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

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

1. This Act may be called the Indian Lunacy ([Tamil Nadu] Amendment) Act, 1938.

2. After section 33 of the Indian Lunacy Act, 1912 (hereinafter referred to as the said Act), the following section shall be inserted, namely:—

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

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.

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."

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 No. XII of 1943.  

[The Indian Lunacy ([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 State of Tamil Nadu.

Whereas it is expedient further to amend the Indian Lunacy Act, 1912, in its application to the State of Tamil Nadu for the purpose hereinafter appearing; Act IV of 1912.

It is hereby enacted as follows:—

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

2. In section 33-A of the Indian Lunacy Act, Central 1912, for the word and figures “section 14”, the word Act IV and figures “sections 7, 10, 14”, shall be substituted, of 1912.

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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 corresponding 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. I) Act, 1948 (Tamil Nadu Act VII of 1948).