THE MENTAL HEALTH ACT, 1987

APPENDIX 5
THE GAZETTE OF INDIA EXTRAORDINARY

PART II – SECTION 1
PUBLISHED BY AUTHORITY
NEW DELHI, FRIDAY, MAY, 22, 1987

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 22nd May, 1987

THE MENTAL HEALTH ACT, 1987
No.14 OF 1987

(only important sections are given)

(22nd, May 1987)

(l) "mentally ill person" means a person who is in need of treatment by reason of any mental disorder other than mental retardation;

(m) "mentally ill prisoner" means a mentally ill person for whose detention in, or removal to, a psychiatric hospital, psychiatric nursing home, jail or other place of safe custody, an order referred to in section 27 has been made;

(n) "minor" means a person who has not completed the age of eighteen years;

(o) "notification" means a notification published in the Official Gazettee;

(p) "prescribed" means prescribed by rules made under this Act;

(q) "psychiatric hospital" or "psychiatric nursing home" means a hospital or, as the case may be, a nursing home established or maintained by the Government or any other person for the treatment and care of mentally ill persons and includes a convalescent home established or maintained by the Government or any other person for such mentally ill persons; but does not include any general hospital or general nursing home established or maintained by the Government and which provides also for psychiatric services.

(r) "psychiatrist" means a medical practitioner possessing a post-graduate degree or diploma in psychiatry, recognised by the Medical Council of India, constituted under the Indian Medical Council Act, 1956, and includes, in relation to any State, any medical officer who having regard to his knowledge and experience in psychiatry, has been declared by the Government of that State to be a psychiatrist for the purposes of this Act.
CHAPTER II
MENTAL HEALTH AUTHORITIES
[Central Authority for Mental Health Services]

Explanation: For the purposes of this section and section 4, “Mental Health Services” include, in addition to psychiatric hospitals and psychiatric nursing homes, observation wards, day-care centers, inpatient treatment in general hospitals, ambulatory treatment facilities and other facilities, convalescent homes and half-way-homes for mentally ill persons.

4. (1) The State Government shall establish an Authority for mental health with such designation as it may deem fit.

[State Authority for Mental Health Services]

Services under the State Government and all other matters which, under this Act, are the concern of the State Government or any officer or authority subordinate to the State Government;

(b) supervise the psychiatric hospitals and psychiatric nursing homes and other Mental Health Service Agencies (including places in which mentally ill persons may be kept or detained) under the control of the State Governments;

(c) advise the state Government on all matters relating to mental health; and

(d) discharge such other functions with respect to matters relating to mental health as the State Government may require.

CHAPTER III
PSYCHIATRIC HOSPITALS AND PSYCHIATRIC NURSING HOMES

5(1) The Central Government may, in any part of India, or the State Government may, within the limits of its jurisdiction, establish or maintain psychiatric hospitals or psychiatric nursing homes for the admission, treatment and care of mentally ill persons at such places as it thinks fit; and separate psychiatric hospitals and psychiatric nursing homes may be established or maintained for:

[Establishment or maintenance of psychiatric hospitals and psychiatric nursing homes]

(a) those who are under the age of sixteen years;

(b) those who are addicted to alcohol or other drugs which lead to behavioural changes in a person.

(c) Those who have been convicted of any offence; and

(d) Those belonging to such other class or category of persons as may be prescribed.

(2). Where a psychiatric hospital or psychiatric nursing home is established or maintained by the Central Government, any reference in this Act to the State Government shall, in relation to such hospital or nursing home, be construed as a reference to the Central Government.
6.(1) On and after the commencement of this Act, no person shall establish or maintain a psychiatric hospital or psychiatric nursing home unless he holds a valid license granted to him under this Act:

[Establishment or maintenance of psychiatric hospitals or psychiatric nursing homes only with license]

Provided that a psychiatric hospital or psychiatric nursing home (whether called asylum or by any other name) licensed by the Central Government or any State Government and maintained as such immediately before the commencement of this Act may continue to be maintained, and shall be deemed to be a licensed psychiatric hospital or licensed psychiatric nursing home, as the case may be, under this Act:-

(a) for a period of three months from such commencement, or

(b) if an application made in accordance with section 7 for a license is pending on the expiry of the period specified in clause (a), till the disposal of such application.

(2) Nothing contained in sub-section (1) shall apply to a psychiatric hospital or psychiatric nursing home established or maintained by the Central Government or a State Government.

(2) A person, who intends to establish or maintain, after the commencement of this Act, a psychiatric hospital or psychiatric nursing home shall, unless the said person already holds a valid license, make an application to the licensing authority for the grant of a license.

(2) Where a licensee is unable to function as such for any reason or where a license dies, the licensee or, as the case may be, the legal representative of such licensee shall forthwith report the matter in the prescribed manner to the licensing authority and notwithstanding anything contained in sub-section (1), the psychiatric hospital or psychiatric nursing home concerned may continue to be maintained and shall be deemed to be licensed psychiatric hospital or licensed nursing home, as the case may be:-

(a) for a period of three months from the date of such report or in the case of the death of the licensee from the date of his death, or

(b) if an application made in accordance with sub-section (3) for a license is pending on the expiry of the period specified in clause (a), till the disposal of such application.

(3) The legal representative of the licensee referred to in sub-section (2), shall, if he intends to continue the maintenance of the psychiatric hospital or psychiatric nursing home after the expiry of the period referred to in sub-section (2), male, at least one month before the expiry of such period, an application to the licensing authority for the grant of a fresh license for the maintenance of such hospital or nursing home, as the case may be, and the provisions of section 8 shall apply in relation to such application as they apply in relation to an application make under section 7.

10. Every psychiatric hospital or psychiatric nursing home shall be maintained in such manner and subject to such condition as may be prescribed.

[Psychiatric hospital and psychiatric nursing home to be maintained in accordance with prescribed conditions]
13. (1) An Inspecting Officer may, at any time, enter and inspect any psychiatric hospital or psychiatric nursing home and require the production of any records, which are required to be kept in accordance with the rules made in this behalf, for inspection:

[Inspection of psychiatric hospitals and psychiatric nursing homes and visiting of patients]

Provided that any personal records of a patient so inspected shall be kept confidential except for the purposes of sub-section (3).

(2) The Inspecting Officer may interview in private any patient receiving treatment and care therein -

(a) for the purpose of inquiring into any complaint made by or on behalf of such patient as to the treatment and care; or

(b) in any case, where the Inspecting Officer has reason to believe that any inpatient is not receiving proper treatment and care.

(3) Where the Inspecting Officer is satisfied that any inpatient in a psychiatric hospital or psychiatric nursing home is not receiving proper treatment and care, he may report the matter to the licensing authority and thereupon the licensing authority may issue such direction as it may deem fit to the medical officer-in-charge or the licensee of the psychiatric hospital, or, as the case may be, the psychiatric nursing home and every such medical officer-in-charge or licensee shall be bound to comply with such directions.

14. Provision shall be made in every psychiatric hospital or psychiatric nursing home for such facilities as may be prescribed for the treatment of every mentally ill person, whose condition does or warrant his admission as an inpatient or who, for the time being is nor undergoing treatment as inpatient.

CHAPTER IV

ADMISSION AND DETENTION IN PSYCHIATRIC HOSPITAL OR PSYCHIATRIC NURSING HOME

Part I

Admission on Voluntary Basis

15. Any person (not being a minor), who considers himself to be a mentally ill person and desires to be admitted to any psychiatric hospital or psychiatric nursing home for treatment, may respect the medical officer in charge for being admitted as a voluntary patient.

16. Where the guardian of a minor considers such minor to be a mentally ill person and desires to admit such minor in any psychiatric hospital or psychiatric nursing home for treatment, he may request the medical officer-in-charge for admitting such minor as a voluntary patient.

17. (1) On receipt of a request under section 15 or section 16, the medical officer-in-charge shall make such inquiry as he may deem fit within a period not exceeding twenty-fours and if satisfied that the applicant or, as the case may be, the minor requires treatment as an inpatient in the psychiatric hospital or psychiatric
nursing home, he may admit therein such applicant or, as the case may be, minor as a voluntary patient.

(2) Every voluntary patient admitted to a psychiatric hospital or psychiatric nursing home shall be bound to abide by such regulations as may be made by the medical officer-in-charge or the licensee of the psychiatric hospital or psychiatric nursing home.

18. (1) The medical officer-in-charge of a psychiatric hospital or psychiatric nursing home shall, on a request made in that behalf-

[Discharge of voluntary patients]

(a) by any voluntary patient; and
(b) by the guardian of the patient; if he is a minor voluntary patient; discharge, subject to the provisions of sub-section (3) and within twenty-four hours of the receipt of such request, the patient from the psychiatric hospital or psychiatric nursing home.

(2) Where a minor voluntary patient who is admitted as an inpatient in any psychiatric hospital or psychiatric nursing home attains majority, the medical officer-in-charge of such hospital or nursing home shall, as soon as may be, intimate the patient that he has attained majority and that unless a request for his continuance as an inpatient is made by him within a period of one month of such intimation, he shall be discharged, and if, before the expiry of the said period, no request is made to the medical officer-in-charge for his continuance as an inpatient, he shall, subject to the provisions of sub-section (3), be discharged on the expiry of the said period.

(3) Notwithstanding anything contained in sub-section (1) or subscription (2), where the medical officer in charge of a psychiatric hospital or psychiatric nursing home is satisfied that the discharge of a voluntary patient under sub-section (1) or sub-section (2) will nor be in the interest of such voluntary patient, he shall, within seventy-two hours of the receipt of a request under sub-section (1), or, if no request under sub-section (2) has been made by the voluntary patient before the expiry of the period mentioned in that sub-section, within seventy two hours of such expiry constitute a Board consisting of two medical officers and seek its opinion as to whether such voluntary patient needs further treatment and if the board is of the opinion that such voluntary patient needs further treatment in the psychiatric hospital or psychiatric nursing home, the medical officer shall not discharge the voluntary patient, but continue his treatment for a period nor exceeding ninety days at a time.

PART II

Admission under Special Circumstances

19(1). Any mentally ill person who does not, or is unable to, express his willingness for admission as a voluntary patient, may be admitted and kept as an inpatient in a psychiatric hospital or psychiatric nursing home on an application made in that behalf by a relative or a friend of the mentally ill person if the medical officer-in-charge is satisfied that in the interests of the mentally ill person it is necessary so to do:

[Admission of mentally ill persons under certain special circumstances]

Provided that no person so admitted as an inpatient shall be kept in the psychiatric hospital or psychiatric nursing home as an inpatient for a period exceeding ninety days except in accordance with the other provisions of this Act.
(2) Every application under sub-section (1), shall be in the prescribed form and be accompanied by two medical certificates, from two medical practitioners of whom one shall be a medical practitioner in the service of Government, to the effect that the condition of such mentally ill person is such that he should be kept under observation and treatment as an inpatient in a psychiatric hospital or psychiatric nursing home.

(3) Any mentally ill person admitted under sub-section (1) or his relative or friend may apply to the Magistrate for his discharge and the Magistrate may, after giving notice to the person at whose instance he was admitted to the psychiatric hospital or psychiatric nursing home and after making such inquiry as he may deem fit either allow or dismiss the application.

(4) The provisions of the foregoing sub-section shall be without prejudice to the powers exercisable by a Magistrate before whom the case of a mentally ill person is brought, whether under this section or under any other provision of this Act, to pass a reception under, if he is satisfied that it is necessary so to do in accordance with the relevant provisions of this Act.

PART III
Reception Orders

A. Reception Orders on applications

20.(1) An Application for a reception order may be made by:

[Application for reception order]

(a) the medical officer in charge of a psychiatric hospital or psychiatric nursing home, or

(b) by the husband, wife or any other relative of the mentally ill person.

(2) Where a medical officer in charge of a psychiatric hospital or psychiatric nursing home in which a mentally ill person is undergoing treatment under a temporary treatment order is satisfied that -

(a) the mentally ill person is suffering from mental disorder of such a nature and degree that his treatment in the psychiatric hospital or, as the case may be, psychiatric nursing home is required to be continued for more than six months, or

(b) it is necessary in the interests of the health and personal safety of the mentally ill person or for the protection of others that such person shall be detained in a psychiatric hospital or psychiatric nursing home, he may make an application to the Magistrate within the local limits of whose jurisdiction the psychiatric hospital or, as the case may be, psychiatric nursing home is situated, for the detention of such mentally ill person under a reception order in such psychiatric hospital or psychiatric nursing home, as the case may be.

(3) Subject to the provision of sub-section (5), the husband or wife of a person who is alleged to be mentally ill or, where there is no husband or wife, or where the husband or wife is prevented by reason of any illness or absence from India or otherwise from making the application, any other relative of such person may make an application to the Magistrate within the local limits of whose jurisdiction the said person ordinarily resides, for the detention of the alleged mentally ill person under a reception order in a psychiatric hospital or psychiatric nursing home.

(4) Where the husband or wife the alleged mentally ill person is not the applicant, the application shall contain the reasons for the application nor being
made by the husband or wife and shall indicate the relationship of the applicant with the alleged mentally ill person and the circumstances under which the application is being made.

(5) No person—

(i) Who is a minor, or

(ii) who, within function days before the date of the application, has not seen the alleged mentally ill person, shall make an application under this section.

22(1) On receipt of an application under sub-section (2) of section 20, the Magistrate may make a reception order, if he is satisfied that—

[Procedure upon application for reception order]

(i) the mentally ill person is suffering from mental disorder of such a nature and degree that it is necessary to detain him in a psychiatric hospital or psychiatric nursing home for treatment; or

(ii) it is necessary in the interests of the health and personal safety of the mentally ill person or for the protection of others that he should be so detained, and a temporary treatment order would not be adequate in the circumstances of the case and it is necessary to make a reception order.

(2) On receipt of an application under sub-section (3) of section 20, the Magistrate shall consider the statements made in the application and the evidence of mental illness as disclosed by the medical certificates.

(3) If the Magistrate considers that there are sufficient grounds for proceeding further, he shall personally examine the alleged mentally ill person unless, for reasons to be recorded in writing, he thinks that it is not necessary or expedient to do so.

(4) If the Magistrate is satisfied that a reception order may properly be made forthwith, he may make such order, and if the Magistrate is not so satisfied, he shall fix a date for further consideration of the application and may make such inquiries concerning the alleged mentally ill person as he thinks fit.

(5) The notice of the date fixed under sub-section (4) shall be given to the applicant and to any other person to whom, in the opinion of the Magistrate, such notice shall be given.

(6) If the magistrate fixes a date under sub-section (4) for further consideration of the application he may make such order as he thinks fit, for the proper care and custody of the alleged mentally ill person pending disposal of the application.

(7) On the date fixed under sub-section (4), or on such further date as may be fixed by the Magistrate, he shall proceed to consider the application in camera, in the presence of—

(i) the applicant;

(ii) the alleged mentally ill person (unless the Magistrate in his discretion otherwise directs);

(iii) the person who may be appointed by the alleged mentally ill person to represent him; and

(iv) such other person as the Magistrate thinks fit.

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and if the Magistrate is satisfied that the alleged mentally ill person, in relation to whom the application is made, is so mentally ill that in the interests of the health and personal safety of that person or for the protection of others it is necessary to detain him in a psychiatric hospital or psychiatric nursing home for treatment, he may pass a reception order for that purpose and if he is not so satisfied, he shall dismiss the application and any such order may provide for the payment of the cost of the inquiry by the application personally or from out of the estate of the mentally ill person, as the Magistrate may deem appropriate.

(8) If any application is dismissed under sub-section (7), the Magistrate shall record the reasons for such dismissal and a copy of the order shall be furnished to the applicant.

B. Reception orders on production of mentally ill persons before Magistrate

23(1) Every Officer in charge of a police station:

(a) may take or cause to be taken into protection any person found wandering at large within the limits of his station whom he has reason to believe to be so mentally ill as to be incapable of taking care of himself; and

(b) shall take or cause to be taken into protection any person within the limits of his station whom he has reason to believe to be dangerous by reason of mental illness.

(2) No person taken into protection under sub-section (1) shall be detained by the police without being informed, as soon as may be, of the grounds for taking him into such protection, or where in the opinion of the officer taking the person into protection, such person is one capable of understanding those grounds, without his relatives or friends, if any, being informed of such grounds.

(3) Every person who is taken into protection and detained under this section shall be produced before the nearest Magistrate within a period of twenty four hours of taking him into such protection excluding the time necessary for the journey from the place where he was taken into such protection excluding the time necessary for the journey from the place where he was taken into such protection to the Court of the Magistrate and shall nor be detained beyond the said period without the authority of the Magistrate.

C. Further provisions regarding admission and detention of certain mentally ill persons

26. If any District Court holding an inquisition under Chapter VI regarding any person who is found to be mentally ill is of opinion that it is necessary so to do in the interests of such person, it may, by order, direct that such person shall be admitted and kept as an inpatient in a psychiatric hospital or psychiatric nursing home and every such order may be varied from time to time or revoked by the District Court.

[Admission as inpatient after inquisition]

27. An order under section 30 of the Prisoners Act, 1900, or under section 144 of the Air Force Act, 1950, or under section 145 of the Army Act, 1950, or under section 143 or section 144 of the Navy Act, 1957, or under section 330 or section 335 of the Code of Criminal Procedure, 1973, directing the reception of a mentally ill prisoner into any psychiatric hospital or psychiatric nursing home to which such person may be lawfully transferred for detention for detention therein

[Admission and detention of mentally ill prisoner]
28.(1) When any person alleged to be a mentally ill person appears or is brought before a Magistrate under section 23 or section 25, the Magistrate may, by order in writing, authorize the detention of the alleged mentally ill person under proper medical custody in an observance ward of a general hospital or general nursing home or psychiatric hospital or psychiatric nursing home or in any other suitable place for such period not exceeding ten days as the Magistrate may consider necessary for enabling any medical officer to determine whether a medical certificate in respect of that alleged mentally ill person may properly be given under clause (a) of sub-section (2) of section 24.

[Detention of alleged mentally ill person. Pending report by medical officer]

(2) The Magistrate may, from time to time, for the purpose mentioned in sub-section (1), by order in writing, authorize such further detention of the alleged mentally ill person for periods not exceeding ten days as he may deem necessary.

Provided that no person shall be authorized to be detained under this sub-section for a continuous period exceeding thirty days in the aggregate.

29. Whenever any reception order is made by a Magistrate under section 22, section 24 or section 25, he may, for reasons to be recorded in writing, direct that the mentally ill person in respect of whom the order is made may be detained for such period not exceeding thirty days in such place as he may deem appropriate, pending the removal of such person to a psychiatric hospital or psychiatric nursing home.

[Detention of mentally ill person pending his removal to psychiatric hospital or psychiatric nursing home]

CHAPTER V

INSPECTION, DISCHARGE, LEAVE OF ABSENCE AND REMOVAL OF MENTALLY ILL PERSONS

37.(1) The State Government or the Central Government, as the case may be, shall appoint for every psychiatric hospital and every psychiatric nursing home, not less than five Visitors, of whom at least one shall be a medical officer, preferably a psychiatrist and two social workers.

38. Not less than three Visitors shall, at least once in every month, make a joint inspection of every part of the psychiatric hospital or psychiatric nursing home in respect of which they have been appointed and examine every minor admitted as a voluntary patient under section 17 and, as far as circumstances will permit, every other mentally ill person admitted therein and the order for the admission of, and the medical certificates relating to, every mentally ill person admitted subsequent to the joint inspection immediately preceding and shall enter in a book kept for that purpose such remarks as they deem appropriate in regard to the management and condition of such hospital or nursing home and of the inpatients thereof:

PART II

DISCHARGE

40.(1) Not withstanding anything contained in Chapter IV, the medical officer in charge of a psychiatric hospital or psychiatric nursing home may, on the recommendations of two medical parishioners one of whom shall preferably by a psychiatrist, by order in writing, direct the discharge of any person, other than a
voluntary patient detained or undergoing treatment therein as an inpatient, and such person shall thereupon be discharged from the psychiatric hospital or psychiatric nursing home:

[Order of discharge by medical officer in charge]

41. Any person detained in a psychiatric hospital or psychiatric nursing home under an order made in pursuance of an application made under this Act, shall be discharged on an application made in that behalf to the medical officer in charge by the person on whose application the order was made:

42. (1) Where any relative or friend of a mentally ill person detained in a psychiatric hospital or psychiatric nursing home under section 22, section 24 or section 25 desire that such person shall be delivered over to his care and custody, he made make an application to the medical officer in charge who shall forward it together with his remarks therein to the authority under whose orders the mentally ill persons is detained.

43(1) Any person (not being a mentally prisoner) detained in pursuance of an order made under this Act who feels that he has recovered from his mental illness may make an application to the Magistrate, where necessary under the provisions of this Act, for his discharge from the psychiatric nursing home.

44. If any person detained in a psychiatric hospital or psychiatric nursing home in pursuance of a reception order made under this Act is subsequently found on an inquisition held in accordance with the provisions of Chapter VI, to be of sound mind or capable of taking care of himself and managing his affairs, the medical officer in charge shall forthwith, on the production of a copy of such finding duly certified by the District Court, discharge such person from such hospital or nursing home.

PART IV
REMOVAL

47.(1) Any mentally ill person other than a voluntary patient referred to in section 15 or section 16 may; subject to any general or special order of the State Government, be removed from any psychiatric hospital or psychiatric nursing home to any other psychiatric hospital or psychiatric nursing home within the State, or to any other psychiatric hospital or psychiatric nursing home in any other state with the consent of the Government of that other state:

Provided that no mentally ill person admitted to a psychiatric hospital or psychiatric nursing home under an order made in pursuance of an application made under this Act shall be removed unless intimation thereof has been given to the applicant.

CHAPTER VII
LIABILITY TO MEET COST OF MAINTENANCE OF MENTALLY ILL PERSONS DETAINED IN PSYCHIATRIC HOSPITAL OR PSYCHIATRIC NURSING HOME

78. The cost of maintenance of a mentally ill person detained as an inpatient in any psychiatric hospital or psychiatric nursing home shall, unless otherwise provided for by any law for the time being in force be borne by the Government of the State wherein the authority which passed the order in relation to the mentally ill person is subordinate, if -

[Cost of maintenance to be home by Government in certain cases]
(a) that authority which made the order has not taken an undertaking from any person to hear the cost of maintenance of such mentally ill person, and
(b) no provision for bearing the cost of maintenance of such a District Court under this Chapter.

79. (1) Where any mentally ill person detained in a psychiatric hospital or psychiatric nursing home has an estate or where any person legally bound to maintain such person has the means to maintain such person the Government liable to pay the cost of maintenance of such person under section 78 or any local authority liable to bear the cost of maintenance of such mentally ill person under any law for the time being in force, may make an application to the District Court within whose jurisdiction the estate of the mentally ill person is situate or the person legally bound to maintain the mentally ill person and having the means therefore resides, for an order authorising it to apply the estate of the mentally ill person to the cost of maintenance or, as the case may be, directing the person legally bound to maintain the mentally ill person and having the means therefore to bear the cost of maintenance of such mentally ill person.

[Application to District Court for payment of cost of maintenance of mentally ill person or from a person legally bound to maintain him]

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

80. Nothing contained in the foregoing provisions shall be deemed to absolve a person legally bound to maintain a mentally ill person from maintaining such mentally ill person.

[persons legally bound to maintain mentally ill person not absolved from such liability]

CHAPTER VIII

PROTECTION OF HUMAN RIGHTS OF MENTALLY ILL PERSONS

81. (1) No mentally ill person shall be subjected during treatment to any indignity (whether physical or mental or cruelty)

(2) No mentally ill person under treatment shall be used for purposes of research, unless-

(i) such research is of direct benefit to him for purposes of diagnosis or treatment, or

(ii) such person, being a voluntary patient, has given his consent in writing or where such person whether or not a voluntary patient) is incompetent by reason of minority or otherwise, to give valid consent, the guardian or other person competent to give consent on his behalf, has given his consent in writing for such research.

(3) Subject to any rules made in this behalf under section 94 for the purpose of preventing variations or defamatory communications or communications prejudicial to the treatment or mentally ill persons, no letter or other communications sent by or to a mentally ill persons under treatment shall be intercepted, detained or destroyed.

CHAPTER IX

PENALTIES AND PROCEDURE
82(1) Any person who establishes or maintains a psychiatric hospital or psychiatric nursing home in contravention of the provisions of Chapter III shall, on conviction, be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both, and in case of a second or subsequent offence, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

83. Any person who receives or detains or keeps a mentally ill person in a psychiatric hospital or psychiatric nursing home otherwise than in accordance with the provisions of this Act, shall, on conviction, be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees, or with both.

84. Any manager appointed under this Act to manage the property of a mentally ill person, who contravenes the provisions of section 60 or sub-section (2) of section 69, shall on conviction, be punishable with fine which may extend to two thousand rupees and may be detained in a civil prison till he complies with the said provisions.

[Penalty for contravention of sections 60 and 69]

85. Any person who contravenes any of the provisions of this Act or of any rule of regulation made there under, for the contravention of which no penalty is expressly provided, in this Act, shall, on conviction, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

[General provision for punishment of other officer]

86. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

[offences by companies]

87. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no court shall take cognizance of any offence punishable under section 82, except with the previous sanction of the licensing authority

[Sanction for prosecutions], 2 of 1974.