

Prisoners Act, 1900

Section 30 - Lunatic Prisoners How to Be Dealt with

(1) Where it appears to the ¹ [State Government] that any person detained or imprisoned under any order or sentence of any Court is of unsound mind, the ¹ [State Government] may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to a lunatic asylum or other place of safe custody within the ² [State], there to be kept and treated as the ¹ [State Government] directs during the remainder of the term for which he has been ordered or sentence to be detained or imprisoned, or if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment, then until he is discharged according to law.

(2) Where it appears to the ¹ [State Government] that the prisoner has become of sound mind, the ¹ [State Government] shall, by a warrant directed to the person having charge of the prisoner, if still liable to be kept in custody, remand him to the prison from which he was removed, or to another prison within the ² [State], or, if the prisoner is no longer liable to be kept in custody, order him to be discharged.

(3) The provisions of section 9 of the Lunatic Asylums Act, 1858 (36 of 1858)³ shall apply to every person confined in a lunatic asylum under sub-section (1) after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned; and the time during which a prisoner is confined in a lunatic asylum under that sub-section shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Court to undergo.

⁴ [(4) In any case in which the ¹ [State Government] is competent under sub-section (1) to order the removal of a prisoner to a lunatic asylum or other place of safe custody within the ² [State], the ¹ [State Government] may order his removal to any such asylum or place within any other ² [State] or within ⁵ [any part of India to which this Act does not extend] by agreement with the ¹ [State Government] of such other ² [State]⁶ [***]; and the provisions of this section respecting the custody, detention, remand and discharge of a prisoner removed under sub-section (1) shall, so far as they can be made applicable, apply to a prisoner removed under this sub-section.]

1. Substituted by the A.O. 1950, for "Provincial Government".

2. Substituted by the A.O. 1950, for "Province".

3. Now the Indian Lunacy Act, 1912 (4 of 1912).

4. Substituted by Act 38 of 1920, section. 2 and Sch. 1, for sub-section (4).

5. Substituted by the Adaptation of Laws (No. 2) Order, 1956, for "any Part B State".

6. The words "or, with such State or the Ruler thereof, as the case may be", omitted by Adaptation of Laws (No. 2) Order, 1956 which was earlier Substituted by A.O. 1937, for "such Native Province or State".
