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## **Madras City Police Act, 1888**

### **3 of 1888**

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## **Madras City Police Act, 1888**

### **3 of 1888**

AND THE RULES AND BYE-LAWS MADE THEREUNDER PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL Preamble  
An Act to regulate the Police of the City of Madras. 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:-

### **1. Short Title :-**

(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.

### **2. Repealed :-**

Repealed by General Act XI of 1901.

### **3. Interpretation Clause :-**

In this Act, unless there be something repugnant in the subject or context --

"City of Madras"-- "City of Madras" means the area declared by the State Government by Notification, to be the City of Chennai.

"Commissioner"-- "Commissioner" means the Commissioner of Police for Madras referred to in Section 5.

"Conviction"-- "Conviction" means the conviction of the accused person before a Presidency Magistrate.

"Imprisonment"-- "Imprisonment" means imprisonment of either description as defined in the Indian Penal Code.

"Common gaming-house"-- Common gaming-house, room, tent, enclosure, vehicle, vessel or any place whatsoever in which cards, dice, table 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 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.

Short title amended by Tamil Nadu Act No.32 of 1987, so as to be applicable to the cities of Madurai and Coimbatore. For details see the provisions 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.

"Gaming"-- "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-

- (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 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"-- "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"-- "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.

"Subordinate ranks"-- "Subordinate ranks" means the ranks inferior to that of Assistant Commissioner.

#### **4. Repealed :-**

Repealed by Madras Act No.25 of 1957.

#### **5. Administration Vested In The Commissioner Of Police :-**

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 :

Administration of Police employed at Railway stations, etc., may be vested in the Inspector-General of Police

Provided that the State Government may, by notification in the Official Gazette which 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 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 (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.

#### **6. Appointment Of Joint Commissioners Of Deputy Commissioners Of Assistant Commissioner :-**

The Government may, from time to time, appoint one or more Joint Commissioners or Deputy Commissioners or Assistant Commissioners, 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.

#### **7. Commissioners Powers As Magistrate :-**

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 State Government :

Provided that he shall not exercise any powers under Chapter XVIII, XX or XXI of the Code of Criminal Procedure, 1882.

#### **8. Commissioner And His Deputies And Assistants To Be Justice Of Peace :-**

The Commissioner, his Deputies and Assistants shall by virtue of their office be Justice 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.

#### **9. Constitution Of Police Force :-**

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 State Government.

Subject to the provisions of this Act, the pay and all other

conditions of service of the members of the subordinate rank of the Police force shall be as such as may be determined by the State Government.

**10. Rules For The Governance Of The Force To Be Made By The Commissioner :-**

The Commissioner may from time to time subject to the control of the State Government frame orders and regulations for the general governance of the force.

**11. Commissioner May Dismiss, Suspend, Reduce, Etc., Members Of The Subordinate Ranks Of The Force :-**

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

**12. Members Of The Force To Receive Certificates On Enrolment :-**

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

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."

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 cease to be employed in the force.

**13. Members Of The Subordinate Ranks Of The Force Not To Resign Without Leave Or Notice :-**

No member 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 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.

**14. Member Ceasing To Belong To The Force To Deliver Up Certificate, Clothing, Accoutrements, Etc :-**

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 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 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.

**15. Penalty For Neglect Or Violation Of Duty :-**

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

**16. Police Enrolled Under Central Act XXIV Of 1859 To Have Powers Of Police In The City Of Madras :-**

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 the Act.

**17. Appointment Of Special Police Officer :-**

The Commissioner may, of his own authority, appoint any able



bodied male person between the ages of eighteen and fifty-five to be a special Police Officer to assist the Police force on any temporary emergency. Every special Police Officer so appointed shall receive a certificate in such form as the State Government may determine under the signature of the Commissioner.

**18. Powers Of Special Police Officer :-**

Every 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.

**19. Penalty For Special Police Officer Neglecting Or Refusing To Serve :-**

If any person being appointed a 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.

**20. Powers To Quarter Additional Police In Disturbed Parts Of The City :-**

It shall be lawful for the Commissioner, with the sanction of the State Government to be notified in the Official Gazette and in such other manner as the State Government may direct, to employ any Police force on 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 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 the State Government may direct, and the Commissioner shall assess the proportion in which the amount is to be paid by the inhabitants to his judgment of their respective means.

**21. Power To Appoint Additional Police Officers :-**

(1) On the application of any person and at his charge, the State Government may, for the purposes 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 specified class of offences, appoint additional Police Officers of such rank or grade, on such pay, if any, and for such time as 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 State Government may fix, the 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 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. Recovery Of Moneys Due :-**

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.

## **23. Duties Of Police Officers :-**

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 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 loose or disorderly characters.

## **24. Police Officers And Agent Of The Society For The**

## **Prevention Of Cruelty To Animals May Arrest Without Warrant In View Of Offence :-**

(1) Notwithstanding anything contained in this Act or any other Law for the time being in force :--

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

(b) any Police Officer may arrest without a warrant any person committing in his view any offence made punishable by this Act.

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

(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.

(4) Central Act V of 1898-- The provisions of the Code of Criminal Procedure, 1898, shall apply to any arrest made or bond taken under this section been made, or the bond had as if the arrest has been taken, under the said Code.

## **25. Apprehension Of Offenders By Private Individual :-**

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 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.

## **26. Power To Search For Stolen Property In Certain Cases Without Warrant :-**

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, 1882, relating to searches.

## **27. Seizure Of Property Regarding Which An Offence Is Suspected :-**

Any Police Officer may seize any property or thing which may be found in the possession of any person, which 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.

**28. Pawn Brokers, Etc., Report Stolen Property If Tendered For Pawn Or Sale :-**

Any officer of Police may deliver to any dealer in second-hand property or worker in metals a list of any property believed to have been stolen, and thereupon it shall be the duty of such 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 for sale, or otherwise, to enquire 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 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 dealer or worker as aforesaid may also detain any person offering such article as aforesaid pending the arrival of the Police.

**29. Power To Fix Periods Within Which Stray Dogs May Be Killed :-**

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.

**30. Power To Take Charge Of And Deliver To Party Entitled To Movable Property Under 1[One] Lakh Rupees In Value, Of Person Dying Intestate :-**

30. Power to take charge of and deliver to party entitled to movable property under 1[one lakh] rupees in value, of person dying intestate

Whenever any person dies intestate leaving movable property within the City of Madras under1[one lakh] 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 the title and upon such terms as he may think fit, to any person who may appear to him to be entitled thereto ; and such delivery shall be a full discharge to the Commissioner, and to the Government from all liability in respect of such property.

1. Substituted by Tamil Nadu Act No.18 of 1998.

### **31. Certain Provisions Of Code Of Criminal Procedure, 1882, To Apply :-**

The provisions of Sections 523, 524 and 525 of the Code of Criminal Procedure, 1882, shall, as nearly as may be practicable, apply to all property seized or taken charge of by the Police.

### **32. Commissioner To Keep Standard Weights And Measures :-**

The Commissioner shall keep in his office such standard weights and measures as may be from time to time prescribed or declared to be correct by the 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.

### **33. Power Of Police To Enter Shops To Inspect Weights, Etc :-**

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.

### **34. Places Of Public Resort To Be Licensed :-**

(1) No enclosed place or building having an area of forty-six and half square metres or upwards shall be used for public entertainment or resort without a licence from the Commissioner :

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

(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 for such sum, as may be prescribed as security for the due observance of the conditions of licence.

(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.

### **34A. 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 on 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 with 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.

### **35. Eating Houses, Hotels, Wine Shops, Fencing Schools, Etc. To Be Licensed :-**

No enclosed place or building shall be used as an eating house,<sup>1</sup>\*\*\*], 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.

1. The expression "coffee house" omitted by Tamil Nadu Act No.1 of 1999.

### **36. Conditions For Issue Of Licences Under Sections 34 And 35 :-**

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 State Government, may prescribe, and for such period not exceeding one year as may be stated in the licence.

**37. Penalty For Omission To Procure Licence As Required By Section 34 Or 35 :-**

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 place or building is so used.

**38. Power To Enter And Inspect Licensed Places And Unlicensed Places Believed To Be Used Contrary To The Act :-**

The Commissioner may, by orders 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 licensed under 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 authorise 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.

**39. Power To Make Rules :-**

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.

**40. Service Of Copy Of Order On Owner :-**

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.

#### **40A. Prohibition Of Smoking In Certain Places Where Entertainments Are Held :-**

(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 --

(a) on the stage except in so far as smoking may be part of the entertainment, or  
(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 Tamil Nadu Government Gazette, exempt any class of the 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 Tamil Nadu Government 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 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.

#### **41. Power To Regulate Assemblies, Meetings And Processions In Public Places, Etc :-**

(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 licence and regulate or prohibit the use of music or of sound amplifiers in any area.

(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 no 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.

#### **41A. Section 41A :-**

Without prejudice to the provisions of sub-section (1) to (4), where any person intends to direct or promote any procession, he shall give prior notice, in writing, atleast 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.

(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

(bb) fails to give prior notice referred to in sub-section 4-A, 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 thousand rupees or to imprisonment not exceeding one month or both.
- (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 public meeting 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 public place notwithstanding that it is held in a private place and notwithstanding that admission thereto may have been restricted by ticket or otherwise.

## **42. Commissioner May Grant Warrant To Enter Common Gaming-House :-**

- (1) If the Commissioner has reason to believe that any 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 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 place and also the persons found therein.
- (2) The Commissioner may, instead of issuing a warrant under sub-section (1), himself exercise all or any of the powers exercisable under warrant.

## **43. Cards Dice, Etc., Found In Search Under Last Section To Be Evidence That Place Is A Common Gaming-House :-**

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 person 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.

**44. Proof Of Playing For Stakes Unnecessary :-**

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.

**45. Penalty For Opening, Etc., A Common Gaming-House :-**

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 imprisonment not exceeding three months, or to both.

**46. Penalty For Being Found Gaming In A Common Gaming-House :-**

Whoever is found gaming or present for the purpose of gaming in 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.

**47. Instruments Of Gaming May Be Ordered To Be Destroyed On Conviction :-**

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.

**48. Identification Of Witnesses :-**

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.

#### **49. Saving Of Games Skill :-**

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

#### **49A. Penalty For Opening Etc., Any Enclosure, Etc., For Certain Forms Of Gaming :-**

(1) Whoever

(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 --

(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 prices 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

(vi) on any transaction or scheme of wagering or betting in which the receipt or distribution of winnings or prices 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 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 objects aforesaid with persons frequenting any such house, room, tent, enclosure, vehicle, vessel or place, 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 Judgment 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 :

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.

#### **49B. Presumption Of Offences, Etc :-**

(1) Where in any trial of an offence, punishable under sub-section (1) of Section 49-A it is provided that --

(i) slips containing of 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 or vessel or place if used for the purpose of gaming within the meaning of sub-section (1) of Section 49A.

(2) Where in any trial of an offence punishable under subsection (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.

#### **50. Payment Of Portion Of Fine To Informants And Police Officers :-**

(1) The Magistrate may direct any portion, not exceeding one-half, on any fine which shall be levied under Section 46, Section 43 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.

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 the subsection, 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. Penalty For Cheating At Games :-**

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, bets or adventures, or in betting on the sides or hands of the players, or in wagering or betting on the event of any game ; spot, pastime or exercise, wins from any other persons for himself or for any other or others any sum of money or valuable thing shall be liable on conviction of fine not exceeding five hundred rupees or to imprisonment not exceeding six months or to both.

## **51A. Power To Direct Removal Of Persons From City In Special Cases :-**

(1) Whenever the Commissioner is satisfied from information received or otherwise --

(a) Central Act XLV of 1860-- that the movements or acts of any person in the City of Madras who has not been born in the said City or in the district of Chingleput or North Arcot 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 of violence or punishable under Chapter XII, XVI or XVII of the Indian Penal Code or in the abetment of any such offence ; and

(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 move himself outside the said City within, such time as may be specified in the order.

Explanation-- For the purpose 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 in the districts of Chingleput or North Arcot as it existed immediately before the 1st April, 1960 shall be final.

(2) Before an order is passed against any person under subsection (1) the Commissioner or any Joint 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 Joint 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 Joint 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 Joint Commissioner or 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.

(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 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 State Government under this sub-section, they may at their discretion, subject to such conditions, if any, as they may think fit to impose, stay the operation of the Commissioners order, pending the passing of final orders on the appeal.

(5) No order passed by the Commissioner under subsection (1) or by the 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 ground 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) of 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 subsection (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.

## **52. Brothels :-**

If the Commissioner has reason to believe that a house is used as a common brothel or lodging-house for prostitutes, or disorderly persons of 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. Penalty For Cruelty To Animals :-**

Whoever cruelly beats, illtreats or tortures any animal, or causes any animal to be cruelly beaten, illtreated 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. Appointment Of Infirmary For Animals :-**

The 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 been committed under the last preceding section, and may nominate fit persons to give certificates of discharge from such infirmary.

**55. - Magistrate May Order Animal To Be Destroyed Or Sent To Infirmary :-**

Upon conviction of an offence under Section 53 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. Animals Sent To Infirmary May Be Detained And Shall Be Removed After Notice :-**

Every animal so sent for treatment may be 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.

**57. In Default Of Payment By Owner Of Charges, Etc., Animal May Be Sold :-**

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 to 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.

### **58. Magistrate May Order Delivery Of Animal To Owner :-**

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.

### **59. Costs Of Inquiries :-**

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.

### **60. Stray Animals To Be Impounded :-**

It shall be lawful for all persons to seize any cattle found straying upon any public place, or trespassing on any 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 three rupees for every goat, sheep or pig, and five rupees 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 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. Powers Of Police And The Tamil Nadu Fire Service On The Occasion Of A Fire :-**

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 --

(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 persons in-charge of any fire-engine to render such assistance as may be possible ; and

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

Any damage done on the occasion of fires by members of 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 damaged 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 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.

## **62. Cost Of Establishment, Etc., For Extinguishing Fire To Be Defrayed By The Municipality :-**

All charges on account of establishments and appliances for extinguishing fire maintained by the Police under the orders of the 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 Commissioner for City of Chennai upon the Commissioner certifying the amount thereof.

## **62A. Penalty For False Alarm Of Fire :-**

Whoever gives or causes to be given to any fire-brigade in the City of Chennai or 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.

Central Act XXVI of 1859-- Whoever is convicted under the section after having been previously convicted either under this section or under Section 43 of the 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.

## **63. Penalty For Wilful Trespass :-**

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 Government or appropriated to public purposes, shall be liable on

conviction to fine not exceeding twenty rupees.

**64. Penalty For Being Found Armed Between Sunset And Sunrise Intending To Commit An Offence, Etc :-**

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 to 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 bazaar, yard or public place, being a reputed thief and without being able to give a satisfactory account of himself, or

(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.

**65. Penalty For Possession Of Property Believed To Have Been Stolen :-**

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.

**66. Penalty For Buying Or Taking Pledge From A Child :-**

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.

**67. Penalty For Introducing Spirits, Etc., Into Barracks Or On Board Vessels Or War :-**

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.

**68. Penalty For Introducing Spirits,Etc., Into Hospitals :-**

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 to conviction to fine not exceeding fifty rupees or to imprisonment not exceeding two months.

**69. Penalty For Carrying Weapon Without Authority :-**

Whoever not being a soldier or sailor in the Indian Army or Navy or a Police Officer or 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.

**70. Penalty For Harboursing Deserters From Vessels :-**

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, be liable on conviction to fine not exceeding one hundred rupees.

**71. Penalty For Certain Offence In Public Place. Rash Or Negligent Driving :-**

Whoever, in any public place commits any of the following offences, shall be liable on conviction to fine not exceeding two hundred and fifty rupees, or to imprisonment which may extend to three months :

(i) Rash or negligent driving-- Whoever drives or rides any animal, or drives, drags or pushes any vehicle in a rash or negligent

manner.

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

(iii) Driving, etc., elephant or camel without Commissioners permission-- Whoever drives, rides or leads any elephant or camel without permission from the Commissioner.

(iv) Omitted by Madras Act No.7 of 1940.

(v) Driving etc., otherwise than in accordance with the rules of road-- 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 State Government or fails, to obey the direction of Police Officer for the time being in-charge of the regulation of traffic

(vi) Driving etc., vehicles without springs otherwise than on side of road-- Whoever drives, drags or pushes any vehicle without springs on any road or street except on the side thereof.

(vii) Driving etc., animals or vehicles on a foot-way--Whoever leads or rides any animal, or drives, drag or pushes any vehicle, upon any foot-way, or fastens animal so that it can stand across or upon any foot-way.

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

(ix) Leaving vehicle or cattle without due control-- 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.

(x) Exposing for show animal or vehicle, making or repairing vehicle, or training horses except as allowed by Commissioner-- Whoever cleans or exposes for show, hire or sale any animal or vehicle, or makes or repairs 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.

(xi) 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 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) 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.

(xiii) Conveying article which projects more than one and half metres-- Whoever conveys through the streets any article which projects more than one and half metres in front or behind the vehicle or vehicles on which it is placed.

(xiv) Flying a kite, wantonly frightening horse, etc-- 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 that persons using the thoroughfare.

(xv) Playing music, beating tom-tom, etc-- Whoever beats a drum or tom-tom, or blows a horn or trumpet, or beats or sounds any brass or other instrument or utensil except at such times and places and subject to such conditions as shall, from time to time, be allowed by the Commissioner.

(xvi) Affixing bill or defacing walls-- Whoever, without the consent of the owner or occupier, in any manner affixes or causes to be affixed any bill, notice, document, paper, or other thing 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, disfigures, written upon, or otherwise marked, any such public place or any such building, monument, statue, effigy, post, wall, fence, tree or erection.

(xvii) Bathing in public street-- Whoever bathes or washes himself or any other person, or any animal or clothing, except in a place set apart for such purpose.

(xviii) Intruding on or fouling, bathing-place-- 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.

(xix) Using indecent or threatening language-- 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.

(xx) Organising assembly without providing petromax lights in addition to electric light-- Whoever organises any assembly meeting or procession between sunset and sunrise without providing sufficient petromax lights in addition to electric lights.

## **71A. 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 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.

## **72. Penalty For Gambling Or Cock Fighting In Public Place :-**

Whoever is found gaming with cards, dice, counters, money, or other instruments of gaming in any public place, or publicly fighting cocks, or present as a spectator of such gaming or cock fighting, shall be liable on conviction to a fine not exceeding one hundred rupees or to imprisonment not exceeding three months and such instruments of gaming and money shall be forfeited.

## **73. Penalty For Committing Nuisance In Public Place :-**

Whoever in or by the side of or near to any 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.

## **74. Penalty For Lighting Bonfire, Burning Straw (Drawing, Carrying, Dragging Or Burning Any Effigy), Discharging Fire-Arm, Etc., In Or Near Any Public Place :-**

Whoever, except at such times and places as the Commissioner may allow, in or near any public place lights any bonfire, sets fire to or burns any straw or other matter, (or draws, carries, drags, or burns any effigy or) discharges any fire-arm or airgun, lets 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.

## **75. Penalty For Drunkenness Or Riotous Or Indecent Behaviour :-**

(1) Whoever, in any public place, office, station-house or Court, or in any place of public amusement or on board of 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.

(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.

## **76. Power To Cancel Or Suspend Any Licence And Penalty For Breach Of Conditions Of Licences :-**

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

Provided that no such cancellation or suspension 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.

### **76A. Section 76A :-**

(1) 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 the reasons to be recorded in writing, suspend any licence granted under this Act and in such a case no show cause notice is necessary.

(2) In the event of breach by the holder of a licence granted under this Act or by his servants or by anyone 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. Fee For Licence :-**

For every licence or permission granted under this Act, the Commissioner may levy such fee not exceeding seventy five rupees as may from time to time be fixed by the State Government.

## **78. Power To Make Bye-Laws :-**

State Government may make bye-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 bye-law.

## **79. Bye-Laws To Be Published In English And Vernacular :-**

Every bye-law shall be published in the Official Gazette in English, Tamil, Telugu and Hindustani ; and no bye-law shall have effect until the expiration of the month from the date of its first publication in the Official Gazette.

## **80. Penalty For Breach Of Bye-Law :-**

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

## **81. Limitation And Actions :-**

On account of 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 action on account of which a criminal prosecution has been instituted and has failed.

## **82. Saving Of Penalty Provided By Other Law :-**

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

