



The Madras City Police Act, 1888

Act 3 of 1888

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City of Madras, Conviction, Imprisonment, Common Gaming House, Instruments of Gaming, Public Place, Cattle, Subordinates Ranks

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¹(TAMIL NADU) ACT NO. III OF 1888².

[THE MADRAS CITY POLICE ACT, 1888.]

(Received the assent of the Governor on the 12th April 1888, and that of the Governor-General on the 26th June 1888.)

An Act to regulate the Police of the City of Madras.

Preamble.

WHEREAS it is expedient to amend and consolidate the provisions of the laws for regulating the Police of the City of Madras ; It is enacted as follows :—

Short title.

1. (1) This Act may be cited as the Madras City Police Act, 1888.

Local extent.

(2) It extends to the whole of the city of Madras as defined in section 3.

³ [(3) * * * * *]

2. [*Enactments repealed.*] *Rep. by the Repealing and Amending Act, 1901 (Central Act XI of 1901).*

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context,—

“City of Madras.”

“City of Madras” includes all places within the local limits of the ordinary original jurisdiction of the High Court of Judicature of Madras :

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, which came into force on the 14th January 1969.

² For Statement of Objects and Reasons, see *Fort St. George Gazette* Supplement, dated the 8th November 1887, p. 17 ; for Report of the Select Committee, see *ibid.*, dated the 31st January 1888, p. 1 ; for Proceedings in Council, see *ibid.*, dated the 29th November 1887, p. 2 and *ibid.*, dated the 27th March 1888, p. 8.

The Madras City Police and Gaming (Amendment) Act, 1949 (Tamil Nadu Act VII of 1949) was extended to the merged State of Pudukkottai by section 12 of the Tamil Nadu Merged States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 1949).

Certain restrictions respecting right to form association and freedom of speech and expression have been imposed on every member of the police-force appointed or enrolled under the Madras City Police Act, 1888 (Tamil Nadu Act III of 1888) or the Tamil Nadu District Police Act, 1859 (Central Act XXIV of 1859) by section 3 of the Police-Forces (Restriction of Rights) Act, 1966 (Central Act 33 of 1966), which Central Act has not, however, been brought into force in this State so far.

³ The words “It shall come into force at once” were repealed by the Repealing and Amending Act, 1901 (Central Act XI of 1901)—Third Schedule, Part III.

“Commissioner” means the Commissioner of Police for Madras ¹[referred to in] section 5: “Commissioner.”

“conviction” means the conviction of the accused person before a Presidency Magistrate* “Conviction.”

“imprisonment” means imprisonment of either description as defined in the Indian Penal Code: “Imprisonment.”

²“common gaming-house” means any house, room, tent, enclosure, vehicle, vessel or any place whatsoever in which cards, dice, tables or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using, or keeping such house, room, tent, enclosure, vehicle, vessel or place, whether by way of charge for the use of instruments of gaming or of the house, room, tent, enclosure, vehicle, vessel or place, or otherwise howsoever; and includes any house, room, tent, enclosure, vehicle, vessel or place opened, kept or used or permitted to be opened, kept or used for the purpose of gaming;] “Common gaming-house.”

³ [“Gaming” does not include a lottery but includes wagering or betting, except wagering or betting on a horse-race when such wagering or betting takes place— “Gaming.”

¹ These words were substituted for the words “appointed under” by section 3 (1) of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1951 (Tamil Nadu Act XIV of 1951).

² This definition was substituted for the original definition by section 2 (i) of the Madras City Police and Gaming (Amendment) Act, 1955 (Tamil Nadu Act XVI of 1955).

³ This definition was substituted for the original definition by section 2 (i) of the Madras City Police (Second Amendment) Act, 1941 (Madras Act XXII of 1941), re-enacted permanently by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting (No. II) Act, 1948 (Tamil Nadu Act VIII of 1948). This definition has since been further substituted as follows by section 2 of the Madras City Police and Gaming (Amendment) Act, 1949 (Tamil Nadu Act VII of 1949):—

“Gaming” does not include a lottery but includes wagering or betting.

Explanation.—For the purposes of this definition, wagering or betting shall be deemed to comprise the collection or soliciting of bets, the receipt or distribution of winnings or prizes, in money or otherwise, in respect of any wager or bet, or any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt or distribution”.

The Madras City Police and Gaming (Amendment) Act, 1949 (Tamil Nadu Act VII of 1949) has further been amended by the Tamil Nadu Horse Races (Abolition of Wagering or Betting) Act, 1974 (Tamil Nadu Act 44 of 1974) providing for the abolition of wagering or betting on horse races in the State of Tamil Nadu with effect on and from the 31st March 1975.

* Now the Metropolitan Magistrate.

(i) on the date on which such race is to be run,
and

(ii) in a place or places within the race enclosure which the authority controlling such race has with the sanction of the ¹[State] Government set apart for the purpose.

For the purposes of this definition, wagering or betting shall be deemed to comprise the collection or soliciting of bets, the receipt or distribution of winnings or prizes, in money or otherwise, in respect of any wager or bet, or any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt or distribution].

“Instruments
of gaming”.

²“Instruments of gaming” include any article used or intended to be used as a subject or means of gaming, any document used or intended to be used as a register or record or evidence of any gaming, the proceeds of any gaming, and any winnings or prizes in money or otherwise distributed or intended to be distributed in respect of any gaming.]

“Public
place.”

³“Public place” means a place (including a road, street or way, whether a thoroughfare or not and a landing place) to which the public are granted access or have a right to resort, or over which they have a right to pass.]

“Cattle.”

“cattle” includes horned cattle, horses, asses, mules, sheep, goats, swine, camels and elephants.

¹The word ‘State’ was substituted for the word ‘Provincial’ by the Adaptation Order of 1950.

²This definition of “Instruments of gaming” was substituted for the original definition by section 2 (ii) of the Madras City Police (Second Amendment) Act, 1941 (Madras Act XXII of 1941). This Act was permanently re-enacted by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting (No. II) Act, 1948 (Tamil Nadu Act VIII of 1948).

³This definition was inserted by section 2 (i) of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941), permanently re-enacted by section 2 (1) of, and the First Schedule to, the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).

¹["subordinate ranks" means the ranks inferior to that of Assistant Commissioner]. "Subordinate ranks."

4. ³[

5. The administration of the Police of the City of Madras shall be vested in an officer to be styled the Commissioner of Police for Madras ³[* * *]: Administration vested in the Commissioner of Police.

⁴[Provided that the ⁵(State Government) may, by notification in the ⁶ [Official Gazette] which ⁷(they) may cancel or vary, at any time direct that the administration of such of the Police within the City of Madras as are or may be employed at any railway stations or on any railway premises or within the limits of any railway or part of any railway situated within the limits of the City of Madras, shall be vested in the Inspector-General of Police, and from and after the issue of such notification the powers under this Act of the Commissioner and of his deputies or assistants in respect of such Police shall cease, and the Inspector-General of Police and under his control such officers as shall be appointed by the ⁵(State Government) to be Superintendent or Assistant Superintendent of Railway Police, shall as regards such Police exercise all the powers of the Commissioner of Police under this Act, save that the power conferred on the Commissioner by section 10 shall, in respect of such Police, be exercised by the Inspector-General of Police alone.] Administration of Police employed at railway stations, etc., may be vested in the Inspector-General of Police.

¹ This definition was inserted by the Adaptation Order of 1937.

² This section was repealed by section 3 of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957).

³ The words "who shall from time to time be appointed by the Governor in Council of Fort St. George and may be removed by the same authority" were omitted by the Adaptation Order of 1937.

⁴ This proviso was added by section 1 of Madras Act III of 1898. As to the control by the Inspector-General of Police of the City Police, see Madras Act III of 1907.

⁵ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁶ These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

⁷ This word was substituted for the word "he" by *ibid.*

Appointment of Deputies or Assistants to the Commissioner.

6. The Government may, from time to time, appoint one or more Deputies or Assistants to the Commissioner, who shall be competent to perform any of the duties or exercise any of the powers assigned to that officer as Commissioner under his orders. ¹ [**]

Commissioner's powers as Magistrate.

7. The Commissioner shall by virtue of his office be a Presidency Magistrate,* but shall exercise his powers as Magistrate subject to such orders as may from time to time be issued by the ²[State Government]: Provided that he shall not exercise any powers under Chapters XVIII, XX or XXI of the Code of Criminal Procedure, 1882.³

Commissioner and his Deputies and Assistants to be Justices of the Peace.

8. The Commissioner, his Deputies and Assistants, shall by virtue of their office be Justices of the Peace; but shall act as such only so far as may be necessary for the preservation of the peace, for the prevention of offences, for the detection, apprehension and detention of offenders, and for the performance of the duties assigned to the Commissioner by this Act.

Constitution of Police-force.

9. For the City of Madras, there shall be a Police-force which shall consist of such number of officers and men and shall be otherwise constituted in such manner as shall from time to time be ordered by the ² [State Government].

⁴[Subject to the provisions of this Act, the pay and all other conditions of service of members of the subordinate ranks of the Police-force shall be such as may be determined by the ⁵(State) Government.]

¹ The sentence "Any Deputy or Assistant Commissioner may be removed by order of the Governor in Council" was omitted by the Adaptation Order of 1937.

² The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ See now Central Act 2 of 1974.

⁴ This paragraph was inserted by the Adaptation Order of 1937.

⁵ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

* Now the Metropolitan Magistrate.

10. The Commissioner may, from time to time, subject to the control of the ¹[State Government] frame orders and regulations for the general government of the force.

Rules for the Government of the force to be made by the Commissioner subject to the control of the State Government.

11. ²[The Commissioner] may, at any time, ³[subject to the provisions of Article 311 of the Constitution and to the control of the ¹[State Government], ⁴[dismiss, suspend or reduce to a lower post or time-scale or to a lower stage in a time-scale], any member ⁵(of the subordinate ranks of the Police-force) and may order the recovery from the pay of any such member, of the whole or part of any pecuniary loss caused to Government by his negligence or breach of orders.]

Commissioner may dismiss, suspend, reduce, etc., members of the subordinate ranks of the force.

12. Every member of the force shall receive on enrolment a certificate in the following form under the signature of the Commissioner:—

Members of the force to receive certificates of enrolment.

FORM.

“A.B. has been appointed a member of the Madras City Police-force and is invested with the powers, functions and privileges of a Police-officer.”

¹The words “Provincial Government” were substituted for the words “Governor in Council” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” the Adaptation Order of 1950.

²These words were substituted for the words “The appointment of the members of the force shall rest with the Commissioner and he” by the Adaptation Order of 1937.

³These words and figures were substituted for the words “subject to the control of the State Government” by the Adaptation (Third Amendment) Order of 1951.

⁴These words were substituted for the words “fine, suspend, reduce or dismiss any member thereof; provided that no fine shall exceed one month’s pay” by section 3 of the Madras City Police (Amendment) Act, 1936 (Madras Act XX of 1936).

⁵These words were substituted for the word “thereof” by the Adaptation Order of 1937.

By virtue of such certificate he shall be vested with the powers, functions and privileges of a Police-officer, and such certificate shall cease to have effect whenever the person named in it is suspended or dismissed, or otherwise ceases to be employed in the force.

Members of the subordinate ranks of the force not to resign without leave or notice.

13. No member ¹[of the subordinate ranks] of the force shall be at liberty to resign his office, or to withdraw himself from the duties thereof, without the written permission of the Commissioner or until after the expiry of two months from the date of his giving to the Commissioner a notice in writing of his intention to do so; and every member ¹[of the subordinate ranks] of the force, who shall so resign or withdraw himself, shall be liable, at the discretion of the Commissioner, to forfeit the whole or part of any arrears of pay then due to him; and shall in addition be liable on conviction to fine not exceeding fifty rupees, or to imprisonment not exceeding two months, or to both.

Member ceasing to belong to the force to deliver up certificate, clothing, accoutrements, etc.

14. Every member of the force shall, on ceasing to belong thereto, forthwith deliver up to the Commissioner, or to such person and at such time and place as shall be directed by the Commissioner, his certificate and all clothing, accoutrements and other articles supplied to him for the execution of his duty, and in default thereof shall be liable on conviction to fine not exceeding two hundred rupees, or to imprisonment not exceeding six months, or to both. And it shall be lawful for the Commissioner, or for any Magistrate, to issue his warrant to search for and seize all the clothing, accoutrements and other articles which shall not be delivered up, wherever the same may be found.

Penalty for neglect or violation of duty.

15. For neglect or violation of duty in his office, and for any breach of the orders and regulations framed as aforesaid, every member of the force, besides being suspended or dismissed from his employment as hereinbefore provided, shall be liable on conviction to fine not exceeding one hundred rupees, or to imprisonment not exceeding three months, or to both.

¹ These words were inserted by the Adaptation Order of 1937.

16. Every Police-officer appointed under the provisions of Act XXIV of 1859 * may at any time be employed in the City of Madras, and whilst so employed shall have the same duties, powers and privileges, and be subject to the same authority, as Police-officers appointed under this Act.

Police enrolled under Central Act XXIV of 1859 to have powers of Police in the City of Madras.

17. The Commissioner may, of his own authority, appoint any able-bodied male person between the ages of eighteen and fifty-five to be a ¹[special police-officer] to assist the Police-force on any temporary emergency. ²[Every special police-officer so appointed shall receive a certificate in such form as the ³(State Government) may determine under the signature of the Commissioner.]

Appointment of special police-officer.

18. Every ¹[special police-officer] so appointed shall have the same powers, privileges and protection, and shall be liable to perform the same duties, amenable to the same penalties, and subordinate to the same authorities, as the ordinary officers of police.

Powers of special police-officer.

19. If any person being appointed a ¹[special police-officer] as aforesaid shall, without sufficient excuse, neglect or refuse to serve as such or to obey such lawful order or direction as may be given to him for the performance of his duties, he shall be liable on conviction to fine not exceeding fifty rupees.

Penalty for special police-officer neglecting or refusing to serve.

¹ These words were substituted for the words "special constable" by section 4 of the Madras City Police (Amendment) Act, 1936 (Madras Act XX of 1936).

² This sentence was added by *ibid.*

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

*The Tamil Nadu District Police Act, 1859

Powers to
quarter
additional
Police in
disturbed
parts of the
City.

20. It shall be lawful for the Commissioner, with the sanction of the ¹[State Government] to be notified in the ²[Official Gazette] and in such other manner as ³[the State Government] may direct, to employ any Police-force in excess of the ordinary fixed complement to be quartered in any street or in any part of the City of Madras which shall be found to be in a disturbed or dangerous state, or in any part of the said city in which, from the conduct of the inhabitants, he may deem it expedient to increase the number of Police. The inhabitants of the street or part of the city described in the notification shall be charged with the cost of such additional Police-force, or with such part thereof as ³[the State Government] may direct, and the Commissioner shall assess the proportion in which the amount is to be paid by the inhabitants, according to his judgment of their respective means.

Power to
appoint
additional
police-
officers.

21. [(1) On the application of any person and at his charge, the ⁵(State Government) may, for the purpose of keeping the peace or preserving order at any place or of enforcing the provisions of this or of any other Act in respect of any

¹The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

²These words were substituted for the words "*Fort St. George Gazette*" by the Adaptation Order of 1937.

³The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴This section was substituted for the original section 21 by section 6 of the Madras City Police (Amendment) Act, 1936 (Madras Act XX of 1936).

⁵The words "Provincial Government" were substituted for the word "Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

specified class of offences, appoint additional police-officers of such rank or grade, on such pay, if any, and for such time, as ¹(they) may think fit :

Provided that on the expiry of one month from the receipt of notice in writing from the applicant or his representative or on the expiry of such shorter period as the ²(State Government) may fix, the ³(State Government) shall discontinue police-officers so appointed.

(2) Every additional police-officer so appointed—

(a) shall receive a certificate in such form as the ²(State Government) may determine, under the signature of the Commissioner; and

(b) shall have such of the powers and duties of an ordinary police-officer of like rank as are specially mentioned in the certificate referred to in clause (a) and shall, in the exercise or performance thereof, have the same protection and privileges, be amenable to the same penalties, and be subordinate to the same authorities as such officer.]

22. All sums of money payable under the last two preceding sections shall be recoverable by suit in any competent Court or by distress and sale of the goods of the defaulter under the warrant of a Magistrate. Recovery of moneys due.

23. Every Police-officer shall, for the purposes of this Act, be considered to be always on duty. He shall not engage, without the written permission of the Commissioner, in any duty other than his duties under this Act. It shall be his duty to use his best endeavours and ability to prevent offences and public nuisances; to preserve the peace; apprehend disorderly Duties of Police-officers.

¹ This word was substituted for the word "he" by the Adaptation Order of 1937.

² The words "Provincial Government" were substituted for the word "Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

and suspicious characters; to detect and bring offenders to justice; to take charge of all unclaimed property; to seize and impound stray cattle; to collect and communicate intelligence affecting the public peace, and promptly to obey and execute all orders and warrants lawfully issued to him; and it shall be lawful for every Police-officer, for any of the purposes mentioned in this section, without a warrant to enter and inspect any drinking shop, gaming-house or other place of resort of loose or disorderly characters.

Police-officer and agent of the Society for the Prevention of Cruelty to Animals may arrest without warrant on view of offence.

¹[24. (1) Any Police-officer may arrest without a warrant any person committing in his view any offence made punishable by this Act.

²[** ** ** **]

³[(2) Any agent of the Society for the Prevention of Cruelty to Animals who is specially empowered by the ⁴(State) Government in that behalf may arrest without a warrant any person committing in his view any offence punishable under section 53 ⁵(* * * * *)].

¹ Original section 24 was renumbered as section 24 (1) by section 2 of the Madras City Police, Towns Nuisances and Prevention of Cruelty to Animals (Amendment) Act, 1942 (Tamil Nadu Act XX of 1942), re-enacted permanently with specified modifications by section 2 (2) of, and the Second Schedule to, the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).

² The proviso to sub-section (1) of section 24, which was added by section 2 (i) of the Madras City Police (Amendment) Act, 1949 (Madras Act XLII of 1949), was omitted by section 20 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1964 (Tamil Nadu Act 21 of 1964).

³ This sub-section was added by section 2 of the Madras City Police Towns Nuisances and Prevention of Cruelty to Animals (Amendment) Act, 1942 (Tamil Nadu Act XX of 1942), re-enacted permanently with specified modifications by section 2 (2) of, and the Second Schedule to, the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).

⁴ The word "State" was substituted for the word "Provincial" by the Adaptation Order of 1950.

⁵ The words and figures "and the provisions of the Code of Criminal Procedure, 1898, shall apply to an arrest made by such agent as if it had been made by a Police-officer" were omitted by section 2 (2) of, and the Second Schedule to, the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).

¹[(3) The agent shall have power to release any person so arrested on his executing a bond, with or without sureties for his appearance before a Magistrate if and when required.

Central
Act V
of 1898.

(4) The provisions of the Code of Criminal Procedure, 1898², shall apply to any arrest made or bond taken under this section as if the arrest had been made, or the bond had been taken, under the said Code.]

25. Whoever commits an offence affecting the person or property of another may, if his name and address be unknown, be apprehended by the person injured or in charge of the property concerned, or by any person acting in aid of such person, and may be detained until he gives his name and address and satisfy such person that the name and address so given are correct, or until he can be delivered into the custody of a Police-officer.

Apprehension
of offenders
by private
individual.

26. Any Police-officer above the rank of constable having reasonable ground to suspect that stolen property is concealed or lodged in any dwelling-house or other place, and is likely to be removed before a search-warrant can be obtained, may search such house or place subject to the general provisions in the Code of Criminal Procedure, 1882³, relating to searches.

Powers to
search for
stolen prop-
erty in certain
cases without
warrant.

27. Any Police-officer may seize any property or thing which may be found in the possession of any person, where the possession by such person of such property or thing creates a reasonable suspicion of the committal of an offence; and such seizure shall be forthwith reported to the Commissioner, who shall thereupon make such order respecting the custody or production of the property as he shall think proper.

Seizure of
property
regarding
which an
offence is
suspected.

¹ Sub-sections (3) and (4) were inserted by section 2 (2) of, and the Second Schedule to, the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).

² See now Central Act 2 of 1974.

Pawn-brokers, etc., to report stolen property if tendered for pawn or sale.

28. Any officer of Police may deliver to any ¹[], dealer in secondhand property or worker in metals a list of any property believed to have been stolen, and thereupon it shall be the duty of such ¹[], dealer or worker as aforesaid, upon any article answering the description of any of the property set forth in any such list being offered him ²[], for sale, or otherwise, to inquire the name and address of the party offering such article, to seize and detain the article, and forthwith to communicate to the nearest police-station the fact of such article having been offered and such name and address as may be given by the party offering it. Any ¹[], dealer or worker as aforesaid failing to comply with the requirements of this section without reasonable excuse shall be liable on conviction to fine not exceeding fifty rupees for every such offence. Such ¹[], dealer or worker as aforesaid may also detain any person offering such article as aforesaid pending the arrival of the Police.

Powers to fix periods within which stray dogs may be killed.

29. The Commissioner may, by order in writing, to be affixed at the principal police-stations and also to be published in some public newspaper, appoint, from time to time, certain periods within which any dogs found straying and unmuzzled may be destroyed.

Power to take charge of, and deliver to party entitled to, movable property under two hundred rupees in value, of persons dying intestate.

30. Whenever any person dies intestate leaving movable property within the City of Madras under two hundred rupees in value, such property may be taken charge of by the Police, and it shall be lawful for the Commissioner to order the said property to be delivered, without requiring the production of any probate, letters of administration, certificate or other such conclusive evidence of title and upon such terms as he may think fit, to any person who may appear to him to be entitled thereto; ³and such delivery shall be a full discharge to the Commissioner, and to the

¹ The word "pawnbroker" occurring in the four places in section 28 were deemed to have been omitted consequent on the coming into force with effect on and from the 1st November 1944 in the City of Madras of the Tamil Nadu Pawnbrokers Act, 1943 (Tamil Nadu Act XXIII of 1943)-Please see sec. 24 (1) of said Act.

² The words "in pawn" were deemed to have been omitted, *ibid.*

³ As to saving of this provision from the operation of the General Succession Law, see the Administrator-General's Act, 1913 (Central Act III of 1913), s.55.

[Government] from all liability in respect of such property.

Central Act X of 1882.

31. The provisions of sections 523, 524 and 525 of the Code of Criminal Procedure, 1882², shall, as nearly as may be practicable, apply to all property seized or taken charge of by the Police.

Certain provisions of Code of Criminal Procedure, 1882, to apply.

Central Act XLV of 1860.

32. The Commissioner shall keep in his office standard weights and measures³ as may be from time to time prescribed or declared to be correct by the ⁴[State Government]; and weights and measures shall be held to be false when they do not agree with such standards; and on conviction being had under Chapter XIII of the Indian Penal Code, the weights and measures which formed the subject-matter of the charge shall be forfeited and destroyed.

Commissioner to keep standard weights and measures.

33. Any Police-officer above the rank of constable may enter any shop or premises for the purpose of inspecting the weights and measures and instruments for weighing or measuring kept or used therein, and may seize any weight, measure or instrument for weighing or measuring which he may have reason to believe is false.

Power of Police to enter shops to inspect weights, etc.

34. No enclosed place or building having an area of five hundred square feet or upwards shall be used for public entertainment or resort without a licence from the Commissioner.

Places of public resort to be licensed.

¹ The word "Crown" was substituted for the words "Secretary of State for India" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

² See now Central Act 2 of 1974.

³ As to standard measures, see the Measures of Length Act, 1889 (Central Act II of 1889), s. 7 and the Standards of Weights and Measures Act, 1956 (Central Act 89 of 1956), s. 13.

⁴ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁵ Under section 5-A, sub-section (1), of the Tamil Nadu Cinemas (Regulation) Act, 1955 (Tamil Nadu Act IX of 1955), the provisions of this Act shall not apply to any application made under the said sub-section by any person who intends to use any place, for the exhibition of cinematograph films.

Eating-houses, hotels, wine shops, fencing schools, etc., to be licensed.

35. No enclosed place or building shall be used as an eating-house, coffee-house, boarding-house, lodging-house, hotel, tavern, wine, beer or spiritshop, arrack or toddy shop, gymnasium or fencing-school, or for the sale or consumption of any intoxicating drug or liquor¹, without a licence from the Commissioner: Provided that nothing in this section shall apply to the sale in reasonable quantities of any drug or substance for medicinal purposes only, or to any gymnasium or fencing-school of any educational institution controlled or recognized by the ²[State Government].

Conditions for issue of licences under sections 34 and 35.

36. Licences under the last two preceding sections may be granted by the Commissioner upon such conditions as he, subject to the control and direction of the ²[State Government], may prescribe, and for such period not exceeding one year as may be stated in the licence: Provided that, in regard to any liquor or drug for the sale of which a licence is required under any law for the time being in force for the regulation of the excise-revenue, a licence shall be granted by the Commissioner only to persons holding licence under such law and shall have force only while such licence subsists.

Penalty for omission to procure licence as required by section 34 or 35.

³[37.]⁴[. . .] Whoever keeps or uses or permits to be kept or used any enclosed place or building requiring a licence under section 34 or 35, without having obtained a licence as therein required, shall be liable on conviction to fine not exceeding fifty rupees for every day on which such a place or building is so used.

¹ As to sale of intoxicating drugs or liquors, see the Tamil Nadu Excise Act, 1971 (Tamil Nadu Act 34 of 1971), Ch. IV.

² The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ Section 37 was renumbered as sub-section (1) of section 37 and sub-sections (2) and (3) were added by section 3 of the Madras City Police (Amendment) Act, 1929 (Madras Act XIII of 1929) and for sub-sections (2) and (3) as so added, sub-sections (2) to (4) were substituted by section 3 of the Madras City Police (Second Amendment) Act, 1941 (Madras Act XXII of 1941), which was re-enacted permanently by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting (No. II) Act, 1948 (Tamil Nadu Act VIII of 1948).

⁴ The brackets and figure "(1)" occurring at the beginning of sub-section (1) in section 37 and sub-sections (2) to (4) of section 37 were omitted by section 2 (ii) of the Madras City Police and Gaming (Amendment) Act, 1955 (Tamil Nadu Act XVI of 1955).

38. The Commissioner may, by order in writing, authorize any Police-officer above the rank of constable, with such assistance as may be required, to enter and inspect any closed place or building section 36 at any time when it is open for the reception of persons resorting thereto, and may after recording his reasons in writing, likewise authorize any such officer to enter and inspect any place not licensed which the Commissioner has reason to believe to be used contrary to the provisions of section 34 or 35.

Power to enter and inspect licensed places and unlicensed places believed to be used contrary to the Act.

39. The Commissioner may make rules for ensuring order and decency and for the public safety at all places of public entertainment or resort, and for regulating the times during which the places referred to in sections 34 and 35 shall be allowed to be open or used, and from time to time may rescind or alter such rules; and in case of breach of any such rules or of the conditions of the licence granted under section 36, may order such places to be closed, and while such order is in force such places so ordered to be closed shall be deemed to be unlicensed places.

Power to make rules.

40. A copy of any order passed under the last preceding section shall be served on the owner, occupier or keeper of any such place as aforesaid, and if thereafter he does or permits any act in disobedience to such order, he shall be liable on conviction to imprisonment not exceeding three months, or to fine, or to both.

Service of copy of order on owner.

¹[40-A. (1) If any entertainment (including a cinematograph exhibition, dance or drama) to which members of the public are admitted, whether on payment or not, is held in an enclosed place or building, then, no person shall, during the prohibited period as defined in sub-section (2), smoke either—

Prohibition of smoking in certain places where entertainments are held.

(a) on the stage except in so far as smoking may be part of the entertainment, or

¹ This section was inserted by section 2 of the Madras City Police and Places of Public Resort (Amendment) Act, 1951 (Madras Act XIII of 1951).

(b) in the auditorium, that is to say, in that portion of the enclosed place or building in which accommodation is provided for members of the public :

Provided that the State Government may, by notification in the *Fort St. George Gazette*, exempt any class of entertainments from the provisions of this sub-section.

(2) For the purposes of sub-section (1), 'prohibited period' means so much of the period commencing thirty minutes before the beginning of the entertainment and ending with the termination thereof, as may fall within the hours which the State Government may, by notification in the *Fort St. George Gazette*, specify in this behalf for entertainments generally or any class of entertainments.

(3) Any person who contravenes the provisions of this section shall be liable to be ejected summarily from the enclosed place or building by any Police-officer and shall also be punishable with fine which may extend to fifty rupees.

(4) A person ejected under sub-section (3) shall not be entitled to the refund of any payment made by him for admission to the entertainment or to any other compensation.]

power to regul-
e assemblies,
meetings and
processions in
public places.

[41. (1) The Commissioner or, subject to his orders, any Police-officer above the rank of head constable, may, from time to time, as occasion may require, direct the conduct of all assemblies, meetings and processions in public places; prescribe the routes by which and the times at which such processions may pass; keep order in public places and prevent obstructions on the occasion of such assemblies, meetings and processions, and in the neighbourhood of places of worship during the time of public worship and in any case when public places may be thronged or liable to be obstructed; and may license and regulate or prohibit the use of music or of sound amplifiers in public places.

¹ This section was substituted for the original section 41 by section 2 of the Madras City Police (Amendment) Act, 1961 (Tamil Nadu Act 37 of 1961).

(2) Subject to the provisions of sub-sections (3) and (4), the Commissioner may, by order in writing, prohibit any assembly, meeting or procession if he considers such prohibition to be necessary for the preservation of the public peace or public safety:

Provided that no order under this sub-section shall, without the sanction of the State Government, remain in force for more than fifteen days from the date on which such order takes effect.

(3) (a) When the order referred to in sub-section (2) is in force, any person who intends to convene or collect any assembly or meeting in any public place or to direct or promote any procession, shall make an application to the Commissioner for permission. The application shall be in such form and contain such particulars as may be specified by the Commissioner in this behalf and shall be made not less than five days prior to the date on which the assembly or meeting is to be convened or collected or the procession is to be formed:

Provided that the Commissioner may, for reasons to be recorded in writing, receive such application within five days prior to the date aforesaid.

(b) On receipt of the application under clause (a), the Commissioner may, by order in writing served in the manner specified in sub-section (7), grant permission to convene or collect the assembly or meeting or to direct or promote the procession subject to such conditions as he may specify or refuse to grant such permission.

(4) Except in cases where immediate action is necessary for the preservation of the public peace or public safety, an order refusing to grant permission shall be passed under clause (b) of sub-section (3) without giving the person concerned an opportunity of appearing before the Commissioner either in person or by pleader, and showing cause against the order refusing to grant permission, and the Commissioner shall record in writing the reasons for such order.

(5) The Commissioner may, by order in writing, depute one or more Police-officers or other persons, to be present in any such assembly, meeting or procession, for the purpose of causing a report to be taken of the proceedings.

(6) Any person who—

(a) opposes or fails to obey any order under sub-section (1), or

(b) contravenes the conditions of any licence under sub-section (1), or

(c) when the order referred to in sub-section (2) is in force, convenes or collects any assembly or meeting or directs or promotes any procession—

(i) without the permission of the Commissioner under clause (b) of sub-section (3), or

(ii) in contravention of any of the conditions subject to which the permission was granted under that clause, shall be liable, on conviction, to a fine not exceeding one hundred rupees.

(7) The order referred to in clause (b) of sub-section (3) shall be served—

(a) by giving or tendering the order to the person concerned; or

(b) if such person is not found, by leaving such order at his last known place of abode or business or by giving or tendering the same to some adult member or servant of his family; or

(c) if such person does not reside in the City of Madras and his address elsewhere is known to the Commissioner, by sending the same to him by post registered; or

(d) if none of the means aforesaid be available, by affixing the same in some conspicuous part of the place of abode or business of such person.

(8) Nothing in this section shall apply to any assembly or meeting of a purely religious character held in a recognized place of worship, any assembly or meeting gathered together purely for the purpose of taking part in sports, any procession on the occasion of any wedding, funeral or similar domestic occurrence, or of any religious ceremony, or to any public meeting held under any statutory or other express legal authority, or to public meetings convened by the sheriff, or to any public meetings or class of public meetings exempted for that purpose by the State Government by general or special order.

(9) For the purposes of this section—

(a) the words “assembly”, “meeting” and “procession” include any assembly, meeting or procession which is open to the public or to any class or portion of the public;

(b) a place in which an assembly or meeting is held may be a public place notwithstanding that it is held in a private place and notwithstanding that admission thereto may have been restricted by ticket or otherwise.]

¹[42. (1)] If the Commissioner has reason to believe that any ²[place] is used as a common gaming-house, he may by his warrant give authority to any Police-officer above the rank of a constable to enter, with such assistance as may be found necessary, by night or by day and by force if necessary, any such ²[place] and to arrest all persons found therein, and to seize all instruments of gaming and all moneys and securities for money and articles of value reasonably suspected to have been used or intended to be used for the purpose of gaming which are found therein, and to search all parts of such ²[place] and also the persons found therein.

Commissioner
may grant
warrant to
enter
common
gaming-house.

¹[(2) The Commissioner may, instead of issuing a warrant under sub-section (1), himself exercise all or any of the powers exercisable under such warrant.]

¹ Section 42 was renumbered as sub-section (1) of section 42 and sub-section (2) was added by section 2 of the Madras City Police (Amendment) Act, 1933 (Madras Act VI of 1933).

² The word “place” was substituted for the words “enclosed place or building” by section 4 of the Madras City Police (Amendment) Act, 1929 (Madras Act XIII of 1929).

Cards, dice, etc., found in search under last section to be evidence that place is common gaming-house.

43. Any cards, dice, gaming table or cloth, board or other instruments of gaming found in any [place] entered or searched under the provisions of the last preceding section, or on any person found therein, shall be evidence that such [place] is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the police-officer or any of his assistants.

Proof of playing for stakes unnecessary.

44. It shall not be necessary, in order to convict any person of keeping a common gaming-house or of being concerned in the management of any common gaming-house, to prove that any person found playing at any game was playing for any money, wager, [bet] or stake.

Penalty for opening, etc., a common gaming-house.

45. Whoever opens, keeps or uses or permits to be used any common gaming-house, or conducts or assists in conducting the business of any common gaming-house, or advances or furnishes money for gaming therein, shall be liable on conviction to fine not exceeding five hundred rupees, or to imprisonment not exceeding three months, or to both.

Penalty for being found common gaming-house.

46. Whoever is found gaming or present for the purpose of gaming in a common gaming-house shall on conviction be liable to fine not exceeding two hundred rupees, or to imprisonment not exceeding one month; and any person found in any common gaming-house during any gaming or playing therein shall be presumed until the contrary be proved, to have been there for the purpose of gaming.

Instruments of gaming may be ordered to be destroyed on conviction.

47. On conviction [of any person] for keeping a common gaming-house, or being present therein for the purpose of gaming, all the instruments of gaming found therein may be destroyed by order of the Magistrate, and such Magistrate may order all or any of the other articles seized, or the proceeds thereof, to be forfeited.

The word 'place' was substituted for the word 'enclosed place' by section 1 of the Madras City Police (Amendment) Act, 1902 (Madras Act III of 1902) to the words 'and' and 'or' in section 47.

The word 'bet' was inserted by section 6 of the

48. Any person who shall have been concerned in gaming contrary to this Act, and who shall be examined as a witness before a Magistrate on the trial of any person for a breach of any of the provisions of this Act relating to gaming, and who upon such examination shall make true and faithful discovery to the best of his knowledge of all things as to which he shall be so examined, and who shall thereupon receive from the said Magistrate a certificate in writing to that effect, shall be freed from all prosecutions under this Act for anything done before that time in respect of such gaming.

Indemnification
of witnesses.

49. Nothing in sections 42 to 48 of this Act shall be held to apply to games of mere skill wherever played.

Saving of
games of skill.

1[49-A. (1) Whoever—

Penalty for
opening, etc.,
any enclosure,
etc., for certain

(a) being the owner or occupier or having the use of any house, room, tent, enclosure, vehicle, vessel or place, opens, keeps or uses the same for the purpose of gaming—

forms of
gaming.

(i) on a horse-race, or

(ii) on the market price of cotton, bullion, or other commodity or on the digits of the number used in stating such price, or

(iii) on the amount or variation in the market price of any such commodity or on the digits of the number used in stating the amount of such variation, or

(iv) on the market price of any stock or share or on the digits of the number used in stating such price, or

(v) on the number of registration or on the digits of the number of registration of any motor vehicle using a public place, or

¹ The original section 49-A was inserted by section 3 of the Madras City Police and Gaming (Amendment) Act, 1949 (Tamil Nadu Act VII of 1949) and the present section was substituted for the original section by section 2 (iii) of the Madras City Police and Gaming (Amendment) Act, 1955 (Tamil Nadu Act XVI of 1955).

(vi) on any transaction or scheme of wagering or betting in which the receipt or distribution of winnings or prizes in money or otherwise is made to depend on chance; or

(b) being the owner or occupier of any such house, room, tent, enclosure, vehicle, vessel or place knowingly or wilfully permits the same to be opened, occupied, kept or used by any other person for the purpose of gaming on any of the objects aforesaid, or

(c) has the care or management of, or in any manner assists in, conducting the business of, any such house, room, tent, enclosure, vehicle, vessel or place opened, occupied, kept or used for the purpose of gaming on any of the objects aforesaid, or

(d) advances or furnishes money for the purpose of gaming on any of the objects aforesaid with persons frequenting any such house, room, tent, enclosure, vehicle, vessel or place, shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both :

Provided that, in the absence of special reasons to be recorded in writing, the punishment to be imposed on an offender on conviction for an offence under this sub-section shall be imprisonment for not less than one month or fine of not less than five hundred rupees or both.

(2) Whoever is found in any house, room, tent, enclosure, vehicle, vessel, or place referred to in sub-section(1), gaming on any of the objects specified in that sub-section or present for the purpose of gaming on any such object shall be punishable with imprisonment which may extend to one month or with fine which may extend to five hundred rupees or with both.

Any person found in any such house, room, tent, enclosure, vehicle, vessel or place during any gaming therein on any of the objects specified in sub-section (1) shall be presumed, until the contrary is proved, to have been there for the purpose of gaming on such object.

(3) Whoever is found gaming on any of the objects specified in sub-section (1) in any public street or thoroughfare, or in any place to which the public have or are permitted to have access shall be punishable with imprisonment which may extend to three months or with fine which may extend to three hundred rupees, or with both.]

¹[50. (1) The Magistrate may direct any portion, not exceeding one-half, of any fine which shall be levied under ²[section 45, section 46 or section 49-A] and of the moneys or proceeds of articles seized and ordered to be forfeited under section 47, to be paid to such informants and Police-officers as may have assisted in the detection of the offender.

Payment of portion of fine to informants and Police-officers.

A direction under this sub-section may also be made by any Court of appeal, reference or revision.

(2) Where a direction is made under sub-section (1), the Magistrate concerned shall send the amount to be paid under that sub-section, to the Commissioner who shall distribute it among such of the informants and Police-officers aforesaid as may be chosen by him and in such proportions as he thinks fit.

(3) The amount aforesaid shall not be sent to the Commissioner until the expiry of three months from the date of the direction under sub-section (1) or if an appeal is presented within that period, until the appeal has been disposed of.]

51. Whoever by any fraud or unlawful device or malpractice in playing at or with cards, dice or other game, or in bearing a part in the stakes, wagers, ³[bets] or adventures, or in betting on the sides or hands of the players, or in wagering ³ [or betting] on

Penalty for cheating at games

¹ This section was substituted for the original section 50 by section 2 of the Madras City Police and Gaming (Amendment) Act, 1950 (Madras Act XXXV of 1950).

² This expression was substituted for the expression "sub-sections (2), (3) or (4) of section 37, section 45 or section 46" by section 2 (iv) of the Madras City Police and Gaming (Amendment) Act, 1955 (Tamil Nadu Act XVI of 1955).

³ The words "bets" and "or betting" were inserted by section 6 of the Madras City Police Amendment Act, 1929 (Madras Act XIII of 1929).

the event of any game, sport, pastime or exercise, wins from any other persons for himself or for any other or others any sum of money or valuable thing¹[shall be liable on conviction to fine not exceeding five hundred rupees or to imprisonment not exceeding six months or to both.]

²[51-A. (1) Whenever the Commissioner is satisfied from information received or otherwise—

Power to
direct
removal
of persons
from City
in special
cases.

(a) that the movements or acts of any person in the City of Madras who has not been born in the said City or in ³[the district of Chingleput or North Arcot]⁴[as it existed immediately before the 1st April 1960], are causing, or are calculated to cause, alarm, danger or harm to person or property, or that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of any offence involving force or violence or punishable under Chapter XII, XVI or XVII of the Indian Penal Code or in the abetment of any such offence; and

Central
Act XLV
of 1860.

(b) that witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part regarding the safety of their person or property,

the Commissioner may, by an order in writing signed by him, direct such person so to conduct himself as shall seem necessary to the Commissioner to prevent such alarm, danger or harm or the commission of such offence, or require such person to remove himself outside the said City, within such time as may be specified in the order.

¹ These words were substituted for the words and figures " shall be deemed guilty of cheating punishable under section 417 of the Indian Penal Code " by section 7 of the Madras City Police (Amendment) Act, 1936 (Madras Act XX of 1936).

² This section was inserted by section 2 (iii) of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941), which Act was permanently re-enacted by section 2 (i) of, and the First Schedule to, the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).

³ These words were substituted for the words " Chingleput, North Arcot or Nellore " by the Madras Adaptation of Laws Order, 1954.

⁴ This expression was inserted by paragraph 3 of the Madras Adaptation of Laws Order, 1961 read with the Schedule thereto

Explanation.—For the purposes of this sub-section, the decision of the Commissioner as to whether a person has or has not been born in the City of Madras or ¹[in the district of Chingleput or North Arcot] ²[as it existed immediately before the 1st April 1960] shall be final.

(2) Before an order is passed against any person under sub-section (1), the Commissioner or any Deputy Commissioner authorized by him shall inform such person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of explaining those allegations. The Commissioner or Deputy Commissioner may also examine any witnesses produced by such person. Any written statement made by such person shall be filed with the record.

Such person shall be entitled to appear before the Commissioner or Deputy Commissioner by an advocate or attorney for the purpose of explaining the allegations against him and examining the witnesses produced by him.

(3) The Commissioner or the Deputy Commissioner authorized under sub-section (2) may, for the purpose of securing the attendance of any person against whom an order is proposed to be made under sub-section (1), exercise all or any of the powers of a Court under sections 75 to 77 of the Code of Criminal Procedure, 1898* Central Act V of 1898.

(4) Any person aggrieved by an order of the Commissioner under sub-section (1) may, within thirty days from the date of such order, appeal to the ³[State] Government who may, after considering all the circumstances of the case, confirm, vary or rescind the order. Where an appeal is preferred to the ³[State] Government under this sub-section, they may

¹ These words were substituted for the words "Chingleput, North Arcot or Nellore" by the Madras Adaptation of Laws Order, 1954.

² This expression was inserted by paragraph 3 of the Madras Adaptation of Laws Order, 1961 read with the Schedule thereto.

³ This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

* See now Central Act 2 of 1974.

at their discretion, subject to such conditions, if any, as they may think fit to impose, stay the operation of the Commissioner's order, pending the passing of final orders on the appeal.

(5) No order passed by the Commissioner under sub-section (1) or by the ¹[State] Government under sub-section (4) shall be called in question in any court except on one or more of the following grounds, namely :—

(a) that the procedure laid down in sub-section (2) was not followed; or

(b) that there was no material upon which the order could have been based; or

(c) that there was no sufficient grounds for believing that witnesses were not willing to come forward to give evidence in public against the person in respect of whom the order was made.

(6) (a) Any person who is guilty of the breach of any direction given to him under sub-section (1) or sub-section (4) shall be punishable with imprisonment which may extend to two years or with fine or with both.

(b) If any person directed under sub-section (1) or sub-section (4) to remove himself outside the City of Madras fails or refuses to do so or re-enters the said City while such direction is in force, the Commissioner may, in lieu of or in addition to prosecuting such person under clause (a), cause him to be arrested and removed in police custody to such place outside the said City as he may direct.

(7) Nothing in this section shall be deemed to require any Police-officer to disclose to the person against whom an order is made under sub-section (1) or to any Court the sources of his information or any fact the communication of which might, in the opinion of the Commissioner, lead to the disclosure of the identity or name of any informant.]

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

52. If the Commissioner has reason to believe that ^{Brothels.} a house is used as a common brothel, or lodging-house for prostitutes, or disorderly persons of any description, he may summon the owner or tenant of the house, and on being satisfied that the house is so used and is a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it.

53. Whoever cruelly beats, ill-treats or tortures ^{Penalty for cruelty to animals.} any animal, or causes any animal to be cruelly beaten, ill-treated or tortured, shall be liable on conviction to fine not exceeding one hundred rupees, or to imprisonment not exceeding three months, or to both.

54. The ¹[State Government] may from time to time appoint places to be infirmaries for the care and treatment of animals in respect of which an offence has ^{Appointment of infirmary for animals.} been committed under the last preceding section, and may nominate fit persons to give certificates of discharge from such infirmary.

55. Upon conviction of an offence under section 53 ^{Magistrate may order animal to be destroyed or sent to infirmary.} of this Act, a Magistrate may after due inquiry order that the animal in respect of which the offence has been committed shall either be destroyed or be sent for care and treatment to an infirmary; and the Magistrate may by his order direct that the reasonable expenses of such care and treatment, or any portion thereof, shall be paid by the owner of such animal.

56. Every animal so sent for treatment may be ^{Animals sent to infirmary may be detained and shall be removed after notice.} detained at the infirmary until its discharge is authorized by a person nominated under section 54; and thereupon the person in charge of the infirmary shall give notice to the owner of the animal, requiring him to pay any sum due under the order of the Magistrate on account of the care and treatment of the animal, and to remove it from the infirmary within forty eight hours from the service of such notice.

¹ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

In default of payment by owner of charges, etc., animal may be sold.

57. If the owner shall refuse or neglect to pay the sum due and to remove the animal within the time specified in section 56, any Magistrate may direct that the animal be sold, and that the proceeds, deducting costs of sale, be applied to the payment of the sum due. Any surplus shall, on application within two months from date of sale, be paid to the owner of the animal, and in default of such application shall be forfeited to Government, but the owner shall not be liable to make any payment in excess of the net proceeds of such sale.

Magistrate may order delivery of animal to owner.

58. Any Magistrate may, at any time and upon such terms as he thinks fit, direct that any animal detained under the provisions of section 55 of this Act shall be delivered to the owner thereof.

Costs of inquiries.

59. All costs of inquiries under section 55 of this Act shall be recoverable in the manner provided for the levying of fines from such persons connected with the inquiry as the Magistrate may direct.

Stray animals to be impounded.

60. It shall be lawful for all persons to seize any cattle found straying upon any ¹[public place], or trespassing on any ²[private grounds], and to confine such cattle in any pound appointed by the Commissioner and if such cattle shall not be redeemed by the owners within ten days after being so impounded by paying to the person having charge of such pound the fee of ³ [fifty naye paise] for every goat, sheep or pig, and one rupee for every other animal, together with the expenses of feeding the same while impounded, according to such daily rate as may from time to time

¹ These words were substituted for the words "road, street or thoroughfare" by section 2 (iv) of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941), re-enacted permanently by section 2 (i) of, and the First Schedule to, the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).

² These words were substituted for the words "Public or private grounds" by *ibid.*

³ These words were substituted for the words "eight annas" by section 2 of the Tamil Nadu Coinage (Alteration of References Act, 1960 (Tamil Nadu Act 9 of 1960) read with the Schedule thereto.

be fixed by the Commissioner, such cattle shall be publicly sold and the proceeds of such sale, after paying the said fee and the expenses of feeding, shall be paid to the owners thereof, or in default of their claiming such proceeds for the space of fifteen days after such sale, shall be credited to any fund applicable to Police purposes.

61. On the occasion of a fire in the City of Madras, the Commissioner or any Police-officer above the rank of constable [or any member of the Tamil Nadu Fire Services above the rank of fireman] may—

Powers of Police and the [Tamil Nadu Fire Services] on the occasion of a fire.

(a) remove or order the removal of any persons who by their presence interfere with or impede the operations for extinguishing the fire or for saving life or property, and may close any street or passage in or near which any fire is burning ;

(b) by himself or those acting under his orders break into or through, or pull down, or use for the passage of hoses or other appliances any premises for the purpose of extinguishing the fire, doing as little damage as possible

(c) cause the mains and pipes of any district to be shut off so as to give greater pressure of water in the place where the fire has occurred

(d) call on the Police or on any firemen to render such assistance as may be possible

(e) generally take such measures as may appear necessary for the preservation of life and property.

This expression was substituted for the expression "Madras Fire Services" by the Tamil Nadu Adaptation of Laws Order, 1970. The words "or any member of the Madras Fire Services above the rank of fireman" were inserted by Section 2(7) of the Madras City Police and District Police (Amendment) Act, 1971 (Madras Act VIII of 1971) and for the expression "Madras Fire Services" the expression "Tamil Nadu Fire Services" was substituted by the Tamil Nadu Adaptation of Laws Order, 1970 which was deemed to have come into force on the 14th January 1969.

Any damage done on the occasion of fires by members of ¹[the Tamil Nadu Fire Services or of] any fire-brigade or by Police-officers or their assistants in the due execution of their duties shall be deemed to be damage by fire within the meaning of any policy of insurance against fire. But nothing in this section shall exempt any officer of Police or any member of ¹[the Tamil Nadu Fire Services or of] any fire-brigade from liability to damages on account of any acts done by him without reasonable cause.

Cost of establishments, etc., for extinguishing fire to be defrayed by the municipality.

62. All charges on account of establishments and appliances for extinguishing fire maintained by the Police under the orders of the ²[State Government] for general use, and all expenses incurred on the occasion of any fire by the Police in the execution of their duty, shall be paid by the Municipal Commissioners for the City of Madras upon the Commissioner certifying the amount thereof.

Penalty for false alarm of fire.

³[62-A. Whoever gives or causes to be given to any fire-brigade in the City of Madras or ⁴[to any member thereof or to any member of the Tamil Nadu Fire Services having jurisdiction over the City or any part thereof] whether by means of a street fire-alarm, statement, message or otherwise, any alarm of fire which he knows to be false, shall be liable on conviction to fine which may extend to fifty rupees].

¹ The words "the Madras Fire Services or of" were inserted by section 2 (ii) of the Madras City Police and District Police (Amendment) Act, 1947 (Madras Act VIII of 1947) and for the expression "Madras Fire Services" the expression "Tamil Nadu Fire Services" was substituted by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

² The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ Section 62-A was inserted by section 2 of the Madras City Police (Second Amendment) Act, 1933 (Madras Act XIII of 1933).

⁴ The words "to any member thereof or to any member of the Madras Fire Services having jurisdiction over the City or any part thereof" were substituted for the words "to any officer or fireman thereof" by section 2 (iii) of the Madras City Police and District Police (Amendment) Act, 1947 (Madras Act VIII of 1947) and for the expression "Madras Fire Services" the expression "Tamil Nadu Fire Services" was substituted by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

¹ [Whoever is convicted under this section, after having been previously convicted either under this section or under section 43 of the ²(Tamil Nadu) District Police Act, 1859, shall be liable to simple imprisonment for a period which may extend to six months and shall also be liable to fine.]

Central
Act
XXIV of
1859.

63. Whoever without reasonable excuse wilfully enters into or on any dwelling-house or other building, or on any land or ground attached thereto, or on any boat or vessel, or on any ground belonging to the ³[Government] or appropriated to public purposes, shall be liable on conviction to fine not exceeding twenty rupees.

Penalty for
wilful
trespass.

64. Whoever is found between sunset and sunrise—

(1) armed with any dangerous instrument with intent to commit an offence, or

(2) having his face covered or otherwise disguised with intent to commit an offence, or

(3) in any dwelling-house or other building, or on board any vessel or boat, without being able satisfactorily to account for his presence there, or

(4) lying or loitering in any ⁴[bazaar, yard or public place], being a reputed thief and without being able to give a satisfactory account of himself, or

Penalty for
being found
armed
between
sunset and
sunrise
intending
commit an
offence, etc.

¹ This paragraph was added by section 2(iv) of the Madras City Police and District Police (Amendment) Act, 1947 (Madras Act VIII of 1947).

² 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, which came into force on the 14th January 1969.

³ The word "Crown" was substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

⁴ These words were substituted for the words "bazaar, street, road, yard, thoroughfare, or other place" by section 2 (v) of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941). This Act was permanently re-enacted by section 2 (1) of, and the First Schedule to, the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).

(5) having in his possession without lawful excuse any implement of house-breaking,

may be arrested by any Police-officer without a warrant, and shall be liable on conviction to imprisonment for any term not exceeding three months.

Penalty for possession of property believed to have been stolen.

65. Whoever is found in possession or is proved to have been in possession of anything which there is reason to believe to be stolen property or property fraudulently obtained and for the possession of which he fails satisfactorily to account, shall be liable on conviction to fine not exceeding one hundred rupees or to imprisonment not exceeding three months.

Penalty for buying or taking pledge from a child.

66. Whoever, without the knowledge and consent of the owner, buys any article from any child apparently under the age of fourteen years, or takes any article as a pawn, pledge or security for any sum of money lent or advanced to such child, shall be liable on conviction to fine not exceeding one hundred rupees.

Penalty for introducing spirits, etc., into barracks or on board vessels of war.

67. Whoever introduces, or attempts to introduce, into Fort St. George or into any military barracks, guard-room or encampment or on board any vessel of war belonging to [Government] any spirituous or fermented liquor or intoxicating drug or preparation without the licence in writing of the Commanding Officer and not intended for some person above the rank of non-commissioned officer, shall be liable on conviction to fine not exceeding one hundred rupees or to imprisonment not exceeding two months and such liquor, drug or preparation, and the vessels containing the same shall be liable to be forfeited.

Penalty for introducing spirits, etc., into hospitals.

68. Whoever introduces, or attempts to introduce, without due permission into any public hospital any spirituous or fermented liquor or intoxicating drug or preparation shall be liable on conviction to fine not exceeding fifty rupees or to imprisonment not exceeding two months.

This word was substituted for the word "Barracks" by the Adaptation Order of 1850.

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69. Whoever, not being a soldier or sailor ¹[in the Indian Army or Navy] or a Police-officer or a member of a Volunteer corps, goes armed with any sword, spear, gun or other offensive weapon in any public place, unless by leave of the Commissioner, shall be liable to be disarmed by any Police-officer, and the weapon so seized shall be forfeited to Government unless redeemed by payment of such fine not exceeding ten rupees as the Commissioner may impose.

Penalty for carrying weapon without authority.

70. Whoever wilfully harbours or conceals any seaman or apprentice belonging to any vessel knowing or having reason to believe such seaman or apprentice to be a deserter, shall be liable on conviction to fine not exceeding one hundred rupees.

Penalty for harbouring deserters from vessels.

71. Whoever, in any ²[public place] commits any of the following offences, shall be liable on conviction to fine not exceeding fifty rupees, or to imprisonment which may extend to one month :—

Penalty for certain offences in public place.

i. Whoever drives or rides any animal, or drives, drags or pushes any vehicle in a rash or negligent manner.

Rash or negligent driving.

ii. Whoever by negligence or ill-usage in driving cattle causes any mischief or obstruction by such cattle.

Causing obstruction by negligence in driving cattle.

iii. Whoever drives, rides or leads any elephant or camel without permission from the Commissioner.

Driving, etc., elephant or camel without Commissioner's permission.

³[iv. * * * * *]

¹ These words were substituted for the words "in the Army or Navy of the Queen" by the Adaptation (Amendment) Order of 1950.

² These words were substituted for the words "public street, road, thoroughfare or place of public resort" by section 2(vi) (a) of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941). This Act was permanently re-enacted by section 2 (1) of, and the First Schedule to, the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).

³ Clause (iv) was omitted by section 2 of the Madras City Police (Amendment) Act, 1940 (Madras Act VII of 1940). This Act was permanently re-enacted, by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. 1) Act, 1948 (Tamil Nadu Act VII of 1948).

Driving, etc.,
otherwise
than in
accordance
with the
rules of the
road.

¹ [v. Whoever, without reasonable cause, drives, drags or pushes any vehicle otherwise than in accordance with the rules of the road notified from time to time by the ²[State Government], or fails, to obey the directions of a police officer for the time being in charge of the regulation of traffic.]

Driving, etc.,
vehicles
without
springs
otherwise
than on side
of road.

vi. Whoever drives, drags or pushes any vehicle without springs on any road or street except on the side thereof.

Driving, etc.,
animal or
vehicle on a
foot-way.

vii. Whoever leads or rides any animal, or drives, drags or pushes any vehicle, upon any foot-way, or fastens any animal so that it can stand across or upon any foot-way.

Permitting
cattle or
vehicle to
be under
control of
child.

viii. Whoever permits any cattle or vehicle to be under the control of a child under the age of twelve years.

Leaving
vehicle or
cattle with-
out due
control.

ix. Whoever, being in charge of any vehicle or cattle, leaves it or them at such distance as not to have the same under due control.

Exposing for
show animal
or vehicle,
making or
repairing
vehicle, or
training
horses except
as allowed
by Commis-
sioner.

x. Whoever cleans or exposes for show, hire or sale any animal or vehicle, or makes or repairs any part of any vehicle except in cases of accident where repair on the spot is necessary, or trains or breaks any horse except in such places and at such times as may be allowed by the Commissioner.

Obstructing
thoroughfare.

xi. Whoever causes any vehicle to remain or stand longer than may be necessary for loading or unloading, except at places appointed for the purpose

¹ This clause was substituted for the original clause (v) by section 8(i) of the Madras City Police (Amendment) Act, 1936 (Madras Act XX of 1936).

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

by the Commissioner, or fastens any horse or other animal so as to cause obstruction; or in any way wilfully obstructs or causes obstruction to the free passage of any thoroughfare.

xii. Whoever negligently lets loose any horse, or suffers any ferocious dog to be at large without a muzzle, or sets on or urges any dog or other animal to attack, worry or put in fear any person or cattle.

Letting loose horses or ferocious dogs.

xiii. Whoever conveys through the streets any article which projects more than five feet in front or behind the vehicle or vehicles on which it is placed.

Conveying article which projects more than five feet.

xiv. Whoever flies a kite or wantonly frightens any horse, or in driving, dragging or pushing any vehicle creates a noise reasonably calculated to cause danger to the persons using the thoroughfare.

Flying a kite, wantonly frightening horse, etc.

xv. Whoever beats a drum or tom-tom, or blows a-horn or trumpet, or beats or sounds any brass or other instrument or utensil, or plays any music ¹[or uses any sound amplifier] ²[except at such times and places and subject to such conditions as shall, from time to time, be allowed] by the Commissioner.

Playing music, beating tom-tom, etc.

³[xvi. Whoever, without the consent of the owner or occupier, in any manner affixes or causes

Affixing bills or defacing walls.

¹ These words were inserted by section 2 (vi) (b) of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941), re-enacted permanently by section 2 (1) of, and the First Schedule to, the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).

² These words were substituted for the words "except at such times and places as shall be, from time to time, allowed" by *ibid.*

³ This clause was substituted for the original clause xvi by section 8 (ii) of the Madras City Police (Amendment) Act, 1936 (Madras Act XX of 1936).

to be affixed any bill, notice, document, paper or other thing ¹[upon any public place] or upon any building, monument, statue, effigy, post, wall, fence, tree or other erection therein, or in any manner defaces, disfigures, writes upon or otherwise marks, or causes to be defaced, disfigured, written upon, or otherwise marked ²[any such ³(public place) or any such building,] monument, statue, effigy, post, wall, fence, tree or erection.]

Bathing
in
public street.

xvii. Whoever bathes or washes himself or any other person, or any animal or clothing, except in a place set apart for such purpose.

Intruding
on or fouling
bathing-place.

xviii. Whoever obstructs or incommodes a person bathing at any place set apart as a bathing-place by wilful intrusion, or by washing cattle or dogs at or near such place, or in any other way.

Using
indecent or
threatening
language.

xix. Whoever uses any indecent, threatening, abusive or insulting words or behaves in a threatening or insulting manner, or posts up or affixes or exhibits any indecent, threatening, abusive or insulting paper or drawing with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned.

¹The words "public place" were substituted for the words "street, road, thoroughfare or place of public resort" by section 2 (vi) (c) of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941). This Act was permanently re-enacted by section 2 (1) of, and the First Schedule to, the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949) and these words were substituted for the words "upon the public place" by section 4 of, and the Third Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957).

²These words were substituted for the words "the public place or any such building" by section 4 of, and the Third Schedule to, the Tamil Nadu Repealing and Amending Act, 1957 (Tamil Nadu Act XXV of 1957).

³These words were substituted for the words "street, road, thoroughfare or place of public resort" by section 2 (vi) (c) of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941). This Act was permanently re-enacted by section 2(1) of, and the First Schedule to, the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).

¹[xx. * * * *]

²[xxi. * * * *]

71-A to 71-L. * * * *]

³[71-M. * * * *]

72. Whoever is found gaming with cards, dice counters, money, or other instruments of gaming in any ⁴[public place], or publicly fighting cocks, or present as a spectator of such gaming or cock-fighting, shall be liable on conviction to fine not exceeding fifty rupees or to imprisonment not exceeding one month; and such instruments of gaming and money shall be forfeited.

Penalty for gambling, or cock-fighting in public place.

73. Whoever in or by the side of or near to any ⁶[public place], wilfully and indecently exposes his person, or commits a nuisance by easing himself, and whoever having the care or custody of any child under seven years of age omits to prevent such child from committing a nuisance as aforesaid, shall be liable on conviction to fine not exceeding fifty rupees.

Penalty for committing nuisance in public place

¹ Clause xx was repealed by section 3 of the Madras Suppression of Immoral Traffic Act, 1930 (Madras Act V of 1930).

² Clause xxi was omitted by section 2 of the Madras City Police (Amendment) Act, 1941 (Madras Act XIII of 1941), re-enacted permanently by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (Tamil Nadu Act VII of 1948).

³ Sections 71-A to 71-L were repealed by section 29 of the Tamil Nadu Provention of Begging (Amendment) Act, 1964 (Tamil Nadu Act 40 of 1964,) which came into force on the 1st May 1966.

⁴ Section 71-M, which was inserted by section 2 of the Madras City Police (Amendment) Act, 1947 (Madras Act XXVIII of 1947), was omitted by section 20 of the Tamil Nadu Hackney Carriage (Amendment) Act, 1964 (Tamil Nadu Act 21 of 1964).

⁵ These words were substituted for the words " public street, place or thoroughfare " by section 2 (vii) of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941). This Act was permanently re-enacted by section 2 (1) of, and the First Schedule to, the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).

⁶ These words were substituted for the words " public street, thoroughfare or place of public resort " by section 2 (viii) of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941), re-enacted permanently by section 2 (1) of, and the First Schedule to, the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).

Penalty for lighting bonfire, burning straw, ¹[drawing, carrying, dragging or burning any effigy], discharging fire-arm, etc., in or near any public place.

74. Whoever, except at such times and places as the Commissioner may allow, in or near any ²[public place] lights any bonfire, sets fire to or burns any straw or other matter, ¹[or draws, carries, drags, or burns any effigy or] discharges any fire-arm or air-gun, sets off or discharges any firework, or sends up any fire-balloon, or permits such act to be done in premises over which he has control, shall be liable on conviction to fine not exceeding fifty rupees. In the event of any such act being done within any private premises, the person having the immediate control of such premises shall be deemed to have permitted the act, unless he can prove that the act was committed without his knowledge.

Penalty for drunkenness or riotous or indecent behaviour in public place, etc.

75. Whoever is found drunk and incapable of taking care of himself, is guilty of any riotous, disorderly or indecent behaviour ³[in any public place, in any place of public amusement], or on board any passenger boat or vessel, and whoever is guilty of any violent, disorderly or indecent behaviour in any Police-court, office, or station, shall be liable on conviction to fine not exceeding fifty rupees, or to imprisonment not exceeding one month, or to both.

Power to cancel or suspend any licence and penalty for breach of conditions of licences.

⁴[76. (1) The Commissioner may, at any time and for reasons to be recorded in writing, cancel or suspend any licence granted under this Act :

¹ These words were inserted by section 3 of the Madras City Police (Amendment) Act, 1961 (Tamil Nadu Act 37 of 1961).

² These words were substituted for the words " street, road or thoroughfare " by section 2 (ix) of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941), re-enacted permanently by section 2(1) of, and the First Schedule to, the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).

³ These words were substituted for the words " in any street or thoroughfare in any place of public amusement or resort " by section 2(x) of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941), re-enacted permanently by section 2 (1) of, and the First Schedule to, the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).

⁴ This section was substituted for the original section 76 by section 4 of the Madras City Police (Amendment) Act, 1961 (Tamil Nadu Act 37 of 1961).

Provided that no such cancellation or suspension shall be ordered unless the holder of the licence has been given a reasonable opportunity of showing cause against the order proposed to be made in regard to him.

(2) In the event of breach by the holder of a licence granted under this Act or by his servants or by any one acting or purporting to act with his express or implied permission on his behalf, of any of the conditions of such licence, such holder shall, in addition to the cancellation or suspension of the licence granted to him, be liable on conviction to a fine not exceeding one hundred rupees.

(3) Any person who commits any such breach shall, whether he acts with or without the permission of the holder of the licence, be liable to the same punishment.]

77. For every licence or permission granted under this Act, the Commissioner may levy such fee not exceeding two rupees as may from time to time be fixed by the ¹[State Government]. Fee for licence.

78. The ¹[State Government] may make by-laws consistent with this Act for more effectually carrying out the objects thereof and for the preservation of order, and may from time to time repeal, alter or amend any such by-law. Power to make by-laws.

79. Every by-law shall be published in the ²[Official Gazette] in English, Tamil, Telugu and Hindustani; and no by-law shall have effect until the expiration of one month from the date of its first publication in the ²[Official Gazette]. By-laws to be published in English and vernacular.

¹ The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937

Penalty for
breach of
by-law.

80. For any breach of any such by-law, the offender shall be liable on conviction to fine not exceeding ten rupees or to imprisonment not exceeding one week.

Limitation
of actions.

81. On account of ¹[anything done or intended to be done under the provisions of this Act, or under the provisions of any other law for the time being in force conferring powers on the police], no action shall be brought after the expiration of six months, and no prosecution shall be instituted after the expiration of three months, from the date on which the act complained of shall have been committed. And no action shall lie in respect of any act on account of which a criminal prosecution ²[has been instituted and has failed].

Saving of
penalty
provided
by other
law.

82. Nothing in this Act contained shall be construed to prevent any person from being liable under any other law to any other or higher punishment than is provided by this Act: Provided that no person shall be punished twice for the same offence.

SCHEDULE.

[*Repealed by the Repealing and Amending Act, 1901 (Central Act XI of 1901), Third Sch., Pt. III.*]

¹ These words were substituted for the words " anything done either under the provisions of this Act or under the provisions of any other law for the time being in force, conferring powers on the police " by section 2 (v) of the Madras City Police and District Police (Amendment) Act, 1947 (Madras Act VIII of 1947).

² These words were substituted for the words " has been instituted and failed " by section 3 (1) of, and the Second Schedule to, the Tamil Nadu Repealing and Amending Act, 1951 (Tamil Nadu Act XIV of 1951).

[TAMIL NADU] ACT No. III OF 1907².

[THE MADRAS CITY POLICE (AMENDMENT) ACT, 1907.]

(Received the assent of the Governor on the 2nd May 1907,
and that of the Governor-General on the 20th May
1907.)

An Act to provide for the control by the Inspector-General
of Police of the Administration of the Madras City
Police.

Preamble.

WHEREAS it is expedient to place the Commissioner
of Police, Madras, under the control and direction
of the Inspector-General; It is hereby enacted as
follows :—

Title and com-
mencement.

1. The Act may be called the Madras City Police
(Amendment) Act, 1907, and it shall come into force
on such date³ as the ⁴[State Government] may,
by a notification in the ⁵[Official Gazette] direct.

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, which came into force on the 14th January 1969.

² For Statement of Objects and Reasons, see *Fort St. George
Gazette*, 1907, Part IV, page 44; for Proceedings in Council, see
ibid., page 74.

³ This Act came into force on the 1st September 1907, see
Fort St. George Gazette, 1907, Part I, page 856.

⁴ The words " Provincial Government " were substituted for
the words " Governor in Council " by the Adaptation Order of
1937 and the word " State " was substituted for " Provincial "
by the Adaptation Order of 1950.

⁵ These words were substituted for the words " *Fort St. Geor g
Gazette* " by the Adaptation Order of 1937.

Tamil
Nadu]
Act III of
1888.

2. Notwithstanding anything contained in the Control of the
Madras City Police Act, 1888, the Commissioner of Inspector-
Police for the City of Madras shall, in the exercise General over
of his functions under the said Act ²[except those the Commis-
under section 7 thereof] be under the control and sioner of Police.
direction of the Inspector-General of Police for the
*[State of Tamil Nadu], subject to any rules that may
be made under section 3. [* * * *].

3. It shall be competent to the ⁵[State Govern- Power of State
ment] to make rules to limit and regulate the exercise Government to
of the powers of control and direction conferred on make rules
the Inspector-General of Police by section 2 in respect
of the Commissioner of Police for the City of Madras.

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 These words and figure were inserted by section 10 of the Madras City Police (Amendment) Act, 1936 (Madras Act XX of 1936).

³ This expression was substituted for the expression "Presidency of Madras" by the Tamil Nadu Adaptation of [Laws Order, 1970, which was deemed to have come into force on the 14th January 1970.

⁴ The following words were omitted by section 10 of the Madras City Police (Amendment) Act, 1936 (Madras Act XX of 1936):—
"Provided that such control and direction shall not extend to any matter in respect of which the said Commissioner of Police is, under the said Act, expressly made subject to the control and direction of the Local Government."

⁵ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

860 *Madras City Police, Towns [1942: T.N. Act XX
Nuisances and Prevention of
Cruelty to Animals Amendment)*

[TAMIL NADU] ACT No. XX CF 1942¹.

[THE MADRAS CITY POLICE, TOWNS NUISANCES AND
PREVENTION OF CRUELTY TO ANIMALS (AMEND-
MENT) ACT, 1942.]

*(Received the assent of the Governor-General on the
20th August 1942 ; first published in the Fort St.
George Gazette on the 1st September 1942.)*

An Act further to amend the Madras City Police
Act, 1888, the Towns Nuisances Act, 1889², and
the Prevention of Cruelty to Animals Act,
1890, in its application to the ⁴[State of Tamil
Nadu].

WHEREAS it is expedient further to amend the Madras
City Police Act, 1888, the Towns Nuisances Act, 1889³,
and the Prevention of Cruelty to Animals Act, 1890,
in its application to the ⁴[State of Tamil Nadu] ; ⁵[It
is hereby enacted as follows :—]

¹[Tamil
Nadu]
Act III
of 1888.
⁴[Tamil
Nadu]
Act III
of 1889.

Central
Act XI
of 1890.

short title.

1. This Act may be called the Madras City Police,
Towns Nuisances and Prevention of Cruelty to Animals
(Amendment) Act, 1942.

⁶[2-3.]

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 14th April 1942, Part IV-A, page 31.

³ Now the Tamil Nadu Towns Nuisances Act, 1889 (Tamil Nadu
Act III of 1889).

⁴ 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.

⁵ 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. 1)
Act, 1948 (Tamil Nadu Act VII of 1948).

⁶ Sections 2 and 3 were repealed by Tamil Nadu Act XI of 1952.

Nuisances and Prevention of Cruelty to Animals (Amendment)

Central Act XI of 1890.

4. (1) Section 13 of the Prevention of Cruelty to Animals Act, 1890, shall be renumbered as sub-section (1) of that section and in the sub-section as so renumbered, for the words and figure "under section 4", the words "under this Act" shall be substituted.

Amendment of section 13, Central Act XI of 1890.

(2) After the sub-section as so renumbered ¹[the following sub-sections] shall be added, namely:—

"(2) Any agent of the Society for the Prevention of Cruelty to Animals who is specially empowered by the ²[State] Government in that behalf may arrest without a warrant any person committing in his view any offence punishable under this Act ;"

³["(3) The agent shall have power to release any person so arrested on his executing a bond, with or without sureties, for his appearance before a magistrate if and when required.

Central Act V of 1898.

(4) The provisions of the Code of Criminal Procedure, 1898^{*}, shall apply to any arrest made or bond taken under this section as if the arrest had been made, or the bond had been taken under the said Code."]

¹ These words were substituted for the words "the following sub-section" by section 2 (2) of, and the Second Schedule to, the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).

² This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

³ In sub-section (2), the words "and the provisions of the Code of Criminal Procedure, 1898, shall apply to an arrest made by such agent as if it had been effected by a Police officer" were omitted, and in lieu thereof, sub-sections (3) and (4) were inserted by section 2 (2) of, and the Second Schedule to, the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).

^{*} See now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

¹[TAMIL NADU] ACT No. VII OF 1949.²

THE MADRAS CITY POLICE AND GAMING (AMENDMENT)
Act, 1949.

(Received the assent of the Governor on the 28th March 1949 ; and published in the Fort St. George Gazette, dated the 5th April 1949.)

³[Tamil Nadu] Act III of 1888) An Act further to amend the Madras City Police Act, 1888, and the ¹[Tamil Nadu] Gaming Act, 1930.

⁴[Tamil Nadu] Act III of 1930) WHEREAS it is expedient further to amend the Madras City Police Act, 1888, and the ¹[Tamil Nadu] Gaming Act, 1930, for the purposes hereinafter appearing; It is hereby enacted as follows :—

1. (1) This Act may be called the Madras City Police and Gaming (Amendment) Act, 1949. Short title and commencement

(2) This section and sections 3 and 5 shall come into force at once. ³[* * *]

⁴[(3) Sections 2 and 4 shall come into force on the 31st March 1975, notwithstanding anything contained in any law for the time being in force or in any notification or order issued by the Government.]

2. [The amendment made by section 2 has been incorporated in the Principal Act (Tamil Nadu Act III of 1888)].

¹These 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 Part IV-A of the Fort St. George Gazette, dated the 9th December 1947, pages 581-582 ; for Proceedings in Council, see Proceedings of the Madras Legislative Council, 1949 Volume 17, dated the 20th January 1949.

³ The expression "and sections 2 and 4 on such date as the Provincial Government may, by notification in the Fort St. George Gazette, appoint." was omitted by section 2 (i) of the Tamil Nadu Horse Races (Abolition of Wagering or Betting) Act, 1974 (Tamil Nadu Act 44 of 1974).

⁴This sub-section was inserted by section ²(2) of the Tamil Nadu Horse Races (Abolition of Wagering or Betting) Act, 1974 (Tamil Nadu Act 44 of 1974).

1[3. * * * * *].

4.[The amendment made by section 4 has been incorporated in the Principal Act (Tamil Nadu Act III of 1930)].

1[5. * * * * *].

¹ Repealed by Tamil Nadu Act XXXVI of 1955.

TAMIL NADU ACT NO. 4 OF 1975.*

THE MADRAS CITY POLICE AND TAMIL NADU TOWNS NUISANCES (AMENDMENT) ACT, 1974.

[Received the assent of the Governor on the 9th January 1975, first published in the Tamil Nadu Government Gazette Extraordinary on the 17th January 1975 (Thai 4, Anantha, (2006—Tiruvalluvar Andu)).]

An Act further to amend the Madras City Police Act, 1888 and the Tamil Nadu Towns Nuisances Act, 1889.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-fifth Year of the Republic of India as follows :—

Short title and commencement. 1. (1) This Act may be called the Madras City Police and Tamil Nadu Towns Nuisances (Amendment) Act, 1974.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Amendment of Tamil Nadu Act III of 1888. 2. In the Madras City Police Act, 1888 (Tamil Nadu Act III of 1888),—

(i) in sub-section (1) of section 41, for the words “sound amplifiers in public places”, the words “sound amplifiers in any area” shall be substituted ;

(ii) in clause (xv) of section 71, the words “or plays any music or uses any sound amplifier” shall be omitted ;

(iii) after section 71, the following section shall be inserted, namely :—

“71-A. *Unauthorised use of sound amplifiers in any area.*—(1) Whoever plays any music or uses any sound amplifier except at such times and in such area and subject to such conditions as shall, from time to time, be allowed by the Commissioner or subject to his orders, any Police Officer above the rank of a Head Constable, shall be liable on conviction to fine not exceeding five hundred rupees or to imprisonment which may extend to three months.

* For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette*, dated the 6th November 1974, Part IV—Section 1, pages 271-272.

(2) Any Police Officer referred to in sub-section (1) may, subject to such rules as may be made in this behalf, seize any sound amplifier used in contravention of the terms and conditions of a licence granted under sub-section (1) and the Court trying an offence under this section may also direct the forfeiture of any sound amplifier so seized. ”.

3. In the Tamil Nadu Towns Nuisances Act, 1889 (Tamil Nadu Act III of 1889),—

Amendment of
Tamil Nadu
Act III of
1889.

(i) clause (10) of section 3 shall be omitted;

(ii) after section 3, the following section shall be inserted, namely:—

“ 3-A. *Unauthorised use of sound amplifiers in any area.*—(1) Whoever plays any music or uses any sound amplifier except at such times and in such area and subject to such conditions as shall, from time to time, be allowed by an officer of the Police Department not below the rank of an Inspector of Police shall be liable on conviction to fine not exceeding five hundred rupees or to imprisonment which may extend to three months.

(2) Any Police Officer referred to in sub-section (1) may, subject to such rules as may be made in this behalf, seize any sound amplifier used in contravention of the terms and conditions of a licence granted under sub-section (1) and the Court trying an offence under this section may also direct the forfeiture of any sound amplifier so seized. ”.

TAMIL NADU ACT NO. 17 OF 1975.*

THE MADRAS CITY POLICE (AMENDMENT)
ACT, 1975.

[Received the assent of the Governor on the 9th May 1975, first published in the Tamil Nadu Government Gazette Extraordinary on the 15th May 1975 (Vaikasi 1, Iratchasa (2006-Tiruvalluvar Aandu)).]

An Act further to amend the Madras City Police Act, 1888.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-sixth Year of the Republic of India as follows :—

Short title and commencement. 1. (1) This Act may be called the Madras City Police (Amendment) Act, 1975.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

Amendment of section 24, Tamil Nadu Act III of 1888. 2. In section 24 of the Madras City Police Act, 1888 (Tamil Nadu Act III of 1888) (hereinafter referred to as the principal Act), for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) Notwithstanding anything contained in this Act or any other law for the time being in force,—

(a) any offence made punishable by section 45, 46, 49-A, 72 or 75 shall be cognizable,

(b) any police officer may arrest without warrant any person committing in his view any offence made punishable by this Act.”.

Amendment of section 34, Tamil Nadu Act III of 1888. 3. In section 34 of the principal Act,—

(1) for the words “ five hundred square feet ”, the words “ forty-six and a half square metres ” shall be substituted ;

* For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette* Extraordinary, dated the 16th April 1975, part IV—Section 1, Pages 126—127.

(2) the following proviso shall be added, namely:—

“ Provided that nothing contained in this section shall apply to any church, temple, mosque or other place of worship.”.

4. After section 34 of the principal Act, the following section shall be inserted, namely :—

Insertion of new section 34-A in Tamil Nadu Act III of 1888.

“ 34-A. Penalty for selling tickets for admission to any place of entertainment in certain circumstances.—

(1) Whoever sells or attempts to sell except under the authority of, and at the place provided for and at the price fixed in this behalf by, the proprietor of any entertainment, any ticket for admission to any place of such entertainment, shall be liable on conviction to fine not exceeding one hundred rupees, or to imprisonment not exceeding three months, or to both.

(2) Any police officer, not below the rank of a head constable, may arrest, without warrant, any person who, in his view, commits any offence punishable under sub-section (1) or seize any ticket in respect of which he is satisfied that any such offence has been committed.

(3) A Judicial Magistrate trying an offence punishable under sub-section (1), may, without prejudice to any other punishment that may be imposed under sub-section (1), direct the forfeiture of any ticket seized under sub-section (2).

Explanation.—In this section, “ proprietor ” in relation to an entertainment includes any person, responsible for the conduct and management of such entertainment.”.

5. In section 40-A of the principal Act,—

(1) in sub-section (1), in the proviso, for the words and letters “ *Fort St. George Gazette* ”, the words “ *Tamil Nadu Government Gazette* ” shall be substituted ;

Amendment of section 40-A, Tamil Nadu Act III of 1888.

(2) in sub-section (2), for the words and letters “ *Fort St. George Gazette* ”, the words “ *Tamil Nadu Government Gazette* ” shall be substituted.

Amendment of
section 41,
Tamil Nadu
III of 1888.

6. In section 41 of the principal Act,—

(1) after sub-section (4), the following sub-section shall be inserted, namely :—

“(4-A) Without prejudice to the provisions of sub-sections (1) to (4), where any person intends to direct or promote any procession, he shall give prior notice, in writing, at least 24 hours in advance of the commencement of such procession indicating therein the routes by which and the time at which the procession is proposed to be taken. Such notice shall be given to any police officer above the rank of a head constable of the police station having jurisdiction over the area in which the procession starts.”;

(2) in sub-section (6), after clause (b), the following clause shall be inserted, namely:—

“(bb) fails to give prior notice referred to in sub-section (4-A), or”.

Amendment of
section 49-A,
Tamil Nadu
Act III of
1888.

7. In section 49-A of the principal Act, in sub-section (1), for the words “shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both” and the proviso thereunder, the following shall be substituted, namely :—

“shall be punishable with imprisonment for a term which may extend to two years and with fine which may extend to five thousand rupees, but in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the court—

(i) such imprisonment shall not be less than three months and such fine shall not be less than five hundred rupees for the first offence ;

(ii) such imprisonment shall not be less than six months and such fine shall not be less than seven hundred and fifty rupees for the second offence ; and

(iii) such imprisonment shall not be less than one year and such fine shall not be less than one thousand rupees for the third or any subsequent offence.”.

8. After section 49-A of the principal Act, the following section shall be inserted, namely :—

Insertion of new section 49-B in Tamil Nadu Act III of 1888.

“49-B. *Presumption of offence, etc.*—(1) Where in any trial of an offence punishable under sub-section (1) of section 49-A, it is proved that—

(i) slips containing digits showing the market price of cotton, bullion or other commodity, or

(ii) accounts which appear to relate to cash received or disbursed for the purpose of wagering or betting on the market price of cotton, bullion or other commodity, or

(iii) newspapers containing publication of such price,

are found in any house, room, tent, enclosure, vehicle, vessel or place, it shall be presumed, until the contrary is proved, that such house, room, tent, enclosure, vehicle, vessel or place is used for the purpose of gaming within the meaning of sub-section (1) of section 49-A.

(2) Where in any trial of an offence punishable under sub-section (2) or sub-section (3) of section 49-A, it is proved that the accused person is found in possession of any of the materials specified in sub-section (1), it shall be presumed, until the contrary is proved, that the accused has committed the offence under sub-section (2) or sub-section (3), as the case may be, of section 49-A.”

9. In section 60 of the principal Act, for the words “fifty naye paise” and “one rupee”, the words “three rupees” and “five rupees” shall, respectively, be substituted.

Amendment of section 60, Tamil Nadu Act III of 1888.

10. In section 71 of the principal Act,—

Amendment of section 71, Tamil Nadu Act III of 1888.

(1) in the opening paragraph, for the words “fifty rupees” and “one month”, the words “two hundred and fifty rupees” and “three months” shall, respectively, be substituted ;

(2) in clause (xiii), for the words “five feet” occurring in two places, the words “one and a half metres” shall be substituted ;

(3) after clause (xix), the following clause shall be added, namely :—

“(xx) *Organising assembly without providing petromax lights in addition to electric lights.*—Whoever organises any assembly, meeting or procession between sunset and sunrise without providing sufficient petromax lights in addition to electric lights.”.

Amendment of
section 72,
Tamil Nadu Act
III of 1888.

11. In section 72 of the principal Act, for the words “fifty rupees” and “one month”, the words “one hundred rupees” and “three months” shall, respectively, be substituted.

Substitution of
section 75,
Tamil Nadu Act
III of 1888.

12. For section 75 of the principal Act, the following section shall be substituted, namely :—

“75. *Penalty for drunkenness or riotous or indecent behaviour in public place.*—(1)Whoever, in any public place, office, station-house or court, or in any place of public amusement or on board any passenger boat or vessel, is—

(a) found drunk and incapable of taking care of himself ; or

(b) found drunk and under the influence of liquor or drug ; or

(c) found behaving in a violent or boisterous or disorderly or riotous or indecent manner or using any threatening, abusive or insulting words which causes or is likely to cause a breach of public peace,

shall be liable on conviction to imprisonment not exceeding six months or fine not exceeding one thousand rupees.

(2) Whoever is—

(a) found drunk and behaving in a violent or riotous or indecent manner in a private place, or causing nuisance or annoyance to the public or to neighbours ; or

(b) found drunk and under the influence of liquor or drug while driving or riding a vehicle,

shall be liable on conviction to imprisonment not exceeding six months or fine not exceeding one thousand rupees.”.

Amendment of
section 77,
Tamil Nadu Act
III of 1888.

13. In section 77 of the principal Act, for the words “two rupees”, the words “twenty rupees” shall be substituted.

PRESIDENT'S ACT NO. 39 OF 1976. ***THE MADRAS CITY POLICE (AMENDMENT)
ACT, 1976.**

[Received the assent of the President on the 5th November 1976, first published in the Tamil Nadu Government Gazette Extraordinary on the 5th November 1976 (Aippasi 20, Nala (2007—Tiruvalluvar Andu).]

Enacted by the President in the Twenty-seventh Year of the Republic of India.

An Act further to amend the Madras City Police Act, 1888.

In exercise of the powers conferred by section 3 of the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976 (41 of 1976), the President is pleased to enact as follows:—

1. (1) This Act may be called the Madras City Police (Amendment) Act, 1976. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. In sub-section (6) of section 41 of the Madras City Police Act, 1888 (Tamil Nadu Act III of 1888), for the words "to a fine not exceeding one hundred rupees", the words "to a fine not exceeding one thousand rupees, or to imprisonment not exceeding one month, or to both" shall be substituted. Amendment of section 41.

* For Reasons for the enactment, see *Tamil Nadu Government Gazette Extraordinary*, dated the 5th November 1976, Part IV—Section 2, Pages 332–333.

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TAMIL NADU ACT NO. 63 OF 1979.*

**THE MADRAS CITY POLICE (AMENDMENT)
ACT, 1979.**

[*Received the assent of the Governor on the 7th December 1979, first published in the Tamil Nadu Government Gazette Extraordinary on the 7th December 1979 (Karthigai 21, Chitharthi (2010-Tiruvalluvar Andu)).*]

An Act further to amend the Madras City Police Act, 1888.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirtieth Year of the Republic of India as follows :—

1. (1) This Act may be called the Madras City Police **Short title and commencement.**
(Amendment) Act, 1979.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. In section 77 of the Madras City Police Act, 1888 **Amendment of section 77, Tamil Nadu Act III of 1888.**
(Tamil Nadu Act III of 1888), for the words “twenty rupees”, the words “seventy-five rupees” shall be substituted.

*For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette Extraordinary*, dated the 27th October 1979, Part IV—Section 1, Pages 362—363.

TAMIL NADU ACT NO. 64 OF 1979*.]

**THE MADRAS CITY POLICE (SECOND
AMENDMENT) ACT, 1979.**

[*Received the assent of the Governor on the 29th November 1979, first published in the Tamil Nadu Government Gazette Extraordinary on the 7th December 1979 (Karthigai 21, Chitharthi, (2010-Tiruvalluvar Andu)).*]

An Act further to amend the Madras City Police Act, 1888.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirtieth Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Madras City Police (Second Amendment) Act, 1979.

(2) It shall come into force on such date as the State Government may, by notification, appoint .

Amendment of section 34, Tamil Nadu Act III of 1888.

2. Section 34 of the Madras City Police Act, 1888 (Tamil Nadu Act III of 1888) (hereinafter referred to as the principal Act) shall be renumbered as sub-section (1) of that section and—

(1) in sub-section (1) as so renumbered, in the proviso, for the words “in this section”, the words “in this sub-section” shall be substituted ;

(2) after sub-section (1) as so renumbered, the following sub-sections shall be added, namely :—

“(2) The Commissioner may, at the time of grant of a licence under sub-section (1) or at any time during the currency of any such licence, require any person, other than a local authority, applying for such licence or the holder of such licence, as the case may be, to deposit with the Commissioner in cash or in Government promissory notes such sum, as may be prescribed, as security for the due observance of the conditions of the licence.

*For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette Extraordinary*, dated the 30th October 1979, Part IV—Section 1, Page 396.

(3) Where there is breach or non-observance of the conditions of the licence granted under sub-section (1), the Commissioner may forfeit the security so deposited to the Government.

(4) The forfeiture of the deposit shall not be a bar for proceeding against the holder of the licence under the provisions of section 76."

3. In section 76 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely :—

Amendment
of section 76,
Tamil Nadu
Act III of
1988.

"(1-A) Notwithstanding anything contained in the proviso to sub-section (1), in so far as it relates to suspension of any licence granted under this Act, where a *prima facie* case has been made out, the Commissioner may, at any time and for reasons to be recorded in writing, suspend any licence granted under this Act and in such a case, no show cause notice is necessary."

TAMIL NADU ACT NO. 35 OF 1981*

**THE TAMIL NADU DISTRICT POLICE AND
THE MADRAS CITY POLICE (AMENDMENT)
ACT, 1981.**

[Received the assent of the Governor on the 29th May 1981, first published in the Tamil Nadu Government Gazette Extraordinary on the 6th June 1981 (Vaikasi 24, Thunmathi--2012—Thiruvalluvar Aandu).]

An Act further to amend the Tamil Nadu District Police Act, 1859 and the Madras City Police Act, 1888.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-second Year of the Republic of India as follows :—

1. (1) This Act may be called the Tamil Nadu District Police and the Madras City Police (Amendment) Act, 1981. Short title and commencement.

(2) Clauses (1) and (2) of section 2 and clause (3) of section 3 shall be deemed to have come into force on the 20th October 1971 ; and the rest of this Act shall come into force on such date as the State Government may, by notification, appoint.

2. In the Tamil Nadu District Police Act, 1859 (Central Act XXIV of 1859),— Amendment of Central Act XXIV of 1859.

(1) in section 8, for the words “as may be determined by the State Government”, the following shall be substituted, namely:—

“as may be determined by the State Government by rules either prospectively or retrospectively :

Provided that the rules made under this section shall not have retrospective effect from a date earlier than the 20th day of October 1971.”;

(2) in section 10,—

(i) before the words “under this Act”, the words “either prospectively or retrospectively” shall be inserted ;

* For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette Extraordinary*, dated the 2nd April 1981, Part IV—Section 1, page 488.

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(ii) the following proviso shall be added at the end, namely :—

“ Provided that the rules made under this section shall not have retrospective effect from a date earlier than the 20th day of October 1971.”;

(3) in section 50, for the words “a Magistrate”, the words “an executive magistrate” shall be substituted.

Amendment of Tamil Nadu Act III of 1888. 3. In the Madras City Police Act, 1888 (Tamil Nadu Act III of 1888),—

(1) for section 7, the following section shall be substituted, namely :—

“7. *Commissioner's power as Magistrate.*—The Commissioner shall, by virtue of his office, be an executive magistrate for the purposes of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), and shall exercise the powers as an executive magistrate, subject to such orders as the State Government may, from time to time, issue.”;

(2) section 8 shall be omitted ;

(3) in section 9, in the second paragraph, for the words “as may be determined by the State Government”, the following shall be substituted, namely:—

“as may be determined by the State Government by rules either prospectively or retrospectively ;

Provided that the rules made under this section, shall not have retrospective effect from a date earlier than the 20th day of October 1971.”;

(4) in section 24;—

(i) in the marginal heading, for the words “on view of offence”, the words “offences committed in their presence” shall be substituted ;

(ii) in sub-sections (1) and (2), for the words “in his view” in the two places where they occur, the words “in his presence” shall be substituted ;

(5) in section 26, for the expression “Code of Criminal Procedure, 1882”, the expression “Code of Criminal Procedure, 1973 (Central Act 2 of 1974)” shall be substituted;

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(6) in section 31,—

(i) for the expression “523, 524 and 525 of the Code of Criminal Procedure, 1882”; the expression “457, 458 and 459 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974)” shall be substituted ;

(ii) for the expression “Code of Criminal Procedure, 1882” occurring in the margin, the expression “Code of Criminal Procedure, 1973” shall be substituted and the marginal expression “Central Act X of 1882” shall be omitted ;

(7) in section 71,—

(a) before clause (i), the following proviso shall be inserted, namely :—

“Provided that a person convicted for an offence under clause (xvi) shall also be liable to pay by way of compensation to the owner or occupier such amount not exceeding five hundred rupees as the court may, by order, direct which may, in the opinion of the court be reasonably incurred by such owner or occupier in erasing and colour-washing the portion of the public place or any building, monument, statue, effigy, post, wall, fence, tree or other erection therein which has been defaced, disfigured, written upon or otherwise marked.”;

(b) in clause (xvi), for the word “whoever”, the words “whoever whether by himself or by any other person on his behalf” shall be substituted.

TAMIL NADU ACT NO. 37 OF 1981*

THE TAMIL NADU PAYMENT OF SALARIES
(AMENDMENT) ACT, 1981.

[Received the assent of the Governor on the 6th June 1981,
first published in the Tamil Nadu Government
Gazette Extraordinary on the 9th June 1981 (Var-
kasi 27, Thunmathi-2012—Thiruvalluvar Aandu).]

An Act further to amend the Tamil Nadu Payment of Salaries
Act, 1951.

BE it enacted by the Legislature of the State of Tamil Nadu
in the Thirty-second Year of the Republic of India as
follows :—

Short title and commencement. 1. (1) This Act may be called the Tamil Nadu Payment
of Salaries (Amendment) Act, 1981.

(2) (i) Clause (1) of section 2 shall be deemed to have
come into force on the 1st May 1981.

(ii) Clause (3) of section 2 shall be deemed to have
come into force on the 1st July 1980.

Amendment of
section 12,
Tamil Nadu
Act XX of
1951.

2. In section 12 of the Tamil Nadu Payment of Salaries
Act, 1951 (Tamil Nadu Act XX of 1951),—

(1) in sub-section (1-A), for the expression “three
hundred and fifty rupees per mensem”, the expression
“four hundred rupees per mensem” shall be substituted ;

(2) in sub-section (4-B), for the expression “telephone
allowance of one hundred and fifty rupees per mensem
irrespective of the fact whether he has any telephone or
not”, the following shall be substituted, namely :—

“telephone allowance of—

(a) (i) one hundred and fifty rupees per mensem
with effect on and from the 1st July 1980 ; and

(ii) two hundred and fifty rupees per mensem
with effect on and from the 1st May 1981,
if he has a telephone at his residence ;

(b) (i) two hundred rupees per mensem with
effect on and from the 1st July 1980 ; and

* For Statement of Objects and Reasons, see Tamil Nadu
Government Gazette Extraordinary, dated the 11th May 1981,
Part IV—Section 1, pages 597 and 598.

(ii) three hundred rupees per mensem with effect on and from the 1st May 1981,

if he has no telephone at his residence.” ;

(3) in sub-section (4-C), for the word “alone”, the words “and the quarterly rent at the rate of one hundred and seventy-five rupees per quarter” shall be substituted.



TAMIL NADU
GOVERNMENT GAZETTE
EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 293]

MADRAS, THURSDAY, AUGUST 1, 1985

AADI 17, KUROTHANA, THIRUVALLUVAR AANDU—2016

Part IV—Section 2

Tamil Nadu Acts and Ordinances.

The following Act of the Tamil Nadu Legislature received the assent of the Governor on the 30th July 1985 and is hereby published for general information:—

ACT NO. 33 OF 1985.

An Act further to amend the Madras City Police Act, 1888 and the Tamil Nadu District Police Act, 1859.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Madras City Police and the Tamil Nadu District Police (Amendment) Act, 1985.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Amendment of section 51-A, Tamil Nadu Act III of 1888.*—
In section 51-A of the Madras City Police Act, 1888 (Tamil Nadu Act III of 1888),—

(i) in sub-section (1),—

(a) in clause (a), the portion beginning with the words “who has not been born” and ending with the words, figures and letters “the 1st April 1960” shall be omitted;

(b) the *Explanation* shall be omitted.

(ii) after sub-section (1) as so amended, the following sub-sections shall be inserted, namely:—

“(1-A) Whenever the Commissioner has reason to believe that any person in the City of Madras who has been convicted of an offence under section 135 of the Customs Act, 1962 (Central Act 52 of 1962) is likely again to engage himself in the Commission of the offence for which he was convicted, the Commissioner may, by an order in writing signed by him, require such person to remove himself outside the said city and any district or districts or any part thereof contiguous thereto, by such route and within such time as may be specified in the order:—

(1-B) The order under sub-section (1) or sub-section (1-A) shall specify the period not exceeding two years during which such order shall remain in force.”

(iii) in sub-sections (2), (3), (4), (5) and (6), after the expression “sub-section (1)”, the expression “or sub-section (1-A)” shall be inserted.

3. *Amendment of Schedule to Central Act XXIV of 1859.*—
In the Schedule to the Tamil Nadu District Police Act, 1859 (Central Act XXIV of 1859), after the figures “50”, the figures and letter “51-A” shall be inserted.

(By order of the Governor)

S. VADIVELU,
*Commissioner and Secretary to Government,
Law Department.*

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 6th July 1995 and is hereby published for general information :—

ACT No. 23 OF 1995.

An Act further to amend the Madras City Police Act, 1888.

Enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-sixth Year of the Republic of India as follows :—

1. (1) This Act may be called the Madras City Police (Amendment) Act, 1995. Short-title and commencement.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. In section 3 of the Madras City Police Act, 1888 (hereinafter referred to as the principal Act), for the expression "City of Madras" includes all places within the local limits of the ordinary original jurisdiction of the High Court of Judicature of Madras; the expression "City of Madras" means the area declared by the State Government, by notification, to be the City of Madras; shall be substituted. Amendment of section 3.

3. In section 6 of the principal Act, including the marginal heading, for the expression "Deputies or Assistants to the Commissioner", the expression "Joint Commissioners or Deputy Commissioners or Assistant Commissioners" shall be substituted. Amendment of section 6.

4. In section 51-A of the principal Act,—

(1) in sub-section (2),—

(a) for the expression "Commissioner or any Deputy Commissioner", the expression "Commissioner or any Joint Commissioner or any Deputy Commissioner" shall be substituted;

(b) for the expression "Commissioner or Deputy Commissioner" in two places where it occurs, the expression "Commissioner or Joint Commissioner, or Deputy Commissioner" shall be substituted.

(2) in sub-section (3), for the expression "Commissioner or Deputy Commissioner", the expression "Commissioner or Joint Commissioner or Deputy Commissioner" shall be substituted.

Amendment of section 51-A.

(By order of the Governor)

M. MUNIRAMAN,
Secretary to Government,
Law Department.

Group) IV-2Ex.(354)—7

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 9th December 1995 and is hereby published for general information:—

ACT No. 41 OF 1995.

An Act further to amend the Madras City Police Act, 1888.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-sixth Year of the Republic of India as follows :—

1. (1) This Act may be called the Madras City Police (Second Amendment) Act, 1995. Short title and commencement.

(2) It shall come into force at once.

Madras Act
of 1888.

2. For section 35 of the Madras City Police Act, 1888 (hereinafter referred to as the principal Act), the following section shall be substituted, namely :— Substitution of section 35.

“35. *Eating houses, hotels, fencing-schools, etc., to be licensed.*—No enclosed place or building shall be used as an eating-house, coffee-house, boarding-house, lodging-house, hotel, gymnasium or fencing-school without a licence obtained from the Commissioner :

Provided that nothing in this section shall apply to any gymnasium or fencing-school of any educational institution controlled or recognised by the State Government.”

3. In section 36 of the principal Act, the proviso shall be omitted.

Amendment of
section 36.

(By Order of the Governor)

M. MUNIRAMAN,
Secretary to Government,
Law Department.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 16th June 1998 and is hereby published for general information :—

ACT No. 18 OF 1998

AN ACT FURTHER TO AMEND THE CHENNAI CITY POLICE ACT, 1888.

Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-ninth Year of the Republic of India as follows :—

1. (1) This Act may be called the Chennai City Police (Amendment) Act, 1998. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. In section 30 of the Chennai City Police Act, 1888, including the marginal heading thereto, for the expression "two hundred rupees" in two places where it occurs, the expression "one lakh rupees" shall be substituted. Amendment of section 30.

(By order of the Governor)

A. K. RAJAN,
Secretary to Government, Law Department

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 12th March 1999 and is hereby published for general information ;—

ACT No. 1 OF 1999.

An Act further to amend the Chennai City Police Act, 1888.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fiftieth Year of the Republic of India as follows :—

Short title and commencement.

1. (i) This Act may be called the Chennai City Police (Amendment) Act, 1999.

(ii) It shall come into force on such date as the State Government may, by notification, appoint.

Amendment of section 35.

2. In section 35 of the Chennai City Police Act, 1888, the expression "coffee-house" shall be omitted.

Tamil Nadu Act 1 of 1999
Tamil Nadu Act III of 1888.

(By order of the Governor)

K. PARTHASARATHY,

Secretary to Government, Law Department, Chennai.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 16th November 2007 and is hereby published for general information:—

ACT No. 43 OF 2007.

An Act further to amend the Chennai City Police Act, 1888.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-eighth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Chennai City Police (Amendment) Act, 2007.
- (2) It shall be deemed to have come into force on the 8th September 2007.

Substitution of section 35.

2. For section 35 of the Chennai City Police Act, 1888, the following section shall be substituted, namely:—

Tamil Nadu Act III of 1888.

"35. Fencing-schools and gymnasium to be licensed.—(1) No enclosed place or building shall be used as a fencing-school or gymnasium without a licence obtained from the Commissioner:

Provided that nothing in this section shall apply to any fencing-school or gymnasium of any educational institution controlled or recognized by the State Government.

(2) No enclosed place or building shall be used as an eating-house, boarding-house, lodging-house or hotel without obtaining a no objection certificate from the Commissioner in regard to traffic clearance by the Municipal Corporation for the grant of a licence, for the first time, under the relevant City Municipal Corporation Act.

Explanation.—For the purpose of this sub-section, "relevant City Municipal Corporation Act" means—

- (1) The Chennai City Municipal Corporation Act, 1919;
- (2) The Madurai City Municipal Corporation Act, 1971;
- (3) The Coimbatore City Municipal Corporation Act, 1981;
- (4) The Tiruchirappalli City Municipal Corporation Act, 1994;
- (5) The Tirunelveli City Municipal Corporation Act, 1994; and
- (6) The Salem City Municipal Corporation Act, 1994."

Tamil Nadu Act IV of 1919.

Tamil Nadu Act 15 of 1971.

Tamil Nadu Act 25 of 1981.

Tamil Nadu Act 27 of 1994.

Tamil Nadu Act 28 of 1994.

Tamil Nadu Act 29 of 1994.

(By Order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government-in-charge,
Law Department.

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