

Madras Prevention Of Couching Act, 1945

12 of 1945

[03 July 1945]

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PREAMBLE

An Act to prevent couching by unqualified persons.

Whereas it is expedient to prevent couching by unqualified persons; ²[It is hereby enacted as follows:--]

1. For Statement of Objects and Reasons, see Fort St. George Gazette, dated 13th February 1945, Part IV-A, page 4.
2. These words were substituted for the paragraph containing the enacting formula and the paragraph preceding that paragraph by section 5 of the Madras Re-enacting and Repealing (No. I) Act, 1948 (Madras Act VII of 1948).

1. Short title and extent :-

(1) This Act may be called the Madras Prevention of Couching Act, 1945.

(2) It extends to the whole of the ¹[State] of Madras.

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

2. Definitions :-

In this Act--

- (i) "couching," means the operative displacement by the use of a needle or other instrument, of the opaque crystalline lens of the eye so as to cause it to be below the axis of vision;
- (ii) " registered practitioner " means a person registered under the Madras Medical Registration Act, 1914(Madras Act IV of 1941)-

3. Penalty for unlawful couching :-

Whoever, not being a registered practitioner, or not possessing a qualification entitling him to be registered under the Madras Medical Registration Act, 1914(Madras Act IV of 1941), performs or attempts to perform couching on a person whether with or without his consent, or agrees to perform couching on a person, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

4. Offence to be cognizable, bailable and compoundable :-

Notwithstanding anything contained in the Code of Criminal Procedure, 1898(Central Act V of 1898), an offence against this Act shall be cognizable and bailable and may be compounded with the permission of the Court.

5. Cognizance of offences :-

(1) No Magistrate inferior to that of a Magistrate of the second class shall try any offence against this Act.

(2) No Magistrate shall take cognizance of any offence against this Act except--

(i) upon the complaint in writing made by the person on whom couching was performed or an attempt to perform couching was made; or

(ii) upon the report of a Police officer not below the rank of Sub-Inspector; or

(iii) upon the report of any person or class of persons authorized by the ¹[State] Government in this behalf.

(3) No Magistrate shall take cognizance of any offence against this Act, unless the prosecution is instituted within six months from the date on which the offence is alleged to have been committed.

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

