

Prisons And Indian Lunacy (Madras Amendment) Act, 1938

14 of 1938

[25 October 1938]

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PREAMBLE

An Act further to amend the Prisons Act, 1894, and the Indian Lunacy Act, 1912, in their application to the Province of Madras for certain purposes.

Whereas it is expedient further to amend the Prisons Act, 1894(Central Act IX of 1894), and the Indian Lunacy Act, 1912(Central Act IV of 1912), in their 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 19th July 1938--Part IV, pages 136-137.

1. Short title :-

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

2. Insertion of new section 39-A in Central Act IX of 1894 :-

After section 39 of the Prisons Act, 1894(Central Act IX of 1894), the following section shall be inserted, namely:--

"39-A. Power of Superintendent to send a prisoner to hospital or asylum for special treatment.--

The Superintendent may, if in his opinion, a prisoner requires

special treatment in a hospital outside the prison or in an asylum as defined in the Indian Lunacy Act, 1912(Central Act IV of 1912)) send him to such hospital or asylum subject to the prisoner or any relative or friend of the prisoner executing such bond and abiding by such other conditions, if any, as the ¹[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(Central Act III of 1900), in cases to which that section applies."

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

3. Amendment of section 4, Central Act IV of 1912 :-

In sub-section (1) of section 4 of the Indian Lunacy Act, 1912(Central Act IV of 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(Central Act IX of 1894) " shall be substituted.