



## The Prisons and Indian Lunacy (Tamil Nadu Amendment) Act, 1938

Act 14 of 1938

**Keyword(s):**

Central Act Amendment, Prisons Act, 1894, Prisoner, Escape or Attempt to Escape from Hospital or Asylum

Amendments appended: 5 of 1940, 18 of 1947, 19 of 1947

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'[TAMIL NADU] ACT No. XIV OF 1938'.

[THE PRISONS AND INDIAN LUNACY ('[TAMIL NADU]  
AMENDMENT) ACT, 1938.]

(Received the assent of the Governor-General on the  
3rd October 1938; first published in the Fort. St.  
George Gazette on the 25th October 1938.)

An Act further to amend the Prisons Act, 1894,  
and the Indian Lunacy Act, 1912, in their  
application to the <sup>3</sup>[State of Tamil Nadu] for  
certain purposes.

WHEREAS it is expedient further to amend the  
Prisons Act, 1894, and the Indian Lunacy Act, 1912,  
in their application to the <sup>3</sup>[State of Tamil Nadu] for  
the purposes hereinafter appearing; It is hereby  
enacted as follows :—

1. This Act may be called the Prisons and Indian <sup>Short title.</sup>  
Lunacy ('[Tamil Nadu] Amendment) Act, 1938.

2. After section 39 of the Prisons Act, 1894, the <sup>Insertion of  
new section  
39-A in  
Central Act  
IX of 1894.</sup>  
following section shall be inserted, namely :—

"39-A. The Superintendent may, if in his <sup>Power of  
Superinten-  
dent to send  
a prisoner to  
hospital or  
asylum  
for special  
treatment.</sup>  
opinion, a prisoner requires special treatment in a  
hospital outside the prison or in an asylum as defined  
in the Indian Lunacy Act, 1912, send him to such  
hospital or asylum subject to the prisoner or any  
relative or friend of the prisoner executing such bond

<sup>1</sup> These words were substituted for the word "Madras" by the  
Tamil Nadu Adaptation of Laws Order, 1969, as amended by the  
Tamil Nadu Adaptation of Laws (Second Amendment) Order,  
1969.

<sup>2</sup> For Statement of Objects and Reasons, see *Fort St. George  
Gazette*, dated the 19th July 1938—Part IV, pages 136-137.

<sup>3</sup> This expression was substituted for the expression "Province  
of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970,  
which was deemed to have come into force on the 14th January  
1969.

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(*Tamil Nadu Amendment*)

and abiding by such other conditions, if any, as the [State] Government may by rule or order prescribe. Any period during which the prisoner is undergoing treatment in such hospital or asylum or spent by him in going thereto or returning therefrom shall be deemed to be part of the period of his detention in the prison.

*Explanation.*—Nothing contained in this section shall be deemed to affect the operation of section 30 of the Prisoners Act, 1900, in cases to which that section applies.”

Amendment  
of section 4,  
Central  
Act IV of  
1912.

3. In sub-section (1) of section 4 of the Indian Lunacy Act, 1912, for the words and figures “save as provided by sections 8, 16 and 98”, the words, figures and letter “save as provided by sections 8, 16 and 98 of this Act and by section 39-A of the Prisons Act, 1894 ” shall be substituted.

Central  
Act, III  
of 1900.

Central  
Act, IV  
of 1912.

Central  
Act, IX  
of 1894.

<sup>1</sup>[TAMIL NADU] ACT No. V OF 1940.

[THE PRISONS(<sup>1</sup>[TAMIL NADU] AMENDMENT) ACT, 1940]

(Received the assent of the Governor on the 2nd April  
1940 ; first published in the Fort St. George  
Gazette on the 9th April 1940.)

An Act further to amend the Prisons Act, 1894,  
in its application to the <sup>2</sup>[State of Tamil  
Nadu], for certain purposes.

Central  
Act IX  
of 1894.

WHEREAS it is expedient further to amend the Prisons  
Act, 1894, in its application to the <sup>2</sup>[State of Tamil  
Nadu], for the purposes hereinafter appearing; <sup>3</sup>[It  
is hereby enacted as follows :—]

1. This Act may be called the Prisons  
(<sup>1</sup>[Tamil Nadu] Amendment) Act, 1940.

Short title.

Central  
Act IX  
of 1894.

2. In section 39-A of the Prisons Act, 1894 (herein-  
after referred to as the said Act), the Explanation  
shall be renumbered as Explanation I and the following  
shall be added as Explanation II , namely—

Amendment  
of section  
39-A,  
Central  
Act IX  
of 1894.

“Explanation II.—In this section, ‘prisoner’  
means a convicted criminal prisoner.”

<sup>1</sup> These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

<sup>2</sup> This expression was substituted for the expression “Province of Madras” by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

<sup>3</sup> These words were substituted for the paragraph containing the enacting formula and the paragraph preceding that paragraph by section 5 of the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (Tamil Nadu Act VII of 1948).

Insertion of  
new sections  
39-B and  
39-C in  
Central Act  
IX of 1894.

Punishment  
for escape or  
attempt to  
escape from  
hospital or  
asylum.

3. After section 39-A of the said Act, the following sections shall be inserted, namely :—

“39-B. If any prisoner dealt with under section 39-A escapes or attempts to escape from the hospital or asylum to which he has been sent or when going thereto or returning therefrom, he shall be punished with imprisonment for a term which may extend to two years , or with fine, or with both.

The punishment under this section shall be in addition to the punishment for which the prisoner was liable for the offence of which he was already convicted.

Provisions  
applicable  
to bonds  
referred to  
in section  
39-A.

39-C. The provisions of Chapter XLII of the Code of Criminal Procedure, 1898\*, shall so far as <sup>Central Act V</sup> may be, apply to the bonds referred to in section 39-A” of 1898.

\* See now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), Chapter XXXIII.

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Amendment)

<sup>1</sup>[TAMIL NADU] ACT No. XVIII OF 1947<sup>2</sup>.

[THE PRISONS (<sup>1</sup>[TAMIL NADU] AMENDMENT) ACT, 1947]

[Received the assent of the Governor on the 6th November 1947; first published in the Fort St. George Gazette, on the 11th November 1947.]

An Act further to amend the Prisons Act, 1894, in its application to the <sup>3</sup>(State of Tamil Nadu).

WHEREAS it is expedient further to amend the Prisons Act, 1894, in its application to the <sup>3</sup>(State of Tamil Nadu), for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Prisons <sup>1</sup>([Tamil Nadu] Amendment) Act, 1947.

Amendment  
of Central  
Act IX of  
1894.

2. In the Prisons Act, 1894—

Central  
Act IX of  
1894.

(i) in section 46, proviso, the following words shall be added at the end, namely, "or render any prisoner on hunger-strike liable to whipping";

(ii) in section 52, for the words and figures "sentence him to any of the punishments enumerated in section 46", the words and figures "sentence him to any of the punishments to which he is liable under section 46" shall be substituted.

<sup>1</sup> These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

<sup>2</sup> For Statement of Objects and Reasons, see Fort St. George Gazette, dated the 8th July 1947, Part IV-A, page 125.

<sup>3</sup> This expression was substituted for the expression "Province of Madras" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

<sup>1</sup>[TAMIL NADU] ACT NO. XIX OF 1947.<sup>2</sup>

[THE PRISONS (<sup>1</sup>[TAMIL NADU] AMENDMENT NO. II)  
ACT, 1947.]

[Received the assent of the Governor on the 7th November 1947 ; first published in the Fort St. George Gazette on the 11th November 1947.]

An Act further to amend the Prisons Act, 1894, in its application to the <sup>3</sup>(State of Tamil Nadu).

Central Act IX of 1894. WHEREAS it is expedient further to amend the Prisons Act, 1894, in its application to the <sup>3</sup>(State of Tamil Nadu), for the purpose hereinafter appearing; it is hereby enacted as follows :—

1. This Act may be called the Prisons (<sup>1</sup>[Tamil Nadu] Amendment No. II) Act, 1947. Short title.

Central Act IX of 1894. 2. (1) In section 33 of the Prisons Act, 1894, for sub-section (2), the following sub-section shall be substituted, namely :—

“(2) When a civil prisoner has been committed to prison by a Court in execution of any decree or order in favour of a private person, such person shall immediately deposit or cause to be deposited in Court, to meet the cost of the prisoner’s clothing and bedding, such amount as may be fixed by the Court in accordance with the rules, if any, made by the [State] Government in that behalf; and, in default of such deposit, the prisoner may be released.”

Amendment of section 33, Central Act IX of 1894.

<sup>1</sup> These words were substituted for the word “ Madras ” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

<sup>2</sup> For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated the 2nd September 1947, Part IV-A, page 138.

<sup>3</sup> This expression was substituted for the expression “ Province of Madras ” by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

<sup>1</sup> This word was substituted for the word “ Provincial ” by the Adaptation Order of 1950.