



The Indian Lunacy (Tamil Nadu Amendment) Act, 1938

Act 15 of 1938

Keyword(s):

Central Act Amendment, Indian Lunacy Act, 1912, Asylum, Temporary Order of Discharge of Lunatic

Amendment appended: 12 of 1943

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

[TAMIL NADU] ACT No. XV OF 1938* . . .

[THE INDIAN LUNACY (¹[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 Indian Lunacy
Act, 1912, in its application to the ²[State of
Tamil Nadu] for certain purposes.

WHEREAS it is expedient further to amend the
Indian Lunacy Act, 1912, in its application to the
³[State of Tamil Nadu] for the purposes hereinafter
appearing ; it is hereby enacted as follows :—

1. This Act may be called the Indian Lunacy ^{Short title.}
(¹[Tamil Nadu] Amendment) Act, 1938.

2. After section 33 of the Indian Lunacy Act, ^{Insertion of}
1912 (hereinafter referred to as the said Act), the ^{new section}
following section shall be inserted, namely :— ^{33-A in}
^{Central}
^{Act, IV}
^{of 1912.}

“33-A. If the person in charge of any asylum
in which a lunatic is detained under the provisions
of sections 14, 15 or 17, is satisfied that in the interests
of the health of the lunatic, it is necessary to discharge
him temporarily, the person aforesaid may order ^{Temporary}
^{order of}
^{discharge of}
^{lunatic in}
^{interests of}
^{his health.}

¹ 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.

² For Statement of Objects and Reasons, see *Fort St. George
Gazette*, dated the 24th May 1938, Part IV, page 127.

This Act was extended to the Kanyakumari district and the
Shencottah taluk of the Tirunelveli district by section 3 of , and the
First Schedule to, the Tamil Nadu (Transferred Territory) Extension
of Laws Act, 1960 (Tamil Nadu Act 23 of 1960) repealing the ‘corres-
ponding law in force in that territory. . .

³ 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.

such discharge for such period as he may think fit and subject to such conditions as the ¹[State] Government may by rule prescribe."

Amendment
of section 88,
Central
Act, IV of
1912.

3. In section 88 of the said Act, for the words and figures "on a reception order made under section 14, section 15 or section 17", the words and figures "on a reception order made under sections 7, 10, 14, 15 or 17 or on an order made under sections 8 or 16" and for the words "authority which made the reception order" the words "authority which made the reception or other order aforesaid" shall be substituted.

Amendment
of section 89,
Central Act,
IV of 1912.

4. In sub-section (1) of section 89 of the said Act, for the words "may make an order for the recovery of the cost of maintenance of such lunatic together with the costs of the application out of such estate or from such person", the following words shall be substituted, namely :—

"may make an order for the recovery of the whole or any portion of the cost of maintenance of such lunatic and of the costs of the application, out of such estate or from such person :

Provided that an order directing recovery out of such estate shall be made only after making due allowance for the needs of the wife, children and other dependants, if any, of the lunatic."

Amendment
of section 91,
Central Act,
IV of 1912.

5. In sub-section (1) of section 91 of the said Act, after clause (c), the following clause shall be inserted, namely :—

"(cc) to prescribe the conditions subject to which lunatics may be discharged temporarily under section 33-A".

¹ This word was substituted for the word "Provincial" by the Adaptation Order of 1960.

Tamil Nadu Act of 1938

¹[TAMIL NADU] ACT No. XII OF 1943².

[THE INDIAN LUNACY [¹(TAMIL NADU) AMENDMENT
ACT, 1943.]

(Received the assent of the Governor-General on the
17th May 1943 ; first published in the Fort St.
George Gazette on the 22nd June 1943.)

An Act further to amend the Indian Lunacy
Act, 1912, in its application to the ³[State
of Tamil Nadu].

WHEREAS it is expedient further to amend the Indian
Lunacy Act, 1912, in its application to the ³[State of
Tamil Nadu] for the purpose hereinafter appearing ; <sup>Central
Act IV
of 1912.</sup>
⁴[It is hereby enacted as follows :—]

Short title.

1. This Act may be called the Indian Lunacy
(¹[Tamil Nadu] Amendment) Act, 1943.

Amendment
of section
33-A,
Central Act
IV of 1912.

2. In section 33-A of the Indian Lunacy Act, <sup>Central
Act IV
of 1912.</sup>
1912, for the word and figures " section 14 ", the word
and figures " sections 7, 10, 14 ", shall be substituted.

¹ 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.

² For Statement of Objects and Reasons, see *Fort St. George
Gazette*, dated the 26th January 1943, Part IV-A, page 10.

This Act was extended to the Kanyakumari district and the
Shencottah taluk of the Tirunelveli district by section 3 of, and the
First Schedule to, the Tamil Nadu (Transferred Territory) Extension
of Laws Act, 1960 (Tamil Nadu Act 23 of 1960) repealing the cor-
responding law in force in that territory.

³ 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.

⁴ 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. 1)
Act, 1948 (Tamil Nadu Act VII of 1948).