

Madras City Police (Extension To The City Of Madurai And To The City Of Coimbaroe) Act, 1987

32 of 1987

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SCHEDULE 1 :- THE SCHEDULE

Madras City Police (Extension To The City Of Madurai And To The City Of Coimbaroe) Act, 1987

32 of 1987

AN Act to extend the provisions of the Madras City Police Act, 1888 to the City of Madurai and to the City of Coimbatore. BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the thirty-eight Year of the Republic of India as follows :-- 1. Published in the Tamil Nadu Government Gazette, Extraordinary, Part IV, Section 2, dated 23rd July, 1987. 2. The Act of the Tamil Nadu

Legislative Assembly received the assent of the Governor on the 21st July, 1987 and is hereby published for general information:-

1. Short Title And Commencement :-

(1) This Act may be called the Madras City Police (Extension to the City of Madurai and to the City of Coimbatore) Act, 1987.

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

NOTIFICATION

In exercise of the powers conferred by sub-section (2) of Section 1 of the Madras City Police (Extension to the City of Madurai and to the City of Coimbatore) Act, 1987 (Tamil Nadu Act No.32 of 1987). The Government of Tamil Nadu hereby appoints the 14th April, 1990 as the day on which the said Act shall come into force (Notification published as per G.O. Ms. No.799(Home, Police -D), Department, dated 13th April, 1990.

2. Definitions :-

In this Act, unless the context otherwise requires,--

(1) "appointed day" means the date appointed under sub-section (2) of Section 1 for the coming into force of this Act ;

(2) "City of Coimbatore" means the City of Coimbatore as defined in clause (9) of Section 2 of the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act No.25 of 1981).

(3) "City of Madurai" means the City of Madurai as defined in clause (9) of Section 2 of the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act No.15 of 1971) ;

(4) "City Police Act" means the Madras City Police Act, 1888 (Madras Act No. III of 1888) ;

(5) "Government" means the State Government ;

(6) "law in force" includes any enactment, Ordinance, regulation, order, bye-law, rule, scheme or notification in force in the whole or in any part of the State of Tamil Nadu or any instrument having the force in the whole or in any part of the State of Tamil Nadu.

3. Extension Of Tamil Nadu Act No. Iii Of 1888 :-

(1) With effect on and from the appointed day, the City of Police Act as in force immediately before the appointed day, shall stand extended to, and shall be in force, in the City of Madurai and in the City of Coimbatore.

(2) In the City Police Act as extended to the cities of Madurai and Coimbatore --

(a) any reference to the City of Madras (other than the reference in Section 3) shall by reason of this Act, be construed as a reference to the City of Madurai, or as the case may be, the City of Coimbatore ;

(b) any reference to Presidency Magistrate shall by reason of this Act, be construed as a reference to Judicial Magistrate ;

(c) any reference to the Commissioner of Police for Madras, shall by reason of this Act, be construed as a reference to the Commissioner of Police for Madurai, or as the case may be, the Commissioner of Police for Coimbatore.

4. Power Of Government To Authorise Commissioner Of Police And Certain Other Police Officers In The Cities Of Madurai And Coimbatore To Exercise Powers Of District Magistrates And Executive Magistrates Under The Code Of Criminal Procedure, 1973 :-

(1) Without prejudice to the provisions contained in Section 7 of the City Police Act, the Government may by notification and subject to such conditions and limitation as may be specified therein, empower --

(a) the Commissioner of Police for Madurai or the Commissioner of Police for Coimbatore, to exercise and perform in relation to the City of Madurai, or as the case may be, the City of Coimbatore the powers and duties of an Executive Magistrate under such provisions of the Code of Criminal Procedure, 1973 (Central Act No.2 of 1973) (hereinafter in this section referred to as the said Code) or of any other law in force relating to matter with respect to which the State Legislature has power to make laws for the State, as may be specified in the notification.

(b) any officer subordinate to the Commissioner of Police in the City of Madurai, or as the case may be, in the City of Coimbatore (not being below the rank of an Assistant Commissioner of Police) to exercise and perform in relation to the City of Madurai or as the case may be the City of Coimbatore as may be specified in the notification the powers and duties of an Executive Magistrate under such of the provisions of the said Code or of any law in force relating to matters with respect to which State Legislature has power to make laws for the State, as may be specified in the notification.

(2) Every officer subordinate to the Commissioner of Police in the City of Madurai or as the case may be, in the City of Coimbatore shall, in the exercise and performance of any powers and duties which he is empowered to exercise or perform under sub-section (1) be subject to the general control of the respective Commissioner of Police in the same manner and to the same extent as an Executive Magistrate appointed under Section 20 of the Code would be subject to the general control of the District Magistrate appointed under that section.

(3) The Commissioner of Police in the City of Madurai or as the case may be, in the City of Coimbatore or any officer subordinate to such Commissioner, shall not be subject, in the exercise and performance or any powers and duties which he is empowered to exercise and perform under sub-section (1) to the general control of the District Magistrate appointed under Section 20 of the said Code.

(4) The provisions of this section shall have no effect notwithstanding anything contained in the said Code.

5. Police Force Functioning In The Cities Of Madurai And Coimbatore Immediately Before The Appointed Day To Be Deemed To Be Police Force Constituted Under The City Police Act As Extended :-

(1) The Police force functioning in the City of Madurai and in the City of Coimbatore, immediately before the appointed day (hereafter in this section referred to as the existing police force) shall on the appointed day, be deemed to be the police force constituted for the City of Madurai, or as the case may be, the City of Coimbatore under the City Police Act as extended and every member of the existing police force holding the office mentioned in column (1) of the Schedule immediately before the appointed day, shall be deemed to be appointed, on such appointed day, to the office mentioned in the corresponding entry in column (2) of that Schedule.

(2) All proceedings (including proceedings by way of investigations) pending before any police officer of the existing force, immediately before the appointed day shall on the appointed day, be deemed to be proceedings pending before him in his capacity as the holder of the office to which he is deemed to be appointed under subsection (1) shall be dealt with accordingly.

(3) Where any power or function which may be exercised or

discharged under any law by a District Magistrate or Executive Magistrate immediately before the appointed day has been conferred on the Commissioner of Police or any other police officer by or under the City Police Act as extended, all proceedings in relation to, or arising from, the exercise of such power or the discharge of such function pending immediately before such conferment before the District Magistrate or the Executive Magistrate, as the case may be, shall on conferment of such power or function, on the Commissioner of Police or other police officer, as the case may be and the officer to whom such proceedings stand so transferred shall either proceed de novo or from the stage of such transfer.

6. Control Of The Director-General Of Police Over The Commissioners Of Police For Madurai And Coimbatore :-

(1) Notwithstanding anything contained in the City Police Act as extended, the Commissioner of Police for Madurai and the Commissioner of Police for Coimbatore shall, in the exercise of their functions under the City Police Act as extended, be under the control and direction of the Director-General of Police for the State of Tamil Nadu subject to any rules that may be made under sub-section (2).

(2) It shall be competent to the Government to make rules to limit and regulate the exercise of the powers of control and direction conferred on the Director-General of Police by sub-section (1) in respect of the Commissioners of Police for Madurai and Coimbatore.

(3) Nothing in this section shall apply in relation to the powers and functions which may be exercised or discharged by the Commissioner of Police for Madurai, or as the case may be, by the Commissioner of Police for Coimbatore under any law as a District Magistrate or an Executive Magistrate.

7. Construction Of References To Laws Not In Force In The City Of Madurai And In The City Of Coimbatore :-

(1) Any reference in the City Police Act as extended by this Act to a law which is not in force in the City of Madurai, or as the case may be in the City of Coimbatore on the appointed day shall, in relation to the said cities, be construed as a reference to the corresponding law, if any in force in the said cities.

(2) Any reference to the Madras District Police Act, 1859 (Central Act No. XXIV of 1859) in any law in force in the City of Madurai and in the City of Coimbatore shall, in relation to those cities, be construed, on and after the appointed day, as a reference to the City Police Act.

8. Repeal Of Corresponding Law :-

If, immediately before the appointed day, there is any law in force in the City of Madurai or in the City of Coimbatore including the Madras District Police Act, 1859 (Central Act No. XXIV of 1859) (hereinafter this section referred to as the Central Act) and the provisions of the City Police Act specified in the Schedule to the Central Act and extended by way of notification under Section 54A of the Central Act, corresponding to the City Police Act, such corresponding law shall, on the appointed day stand repealed in relation to the City of Madurai, or as the case may be, in the City of Coimbatore to the extent to which the corresponding law relates to matters with respect to which the State Legislature has power to make laws for the State.

9. Savings :-

(1) The repeal by Section 8 of any corresponding law shall not affect --

(a) the previous operation of any such law or anything done or duly suffered thereunder ; or

(b) any right, privilege, obligation or liability acquired or incurred under any such law ; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law ; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ; and any such investigation, legal proceeding or remedy may be instituted continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the City Police Act had not been extended.

(2) Subject to the provisions of the sub-section (1) anything done or any action taken including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form bye-law or scheme framed, certificate permit or licence granted or registration effected, under such corresponding law in relation to the City of Madurai, or as the case may be the City of

Coimbatore shall be deemed to have been done or taken under the corresponding provisions of the City Police Act and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the said City Police Act as extended.

10. Construction Of Reference To Authorities Where New Authorities Have Been Constituted :-

Any reference by whatever form of words in any law in force to any such authority competent on the date immediately preceding the appointed day to exercise any powers or discharge any functions in the City of Madurai, or as the case may be, in the City of Coimbatore shall, where a corresponding new authority has been constituted by or under this Act to the said cities, have effect as if it were a reference to that new authority.

11. Powers Of Courts And Other Authorities For Purposes Of Facilitating Application Of The City Police Act :-

For the purpose of facilitating the application, in the City of Madurai and in the City of Coimbatore, of the City Police Act as extended any Court or other authority may construe the said Act with such alternations not affecting the substance as may be necessary or proper to adopt it to the matter before the Court or authority.

12. Power To Make Rule :-

(1) The Government may make rules for carrying out all or any of the purposes of this said Act.

(2) All rules made under this Act shall be published in the Tamil Nadu Government Gazette, and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(3) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(4) Every rule, or order made or notification issued under this Act shall, as soon as possible after it is made or issued be placed on the table of the Legislative Assembly, and if before the expiry of session in which it is so placed or the next session, the Legislative Assembly agrees that the rule or order, or notification should not be made or issued, the rule or order or notification shall thereafter have effect only in such modified form or be of no effect as the

case may be, so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or order or notification.

13. Power To Remove Difficulties :-

If any difficulty arises in giving effect to the provisions of the City Police Act as extended by this Act to the City of Madurai and to the City of Coimbatore, the Government may as occasion may require, by order, do anything which appears to them to be necessary for the purpose of removing the difficulty :

Provided that no order shall be made under this section after the expiry of two years from the appointed day.

SCHEDULE 1

THE SCHEDULE

[Sub-section (5)]

Designation of officer as immediately before the appointed day	Post to which the officer shall be deemed to be appointed
(1)	(2)
(1) Superintendent of Police	Commissioner of Police provided that after the appointed day the Government may appoint as Commissioner of Police an officer in the rank of Deputy Inspector-General of Police : Provided further that where a Commissioner of Police is appointed in the rank of Deputy Inspector-General of Police, the Government may appoint a Deputy Commissioner of Police in the rank of Superintendent of Police.
(2) Deputy Superintendent of Police.	Assistant Commissioner of Police