

**Indian Lunacy (Madras Amendment) Act, 1938**

**15 of 1938**

**[25 October 1938]**

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**Indian Lunacy (Madras Amendment) Act, 1938**

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PREAMBLE

An Act further to amend the Indian Lunacy Act, 1912, in its application to the Province of Madras for certain purposes.

Whereas it is expedient further to amend the Indian Lunacy Act, 1912(Central Act IV of 1912), in its application to the Province of Madras for the purposes hereinafter appearing; It is hereby enacted as follows:--

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

**1. Short title :-**

This Act may be called the Indian Lunacy (Madras Amendment) Act, 1938.

**2. Insertion of new section 33-A in Central Act IV of 1912 :-**

After section 33 of the Indian Lunacy Act, 1912(Central Act IV of 1912) (hereinafter referred to as the said Act), the following section shall be inserted, namely:--

" 33-A. Temporary order of discharge of lunatic in interests of his health.--

If the person in charge of any asylum in which a lunatic is detained under the provisions of section 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 such discharge for such period as he may think fit and subject to such conditions as the <sup>1</sup>[State] Government may by rule prescribe."

1. This word was substituted for the word " Provincial " by the Adaptation Order of 1950.

### **3. Amendment of section 88, Central Act IV of 1912 :-**

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.

### **4. Amendment of section 88, Central Act IV of 1912 :-**

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."

### **5. Amendment of section 91, Central Act IV of 1912 :-**

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,".

