

(By Dr. B. C. Mhasawade, M. D. D.P.M.)

“DR. MHASAWADE HAJIR HO”, the bailiff of sessions court Satara announced and I entered the courtroom and then in the witness box in 1976 for the first time after I passed my post-graduation in psychiatry. It was the case of a murder.

I think sometime or the other almost every psychiatrist has to enter the witness box of a court. That means psychiatric diagnosis is not as simple as any other illness like enteric fever, myocardial infection or cancer. It always has a legal base; though it may not be applicable in each and every case.

Civil Responsibility

- Marriage - It is a type of contract. Therefore, if it is proved beyond doubt that a person was mentally ill to such an extent as not to know the responsibility of the act at the time of marriage, the marriage is null and void.

- Divorce - If it is proved beyond doubt that a person is mentally ill after marriage and is not able to shoulder the responsibility of the marriage, then the other person can ask for a divorce.

- Contract - (Regarding property etc.) If it is proved beyond doubt that the person was suffering from severe mental illness at the time of signing the contract, then the contract is null and void.

Admissions and the discharges in mental hospitals

Till recently, the Indian Lunacy Act 1912 was in force. But now the Mental Health Act 1987 prevails.

According to this act, the following procedures are to be followed for admission to and discharge from a mental hospital.

Admissions Court Committed Orders

1) Reception order 2) Detention order. The patient's relatives should take certificates from two doctors, who are licensed to practise, private practitioners or those who are in the government service and file a petition in the court. The court then passes either the reception order allowing the superintendent of the mental hospital to receive the patient and keep him there until further order or detention order ordering the superintendent to detain the patient for observation or diagnosis for a total period of 30 days. Within this period, the superintendent certifies him to be mentally ill or if he does not find him mentally ill, then discharges the patient as uncertifiable.

Voluntary Boarder Admission (VB)

As the name suggests the patient goes to the mental hospital and volunteers himself for admissions by signing a prescribed form.

In the case of a minor, a relative can sign for the patient for VB admission.

In special circumstances, if the mentally ill person refuses to express his willingness for admission he may be admitted on an application made on his behalf by a relative or a friend. However, in this procedure, the patient has to be discharged within 90 days.

Discharge from Mental Hospital

In the case of admission by reception order or detention order a patient can be discharged after recovery by:

1. Leave of absence for 2 months which may be extended every 2 months, so that, if necessary, the patient can be readmitted on the original reception order.
2. Discharge through visitors committee - the patient after recovery from his illness is put before the visitors committee (V.C.) This committee can discharge the patient but the patient cannot be readmitted on the basis of the original reception order. In the case of a V.B.. admission the patient is discharged on an application by the patient or his/her relative (in the case of a minor).

As per the Mental Health Act 1987 all the patients have to pay maintenance charges, treatment charges, etc. depending upon the income slab.

Opening and Running of Psychiatric Nursing Home

Any person can open and run a psychiatric nursing home after obtaining license from Director General of Health, Govt. of Maharashtra. The director gives license after a committee inspects the nursing home and gives its opinion. The nursing home has to be maintained and run as per the guidelines of the Mental Health Act 1987, failing which the committee can report to the Director General and ask him to cancel the license.