to transfer the stock, securities or shares, or to receive and pay over thereof the dividends to a new manager or as the Court directs, within fourteen days after being required by the Court to do so, then the Court may order some fit person to make such transfer, or to transfer the same, and to receive and pay over the dividends in such manner as the Court directs.

58. Where any such stock or Government securities or share in a company is or are standing in the name of, or vested in, any person residing out of British India and not in any part of the United Kingdom, the Court upon being satisfied that such person has been declared lunatic, and that his personal estate has been vested in a person appointed for the management thereof, according to the law of the place where he is residing, may order some fit person to make such transfer of the stock, securities or shares, or of any part thereof, to or into the name of the person so appointed or otherwise, and also to receive and pay over the dividends and proceeds as the Court thinks fit.

Power to order transfer of stock of lunatic residing out of British India, and United Kingdom

General.

59. If it appears to the Court that the unsoundness of mind of a lunatic is in its nature temporary, and that it is expedient to make temporary provision for his maintenance or for the maintenance of such members of his family as are dependent on him for their maintenance, the Court may, in like manner as under section 56, direct his property or a sufficient part of it to be applied for the purpose aforesaid.

Power to apply property for lunatics maintenance in case of temporary lunacy

60 (1) When any person has been found under this Chapter to be of unsound mind and it is subsequently shown to the Court that there is reason to believe that such unsoundness of mind has ceased, the Court may make an order for inquiring whether such person is still of unsound mind and incapable of managing himself and his affairs.

Proceedings in lunacy to cease or to be set aside if Court finds that the unsoundness of mind has ceased

(2) The inquiry shall be conducted as far as may be in the manner prescribed in this Chapter for an inquisition into the unsoundness of mind of an alleged lunatic; and if it is found that the unsoundness of mind has ceased, the Court shall order all proceedings in the lunacy to cease or to be set aside on such terms and conditions as to the Court may seem fit.

**Power of Court to
make rules**

61. The Court may, from time to time, make rules for the purpose of carrying into effect the provisions of this Chapter in matters of lunacy.

CHAPTER V.

PROCEEDINGS IN LUNACY OUTSIDE PRESIDENCY-TOWNS.

Inquisition.

62. Whenever any person not subject to the jurisdiction of any of the Courts mentioned in section 37 is possessed of property and is alleged to be a lunatic, the District Court within whose jurisdiction such person is residing may, upon application, by order direct an inquisition for the purpose of ascertaining whether such person is of unsound mind and incapable of managing himself and his affairs.

**Power of District
Court to institute in-
quisition as to persons
alleged to be lunatic**

63. (1) Application for such inquisition may be made by any relative of the alleged lunatic or by any public curator appointed under the Succession (Property Protection) Act, 1841 (hereinafter referred to as the curator), or by the Government Pleader, as defined in the Code of Civil Procedure, 1908, or if the property of the alleged lunatic consists in whole or in part of land or any interest in land, by the Collector of the district in which it is situate

**Application by whom
to be made**

(2) If the property or any part thereof is of such a description that it would by the law in force in any province where such property is situate subject the proprietor, if disqualified, to the jurisdiction of the Court of Wards, the application may be made by the Collector on behalf of the Court of Wards.

**Regulation of pro-
ceedings of District
Courts**

64. The provisions of sections 40, 41 and 42 shall regulate the proceedings of the District Court with regard to the matters to which they relate

**Inquisition by
District Court and
finding thereon**

65. (1) The District Court, if it thinks fit, may appoint two or more persons to act as assessors to the Court in the said inquisition.

(2) Upon the completion of the inquisition, the Court shall determine whether the alleged lunatic is of unsound mind and incapable of managing himself and his affairs or may come to a special finding that such alleged lunatic is of unsound mind so as to be incapable of managing his affairs but that he is capable of managing himself and is not dangerous to himself or to others.

66. (1) If the alleged lunatic resides at a distance of more than fifty miles from the place where the District Court is held to which the application is made, the said Court may issue a commission to any subordinate Court to make the inquisition, and such subordinate Court shall thereupon conduct the inquisition in the manner hereinbefore provided in this Chapter.

(2) On the completion of the inquisition, the subordinate Court shall transmit the record of its proceedings with the opinions of the assessors if assessors have been appointed, and its own opinion on the case; and the District Court shall thereupon proceed to dispose of the application in the manner provided in section 65, sub-section (2):

Provided that the District Court may direct the subordinate Court to make such further or other inquiries as it thinks fit before disposing of the application.

Judicial powers over person and estate of lunatic.

Custody of lunatics and management of their estates

67. (1) The Court may make orders for the custody of lunatics so found by inquisition and the management of their estates.

(2) When upon the inquisition it is specially found that the person to whom the inquisition relates is of unsound mind so as to be incapable of managing his affairs, but that he is capable of managing himself, and is not dangerous to himself or to others, the Court may make such orders as it thinks fit for the management of the estate of the lunatic including proper provisions for the maintenance of the lunatic and of such members of his family as are dependent on him for maintenance, but it shall not be necessary to make any order as to the custody of the person of the lunatic.

68. If the estate of a lunatic so found or any part thereof consists of property which, by the law for the time being in force, subjects the proprietor, if disqualified, to the jurisdiction of the Court of Wards, the Court of Wards shall be authorized to take charge of the same.

Court of Wards to be authorized in certain cases to take charge of estate of lunatic.

69. (1) If the estate of a lunatic so found consists in whole or in part of land or any interest in land, but is not of such a nature that it would subject the proprietor, if disqualified, to the jurisdiction of the Court of Wards, the District Court may direct the Collector to take charge of the person and estate of the lunatic:

Power to direct Collector to take charge of person and estate of lunatic in certain cases

Provided that no such order shall be made without the consent of the Collector previously obtained.

(2) The Collector shall thereupon appoint a manager of the estate, and may appoint a guardian of the person of the lunatic.

70. All proceedings of the Collector in regard to the person or estate of a lunatic under this Chapter shall be subject to the control of the Local Government or of such authority as it may appoint in this behalf.

Control over proceedings of Collector.

Power of District Court to appoint guardian and manager and take security from manager.

71. (1) In all other cases the District Court shall appoint a manager of the estate of the lunatic and may appoint a guardian of his person :

Provided that a District Court may, instead of appointing a manager of the estate of a lunatic, exercise any of the powers conferred on the High Court under sections 56 and 59.

(2) Any person who has been appointed by the District Court or Collector to manage the estate of a lunatic shall, if so required, enter into a bond in such form and with such sureties as to the Court or the Collector, as the case may be, may seem fit, engaging duly to account for what he may receive in respect of the property of the lunatic.

72. The legal heir of a lunatic shall not be appointed to be the guardian of the person of such lunatic unless the Court or the Collector, as the case may be, for reasons to be recorded in writing considers that such an appointment is for the benefit of the lunatic.

73. A guardian of the person of a lunatic or a manager of his estate appointed under this Chapter, shall be paid such allowance, if any, as the Court or the Collector, as the case may be, thinks fit for his care and pains in the execution of his duties.

Restriction on appointment of legal heir of lunatic to be guardian of his person

Remuneration of managers and guardians

74. (1) The person appointed to be guardian of a lunatic's person shall have the care of his person and maintenance.

(2) When a distinct guardian is appointed, the manager shall pay to the guardian such allowance as may be fixed by the District Court or the Collector, as the case may be, for the maintenance of the lunatic and such members of his family as are dependent on him for their maintenance.

75. (1) Every manager of the estate of a lunatic appointed as aforesaid may exercise the same powers in the management of the estate as might have been exercised by the proprietor if not a lunatic, and may collect and pay all just claims, debts and liabilities due to or by the estate of the lunatic :

Powers of manager.

Provided that no manager so appointed shall without the permission of the Court—

(a) mortgage, charge or transfer by sale, gift, exchange or otherwise any immoveable property of the lunatic,

(b) lease any such property for a term exceeding five years.

Such permission may be granted subject to any condition or restriction which the Court thinks fit to impose.

(2) Before granting any such permission, the Court may cause notice of the application for such permission to be served on any relative or friend of the lunatic, and may make or cause to be made such inquiries as to the Court may seem necessary in the interests of the lunatic.

76. (1) Every person appointed by the District Court or by the Collector to be manager of the estate of a lunatic shall, within six months from the date of his appointment, deliver in Court or to the Collector, as the case may be, an inventory of the immoveable property belonging to the lunatic and of all such money, or other moveable property, as he may receive on account of the estate, together with a statement of all debts due by or to the same.

(2) Every such manager shall also furnish to the Court or to the Collector annually, within three months of the close of the year of the era current in the district, an account of the property in his charge, exhibiting the sums received and disbursed on account of the estate and the balance remaining in his hands.

77. If any relative of the lunatic, or the Collector by petition to the Court, impugns the accuracy of the said inventory and statement, or of any annual account, the Court may summon the manager and inquire summarily into the matter and make such order thereon as it thinks fit; or the Court, at its discretion, may refer any such petition to any subordinate Court or to the Collector if the manager was appointed by the Collector.

78. All sums received by a manager on account of any estate in excess of what may be required for the current expenses of the lunatic or of the estate, shall be paid into the public treasury on account of the estate and shall be invested from time to time in any of the securities specified in section 20 of the Indian Trust Act, 1882, unless the Court or the Collector, as the case may be, for reasons to be recorded in writing, directs that such sums be in the interest of the lunatic otherwise invested or applied.

79. Any relative of a lunatic may, with the leave of the District Court, sue for an account from any manager appointed under this Chapter, or from any such person after his removal from office or trust, or from his legal representative in case of his death, in respect of any estate then or formerly under his care or management or of any sums of money or other property received by him on account of such estate.

80. (1) The District Court, for any sufficient cause, may remove any manager appointed by it not being the Curator, and may appoint such Curator or any other fit person in his place, and may compel the person so removed to make over the property in his hands to his successor, and to account to such successor for all money received or disbursed by him.

(2) The Court may also, for any sufficient cause, remove any guardian of the person of the lunatic appointed by it and may appoint any other fit person in his place.

(3) The Collector, for any sufficient cause, may remove any manager of the estate of a lunatic or guardian of the person of a lunatic appointed by him, and may appoint any other fit person in place of such manager or guardian; and the District Court, on the application of the Collector, may compel any manager removed under this section to make over the property and all accounts in his hands to his successor and to account to such successor for all money received or disbursed by him.

81. The District Court may impose a fine not exceeding five hundred rupees on any manager of the estate of a lunatic who wilfully neglects or refuses to deliver his accounts or any property in his hands within the time fixed by the Court, and may realize such fine as if it were a sum due under a decree of the Court, and may also commit the recusant to the civil jail until he delivers such accounts or property.

82. (1) When any person has been found under this Chapter to be of unsound mind, and it is subsequently shown to the District Court that there is reason to believe that such unsoundness of mind has ceased, such Court may make an order for inquiring whether such person is still of unsound mind and incapable of managing himself and his affairs.

(2) The inquiry shall, as far as may be, be conducted in the same manner as is prescribed in this Chapter for an inquisition into the unsoundness of mind of an alleged lunatic, and if it is found that the unsoundness of mind has ceased the Court shall order all proceedings in the lunacy to

cease or to be set aside on such terms and conditions as to the Court may seem fit

Appeals

83. An appeal shall lie to the High Court from any order made by a District Court, under this Chapter

PART IV.

MISCELLANEOUS

CHAPTER VI

ESTABLISHMENT OF ASYLUMS.

Local Government may establish or license the establishment of asylums

84 The Local Government may establish or license the establishment of asylums at such places as it thinks fit

Provision for admission of lunatics in asylums outside a province

85 The Governor-General in Council may by any general or special order direct that Magistrates or Courts exercising jurisdiction in any province may send lunatics or any class of lunatics to any asylum situate in any other province

CHAPTER VII

EXPENSES OF LUNATICS

Payment of cost of maintenance in licensed asylums in certain cases by Government

86 (1) When any lunatic is admitted to a licensed asylum under a reception order or an order under section 25 and no engagement has been taken from the friends or relatives of the lunatic or order made by the Court for the payment of expenses under the provisions of this Act, the cost of maintenance of such lunatic shall, subject to the provision of any law for the time being in force, be paid by the Government to the person in charge of such asylum

(2) The Paymaster of the military circle within which any asylum is situated shall pay to the officer in charge of such asylum the cost of maintenance of every lunatic received and detained therein under an order made under section 12

Application of property in the possession of a lunatic found wandering.

87 Any money in the possession of a lunatic found wandering at large may be applied by the Magistrate towards the payment of the cost of maintenance of the lunatic or of any other expenses incurred on his behalf, and any moveable property found on the person of the lunatic

may be sold by the Magistrate and the proceeds thereof similarly applied.

88. If a lunatic detained in an asylum on a reception order made under section 14, section 15 or section 17 has an estate applicable to his maintenance, or if any person legally bound to maintain such lunatic has the means to maintain him, the authority which made the reception order or any local authority liable for the cost of maintenance of such lunatic under any law for the time being in force may apply to the High Court or District Court within the local limits of the original jurisdiction of which the estate of the lunatic is situate or the person legally bound to maintain him resides, for an order for the payment of the cost of maintenance of the lunatic.

Application to Civil Court for order for the payment of cost of maintenance out of the lunatic's estate, or by person bound to maintain him

89 (1) The Court shall inquire into the matter in a summary way, and on being satisfied that such lunatic has an estate applicable to his maintenance, or that any person is legally bound to maintain and has the means of maintaining such lunatic, may make an order for the recovery of the cost of maintenance of such lunatic together with the costs of the application out of such estate or from such person.

Order of Court and enforcement thereof

(2) Such order shall be enforced in the same manner, and shall be of the same force and effect and subject to the same appeal as a decree made by the said Court in a suit in respect of the property or person therein mentioned.

Saving of liability of relatives to maintain lunatic

90. The liability of any relative or person to maintain any lunatic shall not be taken away or affected by any provision contained in this Act.

CHAPTER VIII.

RULES.

91 (1) Subject to the control of the Governor-General in Council, the Local Government may make rules for all or any of the following purposes, namely:—

Power of Local Government to make rules

- (a) to prescribe forms for any proceeding under this Act other than a proceeding before a High Court which is or may hereafter be established under the Indian High Courts Acts, 1861 to 1911;
- (b) to prescribe places of detention and regulate the care and treatment of person detained under section 8 or section 16;

- (c) to regulate the confinement, care, treatment and discharge of criminal lunatics ;
 - (d) to regulate the management of asylums and the care and custody of the inmates thereof and their transfer from one asylum to another ;
 - (e) to regulate the transfer of criminal lunatics to asylums ;
 - (f) to prescribe the procedure to be followed by District Courts and Magistrates before a lunatic is sent to any asylum established by Government ;
 - (g) to prescribe the asylums established by Government within the province to which lunatics from any area or any class of lunatics shall be sent ;
 - (h) to prescribe conditions subject to which asylums may be licensed ,
 - (i) save as otherwise provided in this Act, generally to carry into effect the provisions of the Act.
- (2) In making any rule under this section the Local Governments may direct that a breach of it shall be punishable with fine which may extend to fifty rupees.

92. All rules made under section 91 shall be published in the local official Gazette and shall thereupon have effect as if enacted in this Act.

CHAPTER IX

SUPPLEMENTAL PROVISIONS

Penalty for improper reception or detention of lunatic

93. Any person who—

- (a) otherwise than in accordance with the provisions of this Act receives or detains a lunatic or alleged lunatic in an asylum, or
- (b) for gain detains two or more lunatics in any place not being an asylum, shall be punishable with imprisonment which may extend to two years or with fine or with both

94. The provisions of Chapter XLII of the Code of Criminal Procedure, 1898, shall, so far as may be, apply to bonds taken under this Act.

95. (1) When any sum is payable in respect of pay, pension, gratuity or other similar allowance to any person by Government and the person to whom the sum is payable is certified by a Magistrate to be a lunatic, the Government officer under whose authority such sum would be payable if the payee were not a lunatic may pay so much of the said sum as he thinks fit to the

Pension of lunatic payable by Government

person having charge of the lunatic, and may pay the surplus, if any, or such part thereof as he thinks fit for the maintenance of such members of the lunatic's family as are dependent on him for maintenance.

(2) The Secretary of State for India in Council shall be discharged of all liability in respect of any amounts paid in accordance with this section.

96. Subject to any rules, the forms set forth in the first Schedule, with such variation as the circumstances of each case may require, shall be used for the respective purposes therein mentioned, and if used shall be sufficient.

Use of forms in Schedule

Protection to persons acting under Act.

Act.

97. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

98. Any officer in charge of an asylum may give effect to any order or warrant for the reception and detention of any lunatic made or issued by any Court or tribunal beyond the limits of British India in the exercise of jurisdiction conferred by His Majesty or the Governor-General in Council.

Power to give effect to warrants and orders of certain Courts outside British India.

General in Council.

Power to make rules for reception of lunatics received from outside British India.

99. The Governor-General in Council may make rules regulating the procedure for the reception and detention in asylums in British India of lunatics whose reception and detention are provided for by section 98.

100. (1) In the case of orders made before the commencement of this Act under section 7 of the Indian Lunatic Asylums Act, 1858, for the reception of persons into an asylum, the persons who signed the order shall have all the powers and be subject to the obligations by this Act conferred or imposed upon the petitioner for a reception order, and the provisions of this Act relating to persons upon whose petition a reception order was made shall apply in the case of a person who has signed an order, under section 7 of the Indian Lunatic Asylums Act, 1858, before the commencement of this Act, as if the order had been made after the commencement of this Act upon a petition presented by him.

Orders under repealed Acts.

(2) All orders for the detention of lunatics made and all undertakings given under any enactment hereby repealed shall have the same force and effect as if they had been made or given under this Act and by or to the authority empowered thereby in such behalf.

Repeal of enactments.

101. The enactments mentioned in the Second Schedule are repealed to the extent specified in the fourth column thereof.

SCHEDULE I.

FORMS.

(See section

FORM 1.

See page *

FORM 2.

See page *

Reception order on Petition.

(See sections 7, 10.)

FORM 3.

See page *

Medical Certificate.

(See sections 18, 19.)

FORM 4.

Reception Order in case of Lunatic Soldier.

See page *

(See section 12.)

FORM 5.

Reception Order in case of wandering or dangerous lunatics or lunatics not under proper control or cruelly treated (sent to an asylum established by Government).

See page *

(See sections 14, 15, 17.)

FORM 6.

Same when sent to a licensed asylum.

I, C. D., [as above down to "care and treatment"] and being satisfied with the engagement entered into in writing by G. H. of [here insert address and description] who has desired that the said A. B. may be sent to the asylum at [here insert description of asylum and name of the person in charge] to pay the cost of maintenance of the said A. B., in the said asylum, hereby authorize you to receive the said A. B. into your asylum.

(Sd.) C. D.

Designation as above.

Dated the

To the person in charge of the asylum at

FORM 7.

Bond on the making over of a lunatic to the care of relative or friend.

(See sections 14, 15, 17.)

Whereas A. B., son of , inhabitant of , has been brought up before C. D., a Presidency Magistrate for the town of [or Commissioner of Police for] [or the District Sub-divisional Magistrate of , or a Magistrate of the first class specially empowered under Act of 1912] and is a lunatic who is believed to be dangerous [or deemed to be a lunatic who is not under proper care and control or is cruelly treated or neglected by the person having the charge of him] and whereas I, E. F., son of , inhabitant of , have applied to the Magistrate [or Commissioner of Police] that the said A. B. may be delivered to my care :

I, E. F., abovenamed hereby bind myself that on the said A. B. being made over to my care, I will have the said A. B. properly taken care of and prevented from doing injury to himself or to others : and in case of my making default therein, I hereby bind myself to forfeit to His Majesty the King-Emperor of India, the sum of rupees

Dated this day of 19.

(Signed) E. F.

(Where a bond with sureties is to be executed add)—We do hereby declare ourselves sureties for the abovenamed E. F. that he will, on the aforesaid A. B. being made over to his care, have the said A. B. properly taken care of and prevented from doing injury to himself or to others ; and in case of the said E. F. making default therein, we bind ourselves, jointly and severally, to forfeit to His Majesty the King-Emperor of India, the sum of rupees

Dated this day of 19

(Signature.)

FORM 8.

Bond on the discharge of a lunatic from an asylum on the undertaking of relative or friend to take due care.

(See section 33)

Whereas A. B., son of , inhabitant of , is a lunatic who is now detained in the asylum at under an order made by C. D., a Presidency Magistrate for the town of [or Commissioner of Police for] [or the District Sub-divisional Magistrate of , or a Magistrate of the first class specially empowered under Act of 1912] under section 14 [or section 15] of Act of 1912 and whereas I, E. F., son of , inhabitant of , have applied to the said Magistrate [or Commissioner of Police] that the said A. B. may be delivered to my care and custody :

I hereby bind myself that on the said A. B. being made over to my care and custody, I will have him properly taken care of and prevented from doing injury to himself or to others ; and in case of my making default therein, I hereby bind myself to forfeit to His Majesty the King-Emperor of India, the sum of rupees

Dated this day of 19

(Sd.) E. F.

(Where a bond with sureties is to be executed add)—We do hereby declare ourselves sureties for the abovenamed E. F. that he will, on the aforesaid A. B. being delivered to his care and custody, have the said A. B. properly taken care of and prevented from doing injury to himself or to others; and in case of the said E. F. making default therein, we bind ourselves, jointly and severally, to forfeit to His Majesty the King-Emperor of India, the sum of rupees

Dated; this day of 19

(Signature.)

SCHEDULE II.

ENACTMENTS REPEALED.

(See section 101.)

1	2	3	4
Year.	Number.	Short title.	Extent of Repeal.
1858 ...	XXXIV	Lunacy (Supreme Courts) Act, 1858	So much as has not been repealed.
1858 ...	XXXV	Lunacy (District Courts) Act, 1858	Do.
1858 ...	XXXVI	Indian Lunatic Asylums Act, 1858	Do.
1877 ...	XI	Military Lunatics Act, 1877	Do.
1886 ...	XVIII	Indian Lunatic Asylums Act (1858) Amendment Act, 1886	Do.
1889 ...	XX	Indian Lunatic Asylums Act (1858) Amendment Act, 1889	Do.
1894 ...	XIII	Amending (Army) Act, 1894	So much as relates to the Military Lunatics Act, 1877.
1898 ...	V	Code of Criminal Procedure, 1898	Section 471, sub sections (2) and (3) and section 472.
1909 ...	V	Amending (Army) Act, 1909	So much as relates to the Military Lunatics Act, 1877.

PART V

MILITARY INSANES.

Medical Officers are not empowered by any regulation to send patient to the lunatic asylum for "observation."

Native Soldiers on being declared insane should be discharged from the Army and thereafter handed over to the Civil Authorities to be dealt with as Civil Lunatics

G O No 897, Public, dated 6th September 1902

* Native Soldiers

If a person subject to the I A W is suspected of insanity, the Officer Commanding will report the case to the Brigade Commander who will direct the examination of the individual by a board composed, if practicable, of two Medical Officers, otherwise by the man's D. C. Commander (O. C. in the case of a departmental follower) and the Officer in medical charge. If pronounced insane, he will be discharged by the authority prescribed in the I. A. W. and handed over with his discharge document to the Civil power, or, if harmless, to his friends or relations.

A R I Vol. II
Para. 58
Native Soldiers

Insane wives or children of soldiers will, when necessary, be dealt with under the Civil Lunacy Act. Forms I, II & III of Act IV of 1912 will be used for admission to an asylum.

A R I, Vol VI
Para 91
* Relatives of British Soldier

British insane Officers, Non-Commissioned Officers and Soldiers are admitted into and discharged from lunatic asylums under section 12 of Act 4 of 1912.

British Officers and Soldiers.

For rules relating to Military insanes, see Army Regulations, India—

Vol. I, paras. 375 and 606.

Vol. II, paras. 656, 657 and 658.

Vol. VI, paras. 86 (c), 87, 88, 89, 90 & 91.

Vol. X. paras. 92 and 100.

** N.B.—Insane Native Soldiers and insane relatives of a British Soldier will in almost every case possess relations and, therefore, come under the rules for "Private Patients." (See Section I of this manual.)*

The following papers must accompany insanes, according to Regulations:—

Commissioned and Departmental Warrant officers—

A. R. I., Vol. VI,
Para. 98 (c)

(1) Statement of case I. A. F. M. 1243 & A. F. B. 183 both in duplicate.

(2) Lunacy Certificates. I. A. F. M. 1244 in duplicate.

Regimental Warrant and Non-Commissioned Officers, and Soldiers

(1) Return of Invalids. A. F. B. 172 in duplicate.

(2) Detailed Medical History Sheet. A. F. B. 179 in duplicate.

(3) Statement of case. A. F. B. 183 in duplicate.

(4) Medical History Sheet. A. F. B. 178.

(5) Lunacy Certificate. I. A. F. M. 1244 in duplicate.

The necessary warrant for the reception of a Military insane to be given by the Commanding Principal Medical Officer is in Form IV, Act IV of 1912 (page 92.)

An officer, while a patient in a lunatic asylum in India, is considered as on leave on medical certificate. From his pay, which is drawn monthly, the cost of maintenance will be deducted and paid to the Superintendent of the Asylum: the balance being disposed of under the orders of the Secretary to the Government of India, Army Department

An insane Soldier is entitled to his gross pay (but no allowance in lieu of his rations) less the cost of his maintenance at eight annas per diem at Colaba and at rupees twelve per mensem at Calcutta or Madras for the period he may be in a lunatic asylum and up to the day he embarks for England.

Instructions regarding the disposal of British insanes are contained in A. R. I., Vol. VI, and the regulations for the discharge of soldiers of the British forces serving in India.

When an insane officer is sent home a report of the name and probable date of arrival of the ship in which he sails and the address of his friends should be sent by the Divisional Commander to the Government of India in time to allow of arrangements being made before the officer reaches England.

An insane officer should not be granted any definite period of leave, but immediately on his being invalided the statement of his case (I. A. F. M. 1243) together with A. F. B. 183 and I. A. F. M. 1244 should be sent by

the Divisional Commander to the Under-Secretary of State, India Office, accompanied by a special report.

Officers of the I. A. and I. M. S., who have been pronounced insane, will not be allowed to return to duty in India.

Free passage is authorised for any officer of the British and Indian services, departmental officer with honorary rank and warrant officer, British soldier, and member of a British soldier's family, declared insane, when proceeding to the United Kingdom in addition to the attendant allowed by paragraph 100, accompanying them to a port of embarkation or asylum on the recommendation of a medical board.

A. R. I. Vol. X
Para. 92.

Special attendants are allowed in the following cases :—

(a) When the medical authorities certify that a sick officer or a sick member of his family, proceeding to the United Kingdom or the Colonies, requires special care, an extra native servant, or in the case of an officer a British soldier attendant may be given free passage by rail and river to the port of embarkation.

A. R. I. Vol. X
Para. 100

(b) When an officer, warrant officer or British soldier, or the wife or child of a departmental officer with honorary rank, warrant officer, or British soldier, conveyed at the public expense, is invalided to the United Kingdom on account of serious illness, and a medical board declares it to be necessary that a special attendant (or when despatched by private vessel, two such attendants, except in the case of a child) should accompany the invalid, these attendants will be given free passage by road, rail, river and sea, and return passage, if required. The attendants, or one of them, may be the patient's wife or husband, or in the case of a child either parent, and will be accommodated in the same class as the patient.

(c) When an officer is invalided to the United Kingdom on account of insanity, and a medical board declares it to be necessary that an attendant should accompany him, the latter may be given free passage by road, rail, river, and sea, and a return passage, if required. If the insane officer proceeds by private vessel, and the medical board certifies that the only attendant by whom the patient can be effectively controlled is a particular friend, a first class passage may be given; otherwise a second class passage, on the homeward journey only, is allowed.

(d) A female insane proceeding from the asylum at Calcutta to Bombay *en route* to the United Kingdom may be accompanied by a special attendant, who will be granted a free rail passage to Bombay and a return passage if desired.

(e) When a medical officer certifies that it is necessary that a sick, hospital assistant, native soldier, recruit or pension boy, or public follower, who is entitled to passage at the public expense should have special attendance on the journey to his home, one soldier or follower attendant may be authorized by the Officer Commanding the station, and when in special cases two such attendants are certified to be necessary, they may be authorised by the Brigade Commander, the sanction being published in station brigade orders. These attendants will be given passage by the same mode of conveyance and to the same place as the individual they accompany, and a return passage to their original station under the ordinary rules for men travelling on duty. A native officer or hospital assistant may be permitted to take his servant as an attendant, but in this case return passage will not be given.

For procedure in case of an European officer or soldier declared lunatic, and for procedure regulating discharge and payment of maintenance expenses, see section 12, Act 4 of 1912.

No Officer, Warrant Officer, or Soldier who has developed insanity will be permitted to have arms in his possession or to have access to them on any account whatever, and further no British soldier who may have recovered from insanity will be permitted to have arms pending his transfer to England.

The Government has no power to transmit a Military convict sentenced by the Civil Power from a Lunatic Asylum (whether he has been sent from jail) to a prison in England

G O No 728 12th
March 1888

In the case of Military Pensioners, so much of the pension as will meet the cost of maintenance should be deducted, subject to the condition, that where there is a family dependent on him, they should be allowed at least a moiety of it. The pension will be drawn monthly by the Superintendent of the Asylum from the Pension Pay-Master of the Command

G O No 805, Judicial
of 9th May 1891

Should he be discharged, he will be entitled to any balance of his pension that may remain after deducting the maintenance cost.

In all cases the Asylum Authorities should be asked whether accommodation is available and as far as possible due notice given of time of arrival so that arrangements for diet may be made.

All documents received with Military patients will be returned on their discharge or death to the District Military Authorities

See reverse I A F
M 1246

The property of Military Lunatics is dealt with under Act XIV of 1873 as amended by Act XVI of 1874

ACT XIV OF 1873, AS AMENDED BY ACT XVI OF 1874.

Property of Lunatic Soldiers.

An Act to provide for the security and application of the effects of officers and soldiers becoming insane on service, but not removed, put on half-pay or discharged.

Whereas it is expedient to provide for the security and application of the effects of officers and soldiers becoming insane on service, but not removed, put on half-pay or discharged.

It is hereby enacted as follows :—

Short title. 1. This Act may be called "The Lunatic Soldier's Property Act, 1873."

Local extent It extends to the whole of British India, and so far as regards subjects, of His Majesty to the Dominions of Native Princes and States in India in alliance with His Majesty.

Commencement (Repealed by Act XVI of 1874)

Interpretation clause 2. In this Act :—

"Officer" means a Commissioned officer of His Majesty's Army or of His Majesty's Indian Army; and "Soldier" means a soldier of His Majesty's Army or a European Soldier of His Majesty's Indian Army, including a Warrant and a Non-Commissioned officer.

3. When an Officer or Soldier becomes insane on service, but is not removed, put on half-pay, or discharged, on the ground of insanity, such Committee of officers as the Governor-General in Council may, from time to time prescribe, shall immediately secure all such of his effects as are within the territories to which this Act extends.

4. Such effects shall be liable to be applied in or towards payment of any expenses necessarily incurred in the maintenance and removal of such officer or soldier to any place in India, and of any such expenses and debts incurred and owing by him as would, under Part I of the Regimental Debts Act, 1863, be preferential charges on his moveable property in case he had died on service, with the like preference in the like order and subject to the like provision for decision of doubt, or difference, as would in that case apply, as nearly as may be *mutatis mutandis*.

26 and 27 Vic.
Chapter 57.

5. If any person, who would, if such officer or soldier were dead, be entitled to take out representation to him (otherwise than as a creditor), or his wife (if any), or any near relative, pays in full the expenses and debts aforesaid, the said Committee shall not further interfere in relation to the property.

6. If such payment is not made, then, within one month after the insanity is known at the quarters where the property is, the said Committee may sell and convert into money such part of the property as they think fit, and after paying out of the proceeds the expenses attending the discharge of their duties shall pay thereout the expenses and debts aforesaid, and shall dispose of any property then remaining in their hands in such manner as may, from time to time, be prescribed by the Governor-General in Council, or by such officer as he appoints in this behalf, to the end that the same may be applied for the benefit of the officer or soldier to whom it belongs.

7. Every payment or application of money, and every sale or other disposition of property made by any Committee in pursuance of this Act, shall be valid as against all persons whomsoever.

And every officer belonging to any such Committee shall be discharged from all liability in respect of the money or other property so paid, applied or disposed of.

8. The Governor-General may, from time to time, prescribe such regulations as may seem fit for the better execution of any of the purposes of this Act.

For Foreign Stations

RETURN OF INVALIDS

[illegible]

Approved

_____ * *M O in charge*
 _____ * *O C Corps*
Station _____ *Date* _____ 191____

* When used as a Nominal Roll for transports,
 these signatures to be omitted

Bd. on Divl P M O	}	_____	President.
		_____	Members.
		Station _____	Date _____ 191

RETURN OF INVALIDS

Corps _____

Station _____

Date _____ 191

Name of Ship _____

Date of Embarkation _____

Name and Rank of Medical Officer in Charge
of Invalids on Board _____*Ordinary Invalids*

One copy for each corps will be sent (with A. F. B178 and 179) with the invalids to the M. O. in charge, Deolali, who will prepare, on this form, continuous nominal rolls (one for R. A. and one for other corps) of invalids embarking, and hand them (with A. F. B178 and 179) to the officer proceeding home in medical charge, to be made over to the P. M. O. at Netley, or Woolwich as the case may be. [The copies of this return received at Deolali from hospitals will be sent to the P. M. O., Western Command, for record.]

Insane

Two copies required for each insane to be disposed of according to the instructions on I. A. F. M1246. All documents will be endorsed "Insane" in red ink on the upper right hand corner.

MEDICAL HISTORY OF

A. F. B178.
Gratia.

Surname _____ Christian Name _____

TABLE I.—General Table

Examined { on _____ day of _____ 190
 { at _____

Birthplace { Parish _____
 { County _____

Declared Age _____

Trade or Occupation _____

Height _____ Feet Inches

Weight _____ lbs

Chest Measure { Minimum _____ inches
 { Maximum _____
 { expansion _____ inches

Physical Development _____

Small Pox Marks _____

Vaccination { Arm * Right _____ Left _____
 { Number _____

When Vaccinated _____

(a) Marks indicating congenital peculiarities or previous disease _____

(b) Slight defects but not sufficient to cause rejection _____

TABLE II.—Service Table.

Station or Troop ship	Date of arrival or embarkation.	Date of departure or disembarkation.

TABLE III.—Boards; Courts of Enquiry, Vaccination, Inoculations, etc., Examinations for Field or Foreign Service, Extension, Re-engagement, or Prolongation of Service; Issue of Surgical Appliances, etc.

Approved by _____
(Rank) _____

Medical Officer

Enlisted at _____
on _____ day of _____ 190 _____

Joined on enlistment Corps. Regt No
Transferred to { _____
 { _____
 { _____

Became non effective by _____

on _____ day of _____ 190 _____

(Signature) _____

(Rank) _____

Date _____ Brief details and signature.

DETAILED MEDICAL HISTORY OF AN INVALID.

Station _____

Date _____

- | | | | |
|-------------------------|------------|----------------------------------|---|
| 1. Regiment
or Corps | } | 2. Regimental No.
and Rank | } |
| 3. Name | | 4. Age last Birthday | |
| 5. Enlisted | { on
at | 6. Former Trade
or Occupation | } |

Before making out this report read the following note carefully.

NOTE.—The answers to the following questions are to be filled in by the Medical Officer by whom the soldier is brought forward. As the object of these questions is, in the event of the man being invalided, to put the Commissioners of Chelsea Hospital in possession of the most reliable information grounded on the opinion of those best capable of judging, so as to guide them in deciding upon the man's claim to pension, clear and decisive answers must in all cases be given.

7. Disease or Disability.

In answering the following questions the Medical Officer will carefully discriminate between the man's unsupported statements on his case, and recorded evidence furnished by his documents, military and medical. He will also carefully discriminate cases entirely due to venereal disease.

8. When did the disease or disability originate?
9. Where?
10. State the cause clearly and explicitly?
11. What is his present condition?
12. If it is the result of service, to what military conditions do you attribute it?
13. Is it the result of climate?
14. Has the disease been aggravated by—
(a) Intemperance,
or
(b) Misconduct?

NOTE.—When a soldier is proposed for invaliding on account of epilepsy, a certificate from medical officer to the effect that he has seen him in a true epileptic fit should be attached.

15. If the disability is a wound or other injury, was it caused—

- (a) In action?
- (b) On field service?
- (c) On duty?
- (d) Off duty?

16. Was a Court of Inquiry held on the injury?

If so—

- (a) When?
- (b) Where?

17. If the disability is the result of exposure on duty, what was the exposure, and was it exceptional?

(Enteric fever, dysentery, etc., contracted when on service abroad, is to be regarded as caused by military duty.)

18. Has the disability been aggravated by military service? If so, how?

19. Is the disability permanent?

20. If not permanent, what is its probable minimum duration?

(To be stated in months, e.g., "at least 6 months.")

21. To what extent is his capacity for earning a full livelihood in the general labour market lessened at present?

(In defining the extent of his inability to earn a livelihood, please estimate it at $\frac{1}{4}$, $\frac{1}{2}$, $\frac{3}{4}$, or total incapacity.)

22. Was any special treatment employed?

23. Was an operation performed?

24. Was an operation advised and declined?

(a) Was the refusal unreasonable?

25. In cases of loss or decay of teeth—

(a) If the patient has been offered artificial teeth, and has he accepted them?

b) Do you consider that the supply of artificial teeth would have rendered him efficient?

(c) Whether the result of wounds, injury, or disease is directly attributable to active service, thus rendering him eligible for artificial teeth on discharge?

26. Do you recommend him for—

(a) Discharge, as permanently unfit
or

(b) For change to England?

27. In the case only of men who served in South Africa between the 11th October 1899 and 31st May 1902—Did you receive any hospital treatment in South Africa during the Transvaal War; if so, for what diseases, in what hospitals, and at what approximate dates?

Medical Officer in charge of case.

I have satisfied myself of the general accuracy of this report, and concur therewith except* _____

Station _____

Date _____

Medical Officer in charge of Hospital.

* Delete this word if no exceptions are to be made.

OPINION OF THE MEDICAL BOARD.

In which the Board will state how far it concurs in the above report, and give any further particulars it may deem necessary to enable the Commissioners to come to a just decision on the case.

The Board having examined No _____ Rank _____

Name _____ Corps _____

Signatures —

President.

Station _____

Date _____

Members

Note.—If the Board declare a soldier to be insane, they will state (a) if harmless, or otherwise, (b) if a fit case for early removal to an asylum, or detention at his station until the trooping season, (c) if one, or two attendants will be necessary for the homeward voyage. Every soldier who has been declared insane must be invalided to England.

APPROVED

Station _____

Date _____

*Brigade
Divisional P. M. O.*

(On leaving Corps or Station where invalided.)

Transfer { Date _____
Station _____ } Conveyance { Vessel _____
or { Date _____
Embarkation { Post _____ } Medical Officer _____

Brief Remarks on Case during transit, and state on transfer for final disposal.

Re-transferred. { Date _____
Hospital or Station _____ } Medical Officer _____

(At Station or Hospital where finally disposed of.)

Station and Hospital { Arrived from _____
Date _____

IF ADMITTED.	IF UNDER TREATMENT		Disease.	How finally disposed of	Date of discharge, etc.
	Index No.	From To			
Date					

Summary of causes of invaliding, or remarks as to remand to Regiment, Station or Depot.

Date of final Medical Board or decision.

P. M. O.

A. F. B179.

DETAILED MEDICAL HISTORY OF INVALID

Station _____
Corps _____
Regimental No. _____ Rank _____
Name _____
Disability _____
Date _____

Hospital or Station transferred to for final disposal. { _____
Date of final disposal _____
How finally disposed of _____

The decision of the Board will be communicated to the O. C. Corps.

Two copies required—to be attached, with A. F. B178, to A. F. B172.

In the case of insanes, the above documents, lunacy certificates, and A. F. B183, will be sent to the Command or independent divisional P. M. O for orders.

When invalids elect to proceed to the Colonies or remain in India, two copies, with A. F. B178, will be sent to the O. C. Corps for disposal. In the case of the death of an invalid, two copies will be completed and forwarded with the next return of sick to the Command or independent divisional P. M. O.

A. F. BISS.
Modified for India.
Gratis.

DETAILED INFORMATION ON A CASE OF MENTAL DISABILITY.

1 Regimental Number

Surname

Rank.

2 Regiment or Corps

Christian name

3 Age last birthday.

Religion

4 Place of birth

5. Married or single.

6. Names and addresses of nearest surviving relatives

7—Service	Years	Days
STATIONS, <i>viz.</i> — Home, Mediterranean, India, China, Ceylon, Mauritius, Cape, West Indies, Canada, to be entered below in the order of Service.	PERIODS	
	From	To

The answers to the following questions will be in the handwriting of the Medical Officer in charge of the case :—

8 Character, special regard being paid as to whether temperate or otherwise

(For guidance in forming an opinion the Co-Defaulter Sheet will be obtained from the soldier's O. C.)

9 Form of mental disease.

10. Whether a first attack!

11. Duration of present attack

12. Whether the attack was sudden or insidious? If the latter, mention any peculiarity of behaviour or change in habits which preceded it.

13. Whether insanity was preceded or accompanied by any particular illness, as fever, rheumatism, syphilis, etc.
14. What are the supposed causes (moral or physical) of the attack? Whether the patient has suffered from sunstroke, concussion, or injury of the head?
15. Has the disability been caused or aggravated by his service as a soldier?
16. Whether any hereditary predisposition exists.
17. What are the particular ideas or actions which have induced the belief of insanity?
 (a) Observed by you.
 (b) Communicated to you by others.
18. Whether the disease is complicated with epilepsy, paralysis, or homicidal or suicidal impulses? If suicidal tendency exists, the way in which self-destruction has been attempted should be stated.
19. Whether the patient is noisy, dangerous, mischievous, or given to steal? Whether his habits are cleanly or the reverse?
20. What treatment has been adopted since the invasion of disease?

Station _____

Date _____

M. O. in charge of the case.

The P. M. O.

Brigade

Division

Station _____

Date _____

O. C. Station Hospital _____

The

P. M. O. _____

Two copies required, to be forwarded with the other Medical documents for the orders of the command P. M. O. or P. M. O., India.

CONFIDENTIAL

(See instructions on reverse).

I. A. F. M 1243
Gratis.

Proceedings of a Board of Medical Officers assembled

at _____ on the _____ day of _____ 19 _____

by order of _____

to report on the state of health of (Rank) _____

(Name) _____

(Corps or Department) _____

PRESIDENT _____

MEMBERS { _____

The Board having carefully examined _____

_____ and perused the statement of
case and medical certificate hereinafter following,

find that* _____

The Board recommend that he be granted leave to

proceed to _____

for _____

(Period of leave to be entered in years, months and days.)

* State the opinion of Board on the disability and how far it is the result of climate and duty (if specially liable to it in consequence of service abroad, it is to be regarded as caused by duty). If due to intemperance, the Board will only recommend that the individual should periodically appear before a fresh Board or that the case should be treated as one of discipline. In the case of an insane, state if harmless or otherwise, and if a fit case for early removal to an asylum, or detention in the station until the trooping season.

† The place in, or out of, India to which change is considered absolutely necessary for recovery. Leave to Europe during the non-trooping season will not be recommended to those entitled to travel at the public expense, if they can remain in India until the next trooping season without undue risk, but as regards extreme cases see para. 69, Vol. X.

‡ The period recommended should not exceed that authorized, in the first instance, under the rules applicable to the individual. No period will be stated in the case of officers of the unattached list.

§ Leave to Europe is recommended, state the route and whether the invalid is fit for duty with troops on the voyage.

When an invalid is incapable of managing his or her own affairs the fact will be noted, also whether a special attendant or attendants are needed, see para. 100, Vol. X. In the case of an insane, the description of special accommodation (if any), and attendant or escort required should be noted.

In the case of schoolmasters, school mistresses, and armourer-sergeants sent for change to the hills, the Board will state, if they are fit for duty there.

Approved.

P. M. O. _____

President._____
Members.

INSTRUCTIONS.

I. The finding of the Board will be communicated to the O. C., or Head of Department concerned.

II (a) One copy required (except in the particular cases noted below) for British officers, departmental warrant officers, and lady nurses; to be sent by the President of the Board for approval to the local P. M. O., who will before transmitting the document to the sanctioning authority concerned for disposal, inform the invalid in writing as to the amount, and other necessary particulars of the leave recommended. The invalid will then submit an application for the leave, and the proceedings of the Board will be attached to it in due course by the sanctioning authority concerned.

(b) In the case of members of the I. M. S. and I. S. M. D. a second copy of the Board's proceedings is required for the D. G., I. M. S.

(c) The medical attendant will give the patient a manuscript abstract of the case containing only such particulars as may be essential for the guidance of future medical attendants; a copy of this form will under no circumstances be given to the patient.

(d) When an invalid is incapable of managing his or her own affairs for reasons other than insanity, the medical attendant's abstract of case will be sent with the invalid for safe-keeping, or handing over, as required.

(e) In the case of an insane officer, or departmental warrant or N. C. officer, two copies of this form (with A. F. B183, and lunacy certificates) will be forwarded to the ^{Divisional}Independent Brigade P. M. O. for orders and disposal in accordance with the instructions on I. A. F. M1246.

III. One copy required in the case of non-departmental warrant and N. C. officers of the unattached list and for soldiers' wives and children; Instructions II (c) and (d) are also applicable to these cases.

IV. An officer, lady nurse, or warrant officer, recommended for leave in or out of India by a Medical Board, may be permitted to proceed on leave as soon as the Board's proceedings are approved by the P. M. O. See para 211, Vol. II.

V. Medical Boards on officers under the furlough regulations of 1868 or 1875 applying for furlough or leave on account of disability which originated on field service, and was caused solely by unusual exposure and hardship in field, or by wounds received in action, will, if they consider the claim has been established, add to the proceedings a certificate in the following terms:—

"We are of opinion that the illness from which (Rank and Name) is suffering, originated on field service with the (mention force) with which he was employed from the (date) to the (date); and has been solely caused by the unusual exposure and hardship undergone by him on the said service (or by wounds received in action), and we accordingly recommend that he may be permitted to reckon as service for pension, the leave or furlough which may now be granted to him."

(See para. 88, A. R. I., Vol. VI.)

I A F. 1124.
Gratia.

LUNACY CERTIFICATE.

(PERSONS SUBJECT TO THE ARMY ACT)

(See instructions on reverse)

I, _____
(Name, rank, medical qualifications.)_____ is now in actual practice on the
_____ at _____ examined
(date) (place)

(full name residence and occupation of patient)_____ and I am of opinion that
_____ is
(repeat patient's name)

Facts indicating insanity observed by myself —

- (a) Appearance _____
- (b) Demeanour and conduct _____
- (c) Conversation _____

Facts communicated to me by others which corroborate this view (names and addresses of informants must be stated) _____

Place _____ Date _____

Signature _____

INSTRUCTIONS

Two certificates are ordinarily required. One will be made out by the medical officer in charge of the case, and the other by a second medical officer (if available), on another day and without consulting the former.

2 In preparing the lunacy certificate the subjects to be noted should be classified under the following heads —

Appearance — Which may be meaningless, vacant, melancholy, depressed, frightened, or fierce

Demeanour and conduct — Which may be childish and silly, moping and inert, destructive or aggressive, or distinctive of a peculiar state of emotion, such as vanity, pride, or fear.

Conversation — The speech may either indicate a negation of mental faculty by its absence, or intense pre-occupation as in some forms of melancholia, or by its positive evidence may bear testimony to all phases of incoherence or delusion.

3 These certificates will be forwarded to the District P. M. O. to convene a special Medical Board. When there is no doubt about a man's insanity, the medical officer in charge will lose no time in bringing him before a Medical Board to admit of his despatch to England as early as possible, the troopship accommodation for insane being limited

FORM No. 4.

RECEPTION ORDER IN CASE OF LUNATIC SOLDIER.

(See Section 12.)

Whereas it appears to me that A. B., a European, subject to the Army Act, who has been declared a lunatic in accordance with the provisions of the military regulations, should be removed to an asylum, I do hereby authorise you to receive the said A. B. into your asylum.

Sd. E. F.

(Administrative Medical Officer).

To

The Medical Officer
in charge of
Lunatic Asylum.

DUTIES OF ORDERLY ATTENDANTS ON INSANE BRITISH SOLDIERS.

(To be read over daily, and explained to the Attendants, by the Assistant-Surgeon on duty.)

1. Harmless insane soldiers will have at least one—and violent patients not less than two—orderly attendants. These attendants will be relieved every two hours and they will not be on duty for more than eight hours out of every twenty-four.

2. They will strictly comply with any written instructions which may be framed for their guidance to meet special cases.

3. They will superintend the bathing of the patients and particularly notice any bruises or other injuries on their persons, at once reporting any discovered to the assistant surgeon of the ward.

4. They will treat the patients kindly but firmly and are strictly prohibited from handling them roughly or using harsh language to them. Every consideration will be shown for harmless irregularities. Violent and noisy patient will not be interfered with, except to prevent harm to themselves or others or damage to property; when interference is necessary, assistance should be obtained from other patients, unless the attendants are perfectly satisfied that they are able to deal with the insane patients themselves. Assistance from native servants will not, as a rule, be obtained.

5. They will take care that the patients are properly washed and clothed, and will encourage habits of cleanliness and tidiness of dress amongst them. All articles of clothing will be frequently examined and changed when necessary. When articles are damaged or lost by patients, the fact will be immediately reported to the assistant surgeon of the ward and any neglect of this order will render the attendants liable for the whole of such loss or damage.

6. They will take every precaution to prevent the patients becoming possessed of knives or other weapons, pieces of cord, lucifer matches or anything likely to prove dangerous to themselves or to others.

7. They will be present when patients are being shaved or having their hair cut, and will not allow the razors or scissors out of the possession of the barber.

8. They will, when a patient is seized with sudden illness, immediately make a report to the orderly assistant surgeon; but if the illness be of the nature of a fit, the patient should first be put into a place of safety and his clothes loosened about his neck and chest.

9. They will be responsible for the cleanliness and care of the furniture, equipment, etc., of the ward and of the clothing worn by the patients.

10. They will look daily to the fastenings of doors and windows to ascertain that they are secure and have not been tampered with.

11. They will not hold any communication with persons outside respecting the patients, or convey letters or messages to or from them; all correspondence received is to be taken to the assistant surgeon of the ward for transmission.

12. They will not permit smoking in any of the wards or rooms without the authority of the medical officer.

13. They will, in passing to and from the ward and when patients are confined in a separate room, for safe custody, be careful to properly close and secure all doors behind them to prevent the escape of the patients.

14. They will be present in their respective wards at bed time; see that the patients are present; that their clothing is neatly folded up; that they have no matches, pieces of iron, cord or other article of a dangerous character in their possession or secreted in their bedding; and they will on no account whatever quit the post of duty assigned to them without permission.

15. They will exercise extreme vigilance against fire.

16. The various duties of the attendants will be performed in a quiet manner, and anything likely to create excitement amongst the patients is to be studiously avoided.

17. A copy of these rules will be hung up in a conspicuous place in the attendants' room.