

**Andhra Pradesh Towns Nuisances Act, 1889**

**3 of 1889**

**[23 December 1889]**

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PREAMBLE

An Act to provide for the Prevention and Control of Nuisances [x x x]<sup>2</sup>

Whereas it is expedient to amend Act XXIV of 1859<sup>3</sup> and to consolidate and improve the law relating to nuisances [ x x x ]<sup>4</sup>; It is hereby enacted as follows:

1. For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement, dated Feb., 1889, for Report of the Select Committee, see *ibid*, dated 8th October, p. 1, for proceedings in Council, see *ibid*. dated 26th March, 1889, p. 2, and *ibid*, dated November, 1889, p. 12. The Act came into force on 1st July, 1891.
2. The words "outside the Town of Madras" were omitted by the Andhra Adaptation of Laws Order, 1953.
3. The A.P. (A.A.) District Police Act, 1859.
4. The words "in places outside the Town of Madras" were omitted

by the Andhra Adaptation of Laws Order, 1953.

**1. Short title :-**

(1) This Act may be called <sup>1</sup>[the Andhra Pradesh Towns Nuisances Act. 1889].

(2) <sup>2</sup>[Section 1 of this Act extends] to the whole of the <sup>3</sup>[State of Andhra Pradesh]. The remaining sections extend to all towns in the said [State]<sup>4</sup> which may have been or may hereafter be declared to be Municipalities under <sup>5</sup>[the Andhra Pradesh (Andhra Area) District Municipalities Act, 1920 (Act V of 1920)], or other Acts of the same nature for the time being in force; and the <sup>6</sup>[State Government] may from time to time by notification in the <sup>7</sup>[Official Gazette], extend such sections or any part or parts thereof permanently or for a time or for specified occasions only, from such date as may be specified in the notification to any other local area in the <sup>8</sup>[State of Andhra Pradesh] <sup>9</sup>[ x x x ] and may cancel or modify any such notification.

1. Substituted for original short title by the First Schedule to the A.P. Laws (Amendment of Short Titles) Act, 1961 (A.P. Act IX of 1961).

2. Substituted for the expression "Sections 1 and 2 of this Act extends" by the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951), Section 3(1) and Scheduled II.

3. Substituted for the words "State of Andhra" by the A.P. Extension of Laws Act, 1958.

4. Substituted for the word "Presidency" by the Andhra Adaptation of Laws Order, 1953.

5. Substituted by A.P. Laws (Amendment of Short Titles) Act, 1961 (A.P. Act IX of 1961).

6. Substituted by Adaptation of Laws Order, 1950.

7. Substituted for the words "Fort St. George Gazette" by the Adaptation of Laws Order, 1937.

8. Substituted for the words "State of Andhra" by the A.P. Extension of Laws Act, 1958.

9. The words "outside the limits of the Town of Madras" were omitted by the Andhra Adaptation of Laws Order, 1958.

## **2. Enactments repealed :-**

Repealed by the Amending Act, 1901 (Central Act II of 1901).

## **3. Penalty for certain offences in public places :-**

Whoever in any <sup>1</sup>[public] place commits any of the following offences shall be liable on conviction to fine not exceeding fifty rupees or to imprisonment of either description not exceeding eight days.

(1) Rash and negligent driving:- Whoever drives or rides any animal, or drives, drags or pushes any vehicle, in a rash or negligent manner.

(2) Causing obstruction by negligence in driving cattle:- Whoever by negligence or ill-usage in driving cattle causes any mischief or obstruction by such cattle.

(3) Driving, etc., otherwise than on rear or left side of the road:- Whoever without reasonable excuse and so as to cause danger or obstruction to any person shall drive, drag or push any vehicle otherwise than on the rear or left side of the road.

(4) Leaving vehicle or cattle, without due control:- Whoever, being incharge of any vehicle or cattle, leaves it or them at such a distance as not to have the same under due control.

(5) Obstructing thoroughfare:-Whoever causes any vehicle to remain or stand longer than may be necessary for loading or unloading except at places appointed for the purpose, 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 thorough fare.

(6) Exposing goods so as to cause obstruction:- Whoever exposes goods for sale so as to cause obstruction.

(7) Letting loose horses or ferocious dogs:-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.

**2**[(8) [xxx]

(9) Depositing rubbish, stones, etc.: - Whoever without reasonable excuse throws or lays down any dirt, filth, rubbish, or any stones or building materials.

**3**[(10) Unauthorized use of sound amplifiers in public:- Whoever uses any sound amplifier except at such times and places and subject to such conditions as shall, from time to time, be allowed by an officer of the Police Department **4**[not below the rank of a Deputy Superintendent of Police].

(11) Committing nuisances in public places:- Whoever 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.

(12) Drunken or riotous, disorderly or indecent behaviour:-Whoever is found drunk and incapable of taking care of himself, or is guilty of any riotous, disorderly or indecent behaviour.

**5**[Explanation:- In this section "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].

**6**[xxx].

1. Substituted for the words "public street, road thoroughfare or place of public resort" by Section 3(i) of Madras Act XXIII of 1941 and was re-enacted by the A.P. (A.A.) re-enacting Act, 1949 (Act X of 1949).

2. Repealed by A.P. (AA.) Prevention of Begging Act, 1945 (Act XIII of 1945).

3. Inserted by Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941) re-enacted permanently by A. P. (A.A.) Re-enacting Act, 1949 (Act X of 1949), Sec.2(1) and First Schedule.

4. Substituted for the words "not below the rank of a District Superintendent of Police" by the Madras Towns Nuisances (Amendment and Extension to Pudukkottai) Act, 1951 (Madras Act XXXIV of 1951), Section 2.

5. Inserted by Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941), re-enacted permanently by the A.P. (A.A.) Re-enacting Act. 1949 (Act X of 1949).

6. Repealed by the A.P. (A.A.) Gaming Act, 1930 (Act III of 1930).

#### **4. Neglecting to fence in well, tank etc. :-**

Whoever neglects to fence in or protect any well, tank or other dangerous place or structure; or,

Causing offensive matter to run from house, etc.:- Whoever causes any offensive matter to run from any house, factory, dung-heap or the like into the street-

shall be liable on conviction to fine not exceeding fifty rupees or to imprisonment of either description which may extend to one month.

#### **5. Penalty for cruelty to animals :-**

Whoever cruelly beats, ill-treats, tortures or drives, rides or otherwise uses any animal in an unfit state to be so driven, ridden or used, or causes any animal to be cruelly beaten, ill-treated, tortured, or to be driven, ridden or used when unfit to be driven, ridden or used, shall be liable on conviction to fine not exceeding fifty rupees, or to imprisonment of either description not exceeding one month, or to both.

#### **6. [Repealed] :-**

**1** [ \* \* \* ]

1. Repealed by the A.P. (A.A.) Gaming Act, 1930 (Act III of 1930).

## **7. [Repealed] :-**

**1** [ \* \* \* ]

1. Repealed by the A.P. (A.A.) Gaming Act, 1930 (Act III of 1930).

## **8. Power to arrest without warrant on view of offence :-**

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

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

**5**[(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].

**5**[(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. Original Section 8 was re-numbered as sub-Section (1) of Section 8 by A.P. Towns Nuisances and Prevention of Cruelty to Animals (Amendment) Act, 1942 (Act XX of 1942), re-enacted permanently by the A.P. (A.A.) Re-enacting Act, 1949 (Act X of 1949).

2. Inserted by A.P. (A.A.) Re-enacting Act, 1949 (Act IX of 1949).

3. Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

4. 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 made by a Police Officer" were omitted by the A.P. (A.A.) Re-enacting Act, 1949 (Act X of 1949), 2nd Schedule.

5. Sub-section (3) and (4) were inserted by the A.P. (A.A.) Re-enacting Act, 1949 (Act X of 1949).

\*. Now see code of criminal Procedure, 1973.

**9. [Repealed] :-**

**<sup>1</sup>**[xxx].

1. Repealed by the A.P. (A.A.) Gaming Act, 1930 (Act III of 1930).

**10. Destruction of stray dogs :-**

The District or Sub-Divisional Magistrate may from time to time cause to be notified by beat of drum or otherwise that dogs found straying within certain limits will be destroyed, and dogs found straying within such limits after such notification may be destroyed by any person in such manner as the District or Sub-Divisional Magistrate may from time to time direct.

**11. Act to form part of District Police Act :-**

Sections 3 and 4 of this Act shall be read with, and form part of, Act XXIV of 1859<sup>1</sup>.

**<sup>2</sup>**[xxx].

1. The A.P. (A.A.) District Police Act, 1859 (Central Act II of 1901) Part III.

2. Schedule repealed by Amending Act, 1901.