

Madras Suppression Of Disturbances Act, 1948

03 of 1948

[13 April 1948]

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PREAMBLE

An Act to make better provision for the suppression of disorder in the Province of Madras.

Whereas it is expedient to make better provision for the suppression of disorder in the Province of Madras; It is hereby enacted, as follows:--

1. For Statement of Objects and Reasons, see Fort St. George Gazette, dated 18th November 1947, Part IV-A, page 238.

This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Madras Merged States (Laws) Act, 1949 (Madras Act XXXV of 1949).

This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the Schedule to, the Madras (.Transferred Territory) Extension of Laws Act, 1957 (Madras Act XXII of 1957).

1. Short title, extent and commencement :-

(1) This Act may be called the Madras Suppression of Disturbances Act, 1948.

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

(3) It shall come into force at once.

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

2. Definitions :-

In this Act, "disturbed area" means an area for the time being declared to be a disturbed area by a notification under section 3.

3. Power to declare areas to be disturbed areas :-

The ¹[State] Government may, by notification in the Fort St. George Gazette--

(a) declare that the whole of the ²(State), or any part thereof specified in the notification, is a disturbed area; and (6) add to, amend, vary or rescind any such declaration.(Central Act XLV of 1860)

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

2. This word was substituted for the word "Province" by ibid.

4. Certain offences to be punishable with death in disturbed areas :-

(1) Whoever in a disturbed area commits any offence punishable under any of the following sections of the Indian Penal Code, namely, 307, 363, 364, 365, 366, 367, 368, 376, 392, 394, 395, 397, 398 and 436, may, in lieu of the punishment to which he is liable under that Code, be punished with death.

(Central Act XLV of 1860)

(2) Whoever in a disturbed area attempts to commit, or abets the commission of, any offence punishable under any section of the Indian Penal Code referred to in sub-section (1) may, notwithstanding anything contained in that Code, be punished with death or with the punishment provided in that section for the offence.

5. Power to fire upon persons contravening certain orders in disturbed areas :-

Any Magistrate, and any Police Officer not below the rank of Sub-

Inspector, may, if in his opinion it is necessary so to do for restoring or maintaining public order, after giving such warning, if any, as he may consider necessary, fire upon, order fire to be opened or otherwise use force, even to the causing of death, against any person who in a disturbed area is acting in contravention of any law or order for the time being in force in such area, prohibiting the assembly of five or more persons or the carrying of weapons or of things capable of being used as weapons.

6. Protection of persons acting under section 5 :-

No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the ¹(State) Government, against any person in respect of anything done or purporting to be done in exercise of the powers conferred by section 5.

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