

GOVERNMENT OF KARNATAKA

HD 174 PRA 2004

Karnataka Government Secretariat,  
Vidhana Soudha,  
Bangalore, dated 20-9-2004

CIRCULAR



Sub: Writ Petition No.18741/1966 on the  
File of the High Court-Karnataka  
State Legal Service Authorities,  
Bangalore/Vs/State and others.  
Ref: Letter dated: 6.7.2004 of the Advocate  
General, High Court, Bangalore

*Please  
send copies  
all concerned  
29/9/2004*

With reference to the above, the court has directed  
to issue necessary directions to the concerned Police Officers and  
the Station House Officers to take action in terms of the order  
by the Hon'ble High Court as per section 23 & 24 of the  
Health Act which is extracted below.

- 23. Powers and duties of police officers in respect of certain mentally ill persons:-
- (1) Every Officer-in charge of a police Station:-
  - (a) May take or cause to be taken in to 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 to protection under subsection (1) shall be detained by the police without being informed, as soon as



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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 not capable of understanding those grounds, without his relative 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 to the Court of the Magistrate and shall not be detained beyond the said period without the authority of the Magistrate.

24. Procedure on production of mentally ill persons.-

(1) If a person is produced before a Magistrate under sub-section (3) of Section 23, and if, in his opinion, there are sufficient grounds for proceeding further, the Magistrate shall-

(a) Examine the person to assess his capacity to understand,

(b) cause him to be examined by a medical officer, and

(c) make such inquiries in relation to such person as he may deem necessary.

(2) After the completion of the proceedings under sub-section(1), the Magistrate may pass a reception order authorizing the detention of the said person as an inpatient in a psychiatric hospital or psychiatric nursing

; 3 :

home.

- (a) if the medical officer certifies such person to be a mentally ill person, and  
 (b) if the Magistrate is satisfied that the said person is a mentally ill person and that in the interest of the health and personal safety of that person or for the protection of others, it is necessary to pass such order.

However, it is needless to point out that whenever, such mentally ill persons are ladies, the Police would immediately take steps to shift them to shelter homes instead of keeping them in the Police station and produce them before the court whenever necessary.

Accordingly the D.G. & I.G.P is requested to instruct all the Police Officers and the Station House Officers in the State to take necessary action and appropriate steps in the light of the above directions of the Hon'ble High Court of Karnataka.

(A.S. Kantharaju),

Under Secretary to Government  
 Home and Transport Department  
 (Prison and Cinema)

To

1. The Director General of Police & Inspector General of Police,  
 Nrupathunga Road, Bangalore.
2. The Director General of Police & Inspector General of Prison  
 Sheshadri Road, Bangalore
3. The Additional General of Police, (Administration)  
 Nrupathunga Road, Bangalore.