

Rajasthan Lunacy Rules, 1962

RAJASTHAN

India

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Rule RAJASTHAN-LUNACY-RULES-1962 of 1962

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Part I – Preliminary

1. Short title, extent and commencement.

(1) These Rules may be called the Rajasthan Lunacy Rules, 1962. (2) These rules extend to the whole of the State of Rajasthan. (3) They shall come into force on such date as the Rajasthan Government may by notification in the Official gazette appoint.

2. Definitions.

- In these rules unless there is anything repugnant in the subject or context: (a) "Act" means the Indian Lunacy Act, 1912. (b) "Official Visitor" means any person appointed as a visitor by the State Government under the Act. (c) "Section" means a section of the Act. (d) "Superintendent" means the Officer-in-charge of an asylum. (e) "Upper star" means and includes a doctor subordinate to the Superintendent and the Senior-most Compounder on duty.

Part II – Places of Detention, Care and Treatment

3.

(1)The State Government have established the following asylums:-(a)Mental Hospital, Jaipur.(b)Mental Hospital, Jodhpur.(c)Mental Hospital, Udaipur.

4. Detention of Persons under observation.

(a)A person ordered to be detained under section 8 and 16 in any district in which there is no asylum shall be sent to a hospital or dispensary where suitable accommodation exists, or to a jail or lock-up,as may seem most appropriate to the Magistrate, regard being had to his apparent condition, the means of accommodation and guarding and the facilities for skilled observation available in each case.(b)The Magistrate may at his discretion make special provision for guarding the persons detained by police officer.

5. Admission of voluntary boarders

(a)Any person who wishes to become a voluntary boarder in Mental Hospital must obtain from the Superintendent a form (Appendix 1), which he will fill up and sign and have it countersigned by two of the official visitors. He should then submit the form to the Superintendent who will admit him for treatment, if suitable accommodation is available.(b)Voluntary boarders, whose means allow, shall pay at the rates specified from time to time by the State Government but if destitute they may be admitted free.

6.

(1)Intimation to Superintendent that Lunatic is to be received - Any authority before making a reception order or an order for admission to any mental Hospital shall communicate direct with the Superintendent or if necessary, the Principal Medical and Health Officer, and ascertain if accommodation is available specifying at the same time the sex, race and cast of the lunatic.(2)Inquiry as to the domicile of the Lunatic - A Magistrate making a reception order under section 14 or 15 of the Act shall after ascertaining that accommodation is available, direct the reception of the lunatic into the nearest asylum affording suitable accommodation. He shall in all cases, make strict enquiry as to the domicile of the lunatic and shall see that entry to that effect is made in the medical history sheet (Appendix III) or is communicated as soon as possible to the Superintendent of the Asylum in which the lunatic is to be admitted.(3)Procedure to be followed by Magistrate making recommendation for removal of a lunatic to another State - In all cases where a Magistrate recommends removal of a lunatic to another State he shall first satisfy himself that accommodation is available, and that the cost of maintenance will be paid (Section 11), In order to effect the earliest possible treatment of the Lunatic, action shall be taken as soon as possible, and the Magistrate shall furnish to the State Government in writing full details as to domicile, reasons for the admission fees agreed to, etc.(4)Report to Government in case of lunatic domiciled elsewhere than in the State - As soon as it is known that a lunatic, who has been admitted to asylum in the State of Rajasthan is domiciled elsewhere than in that State. the fact (with details of the case should

be brought to the notice of the State Government so that action for the removal of the lunatic may, if admissible, be initiated early with the Government of the state of domicile, under section 35 of the Act.

7. Transfer and escort of lunatics.

(1) When Magistrate has made an order under section 14 or 15 for the detention of a lunatic, in an asylum, he shall arrange in communication with the police, for the early despatch of such lunatic with a suitable escort, The reception order the medical history sheet in the form Appendix III, the evidence of the medical witness if taken, and any other papers that may be necessary or have a bearing on the lunatics state of mind shall be forwarded to the superintendent of the asylum by registered post, a duplicate of the order being also given to the escort. If for any reason the medical history sheet or other documents not prescribed by the Act cannot be forwarded at once, they should be furnished later; but the lunatics should not be allowed to remain in a civil hospital or lockup because these papers are not ready. (2) No lunatic shall be sent to an asylum unless a medical officer or medical practitioner certifies in the prescribed form (Appendix II) immediately before being sent that he is fit to travel. The originals of such certificates shall be sent to the Superintendent by post. (3) The Magistrate shall satisfy himself that the lunatic is provided with sufficient clothing and bedding for his protection and comfort during the journey. He shall provide the escort with sufficient means to purchase food for the lunatic on the journey and shall instruct the officer-in-charge to take the lunatic to the nearest hospital for treatment in the event of his becoming ill. (4) A female lunatic shall always be accompanied by a female attendant or relative.

8. Documents to accompany a lunatic sent to a Mental Hospital

- The Superintendent shall see that the documents detailed below and such other documents as may be from time to time prescribed accompany every lunatic sent to the asylum and any defect or omission discovered therein shall be brought to the notice of the authority or person concerned with a view to its prompt rectification :--A- Documents to be forwarded by the Magistrate in the case of a lunatic placed under restraint upon petitions :-

1. The reception order (Schedule I, form 2 of the Act.).

2. The two medical certificate referred to in section 5 (1).

3. The original application for a reception order and statement of particulars (Schedule I, form I of the Act).

4. If the case has been investigated or sent up by the Police, the more important Police papers (*or copies thereof) bearing on the mental condition and history of the lunatic.

5. A certificate of fitness for travelling (Rules 5 (2) and appendix II).

-B-Document to be forwarded by the Magistrate in the case of a lunatic found wandering at large, a dangerous lunatic or a lunatic not under proper care and control, or who is cruelly treated or neglected.

1. The reception order (Schedule I, form 5 of the Act).

2. A certificate from of medical officer (Schedule I, form 3 of the Act).

3. The revised form a medical history sheet (Appendix III).

4. If the case has been investigated or sent up by the Police the more important Police papers (or copies thereof) bearing on the mental condition and history of the lunatic.

5. A certificate of fitness for travelling (Rule 5 (2) and Appendix II.)

-C-Documents to be forwarded by the court in the case of a criminal lunatic sent to an asylum under section 466 or 471 of the Criminal Procedure Code and with section 24 of the Act.

1. A copy of the judgment, or where there is no judgment, of the order of the Court. Also, in any case tried by jury in a sessions court, a copy either of the heads of the charge to the jury or of the Committing Magistrates' order, or of both, as may be considered by the presiding judge to be most useful.

2. The revised form of medical history sheet (Appendix III).

3. If the case has been investigated or sent up by the police, the more important Police papers (or copies thereof) bearing on the mental condition and history of the lunatic.

4. A Certificate of fitness for travelling (Rule 5 (2) and Appendix II)

-D-Documents to be forwarded by the Superintendent of the Jail in the case of a prisoner becoming insane while in Jail and being transferred from a Jail to an asylum under section 30 (1) of the Prisoners Act, 1960.

- 1. The nominal roll of the Prisoner.**
- 2. A copy of the warrant under which he is confined.**
- 3. The Medical Officer's Certificate in the Form prescribed.**
- 4. The revised form of medical history sheet (Appendix III).**
- 5. A copy of the judgment should also be supplied by the Superintendent of Jail.**

-E-Documents to be forwarded by the military authorities in the case of an insane Indian soldier sent by a medical officer under section 12 of the Act.

9. Amendment of papers sent with lunatics

- The Superintendent shall remedy as far as possible all important deficiencies in the papers forwarded to him with reference to any lunatic, other than the papers referred to in section 27, after communicating with the authority who signed the order for detention, reception or admission or with the certifying medical officer.

10. Monthly meeting official visitors

(a)A meeting of at least three official visitors, one of whom shall be a medical officer, shall be held once in each month to inspect the asylum, notice being given by the Superintendent, who shall endeavour to arrange the time and date to meet the convenience of the visitors.(b)The official visitors shall be summoned to the monthly meeting by rotations. One notice shall be sent a week before and another 24 hours summons, it is his duty to provide a substitute from the official visitors, list. The substitute for a medical visitor must be a medical visitor. When an official visitor fails to attend a monthly meeting (or arrange for a substitute if unable to attend) he shall furnish an explanation to the Superintendent for submission to the Principal Medical and Health Officer.(c)All order of the State Government relating to the management of an asylum shall be laid before the official visitors at their monthly meeting, together with any remarks of visitors who may have visited the asylum since the last meeting.

11. Remarks by official visitors in visitor's book

- An official visitor shall record in the visitor's book any remarks he may wish to make. A copy of such remarks shall be transmitted to the Principal Medical and Health Officer of the district and Director of Medical Health Services by the Superintendent with such comments as he considers necessary.

12. Reports by official visitors on criminal lunatics

- When the official visitors certify that a criminal lunatic detained under section 466 of the Criminal Procedure Code is capable of making his defence or that a criminal lunatic detained under the said code may be discharged, their certificate shall be forwarded to the Magistrate or court concerned or to the State Government, through the Superintendent who shall forward with it a report in the manner prescribed in rule 13. When the official visitors certify under section 473 of the said Code that a criminal lunatic is capable of making his defence, they shall at the same time state whether he may be safely discharged; a certified copy of their statement shall be forwarded by the Superintendent to the trying court.

13. Removal and discharge of criminal lunatics detained under Chapter 34 of the Criminal procedure Code

- A Superintendent submitting for orders the report of the visitors on the case of a criminal lunatic detained under the provisions of Chapter 34 of the Criminal Procedure Code, shall forward there with to the Magistrate or Court concerned or the State Government, as the case may be, the medical history sheet of the lunatic in the form given in appendix IV accompanied by an abstract from the asylum case book detailing the chief event in his history, recorded opinion with dates regarding his mental attitude while under observation in the asylum and shall state his opinion as to the safety of the proposed procedure. When a report is submitted with reference to lunatic whom it is proposed to deal with under section 474 or 475 of the Criminal Procedure Code, the Superintendent shall also submit in detail his reasons for believing that it is safe to set the lunatic at liberty.

14. Removal of lunatic prisoner

- The Superintendent shall suo moto submit to the State Government concerning any lunatic prisoner detained under section 30 of the Prisoners Act, 1960 whom he considers to have become of sound mind, a report in the manner prescribed in rule 13 as soon as he considers it safe to return the prisoner to jail to complete his sentence,

15. Detention of a lunatic prisoner after expiry of sentence

- When the Superintendent considers it necessary that a lunatic prisoner should be detained after the completion of his sentence he shall submit a report in the manner prescribed in rule 13 not less than 21 days before the expiry of the sentence of the said lunatic prisoner.

16. Special reports on criminal lunatic detained under the Criminal Procedure Code.

(a) Superintendent shall submit special half Yearly reports regarding criminal lunatic detained under the provisions of the Criminal procedure Code on the 1st January and 1st July of each year, a separate report being submitted in each case in the form given in Appendix V.(b) With these

half-yearly reports an abstract statement shall be submitted in the form prescribed, the reports on individual cases being summarised therein.

17. Discharge of destitute inmates-travelling expenses

- When a person detained in Mental Hospital, who has no means or relations to assist him is about to be discharged and has long distance to go to his native place, a sum sufficient for his travelling expenses shall be given to him by the Superintendent.

18. Disposal of documents on discharge or death of inmate

- On the discharge or death of inmates other than criminal lunatics or Military instances all documents received with them shall be filed. In the case of Military instances they shall be disposed of in accordance with the military in force.

19. Escape of an inmate report

- In the event of the escape of a person received into an asylum an immediate report with a full description shall be made to the police authorities and within 24 hours to the Principal. Medical and Health Officer, Director Medical and Health Services and the Magistrate who had authorised his detention.

20. Pregnant inmate

- If a female inmate is found to be pregnant when she is admitted, the fact should be noted in the case book under her family informed at once. If the fact becomes known later, her family should be informed without delay. Whenever it is possible for her family to make arrangements for her confinement outside the asylum the course shall be followed.

21. Dangerous illness of an inmate

- If an inmate becomes seriously ill, the fact should be at once notified to his relatives or friends if traceable.

22. Death of an inmate

- On the death of an inmate the fact should at once be notified to the relatives or friends, if known, and also to the authority by whom the lunatic was sent to the asylum.

23. Post mortem examination

- A Post-mortem examination shall be made after obtaining the necessary order in that behalf from a Magistrate in all cases of sudden death (a) in which the cause of death is not known and (b) in

which suspicion has arisen as to the cause of death. In other cases a Post-mortem examination may be made, if practicable, when it is likely to furnish information as to the nature or cause of insanity. The consent of the relatives, if any, should first be obtained.

24. Report of death of criminal lunatic or lunatic prisoners

- A report of the death of a person confined in an asylum under the provisions Chapter XXXIV of the Code of Criminal procedure 1898, or of the Prisoners Act 1900, shall be submitted by the superintendent to the Principal Medical and Health Officer (and also to Director of Medical and Health Services) who shall dispose of the same after satisfying himself that the standing orders relating to such reports have been duly carried out by the Superintendent.

25. Funeral expenses

- The funeral expenses of paper inmates shall be defrayed by the State Government.

26. Mechanical restraint

- mechanical restraint shall be used as rarely as possible and only under the orders of the Superintendent.

27. Permission to visitors to visit an asylum

- No one unconnected with an asylum shall be permitted to enter the asylum with out an order in writing from the Superintendent. It is within the discretion of the Superintendent to refuse a visitor, access to a particular inmate or admission to the asylum.

28. Hours of visits of friends or relatives

- Visits of friends or relatives to inmates are permitted on the day and at the hours fixed by the Superintendent. The Superintendent or in his absence his head assistant may give special permission for visits at other times.

29. Business interviews with inmates

- Business interviews between visitors and inmates are only allowed with the permission of the superintendent and in the presence of one of the members of the upper staff.

30. Letters to and from inmates

- All letters to and from inmates must pass through the hands of the Superintendent, who will decide whether they should be delivered to the parties concerned.

31. Male Visitors in female wards

- Male visitors to an asylum are permitted to enter the female enclosures only with the express permission of the Superintendent in writing. If admitted, they will only be allowed to converse with the inmate in the presence of one of the members of the upper staff

32. Private Property of inmate.

(a)The Superintendent shall keep a Private Property Book in which all property belonging to an inmate brought to the asylums shall be entered.(b)Articles of small value, cooking utensils, and perishable articles shall be placed in the store room in charge of a responsible officer, to be restored on discharge, if this takes place within a year. After the expiry of this period such articles. shall be sold and the proceeds credited to the inmate's account; perishable articles may be so disposed of an earlier date under the order of the Superintendent.(c)Articles of value gold, silver, rings, chains, watches, trinkets, etc,shall be kept in the hospital office sealed packets with the owner's name thereon and will not be disposed of without the sanction the authority who ordered his confinement. The Officer in charge of the safe shall be responsible for these articles.(d)All sums of rupees ten and above, belonging to any lunatic inmate and found or brought with him on admission to the asylum shall be deposited in the Post Office Savings bank to the credit of the said inmate and every such account shall be operated by the Superintendent in the interests of the inmate in consultation with his relatives or guardians, if any. Such sums if under Rs. 10/ may be kept in safe on the Accountant and may be expended in the interest of the inmate by the Superintendent as and when required. The amounts so kept shall be accounted for in the Private Money Account ledger of the institution.(e)The private Property Book and the private Money Account shall be examined by Audit Officer in the same as the public accounts, and the property shall be checked by such officer at the time of audit.

33. Clothing of inmates

- The superintendent may permit any inmate to wear his own clothes.

34. Private servants

- Inmates may have private servants with the Superintendent's consent if they pay for them. These private servants should as a rule be engaged by the Superintendent and shall work under his control.

35. Employment of inmates

- No official of the asylum shall compel an inmate to do any private work.

36. Penalty

- Whoever commits a breach of the rules 27, 28, 29, 30 and 31 shall on conviction by a Magistrate, be punishable with fine which may extend to Rs. 50/ - (Rupees fifty) only.

37. Discharge

- An order of discharge made under section 31 to 34 shall be in the form given in Appendix VI. Appendix (I) (Vide rule 5) Application Form For Reception (For Voluntary Boarders) To The Visitors, Mental Hospital. Sir, I..... hereby request that you will authorise the Superintendent..... Mental Hospital, to receive me into the above mentioned institution as a voluntary boarder under the proviso to sub-section (1) of section 4 of the Indian Lunacy Act IV of 1912. I hereby engage to pay the cost of maintenance in the..... Mental Hospital at rate of Rs..... per day (or I hereby declare that I am destitute and unable to defray the cost of my maintenance). I beg to remain, Sir, Yours faithfully Signature of the Applicant. Address : Date : I hereby certify that I am willing to receive Mr..... for treatment as a voluntary boarder in the..... (Mrs./Miss..... Mental Hospital; accommodation for him/her is available. Date : Superintendent. Mental Hospital. Approved. Approved. Signature of the visitor (1)..... (2)..... Date : Appendix II [Vide rule 7 (2)] Certificate of fitness for transfer and condition of Health in case of Lunatic sent to asylum Station. Date. Criminal Lunatic Certified that the lunatic..... (name)..... is in sufficiently good health, and in a fit state to travel from..... (name of station) to the..... Mental Hospital at..... Sd/- Medical Officer, Medical Practitioner. N.B. - The certificate may be signed by any registered medical practitioner or medical officer. Appendix III Form of Medical History Sheet of a Lunatic [Vide Rule 7 (1)] N.B. - The ultimate responsibility for the preparation of this form rests with the committing Officer, who must see that requisite information is supplied by the police and the Medical Officer without undue delay. Questions to be answered upon information supplied by the Police alone

1. Name of Patient in full and Caste or Race.

2. Name of patient's father.

3. married or single or widowed.

4. Conditions of life and previous occupation (if any).

5. Religion.

6. Place of birth and recent place of abode * or domicile.

7. Whether homeless or living with relatives. %

8. Whether 'any member of patients family has been or is affected with insanity.

- 9. Whether the attack is the first attack of insanity or not.**
- 10. Age (if known) at on set of the first attack.**
- 11. Previous history and habits X and facts indicating insanity.**
- 12. Duration and nature of any previous attacks.**
- 13. Supposed cause of insanity II**
- 14. Duration of existing attack.**

Signature.x In this the mode of life the patient led, his conduct reasons for suspecting insanity, history any particular illness which may have helped to produce his condition of mind, his temperament or any habit of taking or smoking any drug should be mentioned; in the case of a criminal lunatic, also the nature of the crime, the detailed circumstances under which it was committed, how he came to be arrested by the police and the section under which the lunatic was charged and the result of trial in additions to other particulars which may be available.II Whether he is.....Whether he is addicted to any spirits or drugs, and if so, for how long he has been so addicted and what is the quantity habitually taken, whether he is a member of any particular religious or political society; or whether he suffered from loss of property, loss of relatives, domestic troubles, or ill health immediately before the attack. Questions to be Answered by the Medical Officer Along

- 1. Sex and age of the patient.**
- 2. Marks hereby the patient, may be identified.**
- 3. State of bodily health +.**
- 4. Symptoms exhibited.**
- 5. Supposed exciting cause of present attack.**
- 6. Whether subject to epilepsy or any other diseases.**
- 7. Whether suicidal.**
- 8. Whether dangerous to others.**

Signature.* Here the name of the lane or street, village police station and district and length of

residence should be stated. As much detail as possible should be given. This heading should show the names and address of the relatives or persons legally bound to maintain the lunatic (if any), and whether they are able and willing to take charge of him or to bear the cost of his maintenance in the mental hospital and, if not, why not. In this, the general health of the patient as well as any abnormality of feature or development should be entered. It is desirable that special mention be made as to whether the patient is or is not suffering from any tubercular disease. Appendix IV (Vide rule 13) Whenever the papers of a criminal lunatic are sent up to the State Government or to a court for orders they should be accompanied by a medical history sheet containing the following particular :-

- 1. Name and Sex.**
- 2. Crime.**
- 3. Present age.**
- 4. physical state.**
- 5. probable cause of insanity.**
- 6. Type of insanity.**
- 7. Duration of insanity and has it been continuous, giving dates.**
- 8. Has he, while insane, been considered, especially dangerous to other ? If so, give dates.**
- 9. If reported sane, how long since last manifestation of insanity ?**
- 10. What has been his demeanour and conduct while noted as sane.**
- 11. Is he subject to relapse ? If so, give date.**
- 12. Is he capable (a) of taking care of himself, (b) or earning a livelihood ?**
- 13. How has been employed while in the hospital ?**
- 14. If security is obtainable, its nature and the social position and character of the sureties to be stated.**

Appendix V(Vide rule 16)Mental HospitalHalf-Yearly report regarding criminal lunatic detained under the provision of Criminal Procedure Code on Ist January/Ist July-Year 20.....

S. No. Name Father's name/Husband's name Resident of Age Sex Married/Unmarried

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
|-----------------|---|---|---------------------------------------|---|---|---|-----------|---|----|-----------|
| Convicted under | | | Detained in the Mental Hospital under | | | | Date of | | | Present |
| C.P.C. | | | I.L.A.1912 Section | | | | Admission | | | Condition |

M/OSuperintendentMental HospitalAppendix VI(Vide rule 37)Order of DischargeThis is to certify that.....who was admitted to this asylum onby order of the..... was discharged from the of asylum onunder section the Indian Lunacy Act (IV of 1912).recovered.....as improved.....Not improved.....Superintendent, Lunatic Asylum.By Order of the Governor.Shiv Shankar,Secretary to the Government.NotificationsJaipur, September 24, 1962.No. F. 17 (3) HB-Gr. II/61 - In pursuance of sub-rule 3 of rule 1 of the Rajasthan Lunacy Rules, 1962, the State Government hereby appoints the Ist day of October, 1962 as the date on which the said rules shall come into force.By Order of the Governor,R. N. Shivpuri,Dy. Secretary to the Government.[Published in Raj-Patra 4 (C) dated September 27, 1962 at Page 501]