

SIND ACT No. XXV OF 1940.¹[THE LUNACY, SIND DISTRICT MUNICIPAL AND SIND MUNICIPAL
BOROUGHES (AMENDMENT) ACT, 1940.]

[13th February, 1941]

An Act to amend the ^{2*}Lunacy Act, 1912, the ³[Sind] District
Municipal Act, 1901, and the ³[Sind] Municipal Boroughs
Act, 1925 ^{4*} * * * * *

IV of 1912.
Sind III
of 1901.
Sind XVIII
of 1925.

WHEREAS it is expedient to amend the ^{2*}Lunacy
Act, 1912, the ³[Sind] District Municipal Act, 1901, and the ³[Sind]
Municipal Boroughs Act, 1925, ^{4*} * * * * * for the purpose hereinafter
appearing; It is hereby enacted as follows :—

1. This Act may be called the ^{5*}Lunacy, ³[Sind] Short title.
District Municipal and ³[Sind] Municipal Boroughs (^{6*} Amend-
ment) Act, 1940.

IV of 1912.

2. In the ^{2*}Lunacy Act, 1912—

(a) in section 3, to clause (4), the following words shall Amendment
of section 3
of IV of
1912.
be added, namely :—

“but shall not include—

(a) a person detained under section 466 of the
Code of Criminal Procedure, 1898, if the prosecution
pending against him is withdrawn,

(b) a person detained under section 471 of the
Code of Criminal Procedure, 1898, if he has remained
in such detention, whether in a jail or in an asylum,
for the maximum term prescribed by law for the
offence which his act would but for his lunacy have
constituted, or for seven years, whichever is less,

¹ For Statement of Objects and Reasons, see S.G.G., 1940, Pt. IV, pp. 538-539, and for proceedings
in Assembly, see S. L. A. Debates, 1940, Vol. XII-Book No. 3, pp. 46-50.

² The word “Indian” omitted by the Sind Laws (Adaptation, Revision, Repeal and Declara-
tion) Ordinance, 1955 (Sind 5 of 1955), s. 4 (w.e.f. 30th May 1951).

³ Subs. *ibid.*, s. 3 (1) (w. e. f. 30th May 1951), for “Bombay”.

⁴ The words “in their application to the Province of Sind” omitted, *ibid.*, s. 3 (iii) (a)
(w. e. f. 30th May 1951).

⁵ The word “Indian” rep., *ibid.*, s. 6, Sch. II.

⁶ The word “Sind” omitted, *ibid.*, s. 3 (iii) (b) (w.e.f. 30th May 1951).

(c) a person who after the remission of the unexpired portion of his sentence or after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned is ordered to be further detained under section 30 of the Prisoners Act, 1900."

1(b) * * * *

(c) For section 88 the following shall be substituted, namely:—

"88. If a lunatic detained in an asylum on a reception order made under sections 7, 10, 14 or 15 or an order made under section 8 or 16 has an estate applicable to his maintenance, or if any person legally bound to maintain such lunatic has the means to maintain him or if any local authority is liable for the cost of maintenance of such lunatic under any law for the time being in force, the authority which made the reception order or other order aforesaid may apply to the High Court or District Court within the local limits of the original jurisdiction of which the estate of the lunatic is situate or the person legally bound to maintain him resides or the local authority liable for the cost of his maintenance is constituted for an order for the payment of the cost of maintenance of the lunatic."

(d) In section 89—

(i) for sub-section (i), the following shall be substituted, namely:—

"(i) The Court shall inquire into the matter in a summary way, and on being satisfied that such lunatic has an estate applicable to his maintenance, or that any person is legally bound to maintain and has the means of maintaining such lunatic, or that any local authority is liable for the cost of maintenance of such lunatic under any law for the time being in force, 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 or from such local authority:

Application to Civil Court for order for the payment of cost of maintenance out of the lunatic's estate or by person bound to maintain him or by local authority liable for such costs.

Order of Court and enforcement thereof.

1 Cl. (b) rep., by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 6, Sch. II.

Provided that no order for the recovery of the cost of maintenance of such lunatic from a local authority shall be made if he has an estate applicable to his maintenance or if there is any person legally bound, and having the means, to maintain him :

Provided further that for the purpose of determining if the lunatic has such estate due allowance shall first be made for the needs of the wife, children and other dependants, if any, of the lunatic."

(ii) in sub-section (2) of section 89, after the word "person", the words "or the local authority" shall be inserted.

3. [Amendment of section 55 of Sind III of 1901.] Rep. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 6, Sch. II.

4. [Amendment of section 70 of Sind XVIII of 1925.] Rep. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 6, Sch. II.