

No. D3/2736/2009
Police Headquarters, Kerala,
Thiruvananthapuram,
Dated : 09 /01/2009.

Circular No. 4/2009

Sub : Duties of Police Officers in respect of mentally ill persons–Necessity for taking correct legal action – instructions.

Occasionally Police Officers have to take action in respect of mentally ill persons either for their protection or for the safety of others from such persons who have become dangerous due to mental illness. It has come to notice that on a few such occasions the Police intervention was not strictly in accordance with the legally prescribed procedure.

02. The Mental Health Act, 1987 prescribes the powers and duties of Police Officers in respect of mentally ill persons. According to Section 23(1)(a) of the Act, Officer-in-Charge of a Police Station may take into protection any mentally ill person found wandering at large who is incapable of taking care of himself.

03. Further, according to Section 23(1)(b) of the Act, Officer-in-Charge of a Police Station **must** take into protection any person whom he has to reason to believe to be dangerous because of mental illness. After taking such person into protection he should be produced before the nearest Magistrate within a period of 24 hours, excluding the journey time. Further action should be taken as ordered by the Magistrate only. **In this regard, it should be clearly understood that any action by Police to admit such persons in psychiatric or other Hospital without order of a Magistrate is illegal.** This is specifically brought to the notice of all Police Officers, as such a violation is noticed on the part some Officers.

04. Under Section 25 of the Mental Health Act 1987, every Officer-in-Charge is duty bound to report to the Magistrate the fact that a person within the Police Station limit is mentally ill and is not under proper care and control, or is ill-treated or neglected by any relative or other persons having charge of the mentally ill person.

05. All are intimated strictly conform to the procedure laid down as per law.

Jacob Punnoose IPS,
Director General of Police,
Kerala.