

## Karnataka Prisoners Act, 1963

### Section 9 - Lunatic Prisoners How to Be Dealt with

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(1) Where it appears to the State Government that any person detained or imprisoned under any order or sentence of any court is of unsound mind, the State Government may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to a mental hospital or other place of safe custody within the<sup>1</sup>[State of Karnataka], there to be kept and treated as the State Government directs during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned, or, if on the expiry 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 State Government that the prisoner has become of sound mind, the 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 any other prison within the<sup>1</sup>[State of Karnataka], or, if the prisoner is no longer liable to be kept in custody, order him to be discharged.

(3) The provisions of the Indian Lunacy Act, 1912 (Central Act IV of 1912), so far as they can be made applicable, shall apply to every person confined in a mental hospital or other place of safe custody 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 mental hospital or other place of safe custody 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) In any case in which the State Government is competent under sub--section (1) to order the removal of the prisoner to a mental hospital or other place of safe custody within the<sup>1</sup>[State of Karnataka], the State Government may order his removal to any such hospital or place in any other State by agreement with the Government of such other State; and the provisions of this section respecting the custody, detention, remand, and discharge of a prisoner removed under sub--section (1) shall, so far they can be made applicable, apply to a prisoner removed under this sub--section.

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1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 1.11.1973

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