

(1) Number

30 2.8

(2) Date of

2.11.4.68

(3) Initials of the Referencer

19/24

## MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Legislative DEPARTMENT

G.O. No. 57 - (Legislative) Press  
B.P. No. Min.

Dated 14. 7. 1968

Not to be folded or roughly handled



பா.கா.பு.பி.வி. - 1  
 செப்பனிடபவர் பெயர்: ரா. சிவநிவேல்  
 செப்பனிடவதற்காக எடுத்துக் - 11/08 - 2109  
 கொள்ளப்பட்ட நாள். 21/08/09  
 சர்பார்க்கும்  
 முதல் முப்பாள்  
 கையொப்பம்  
 சர்பார்க்கும்  
 2ம் முப்பாள்  
 கையொப்பம்  
 ஜராங்கி  
 உதவியாளர்  
 கையொப்பம்

14TH JULY 1888, No. 57, LEGISLATIVE.

GOVERNMENT OF MADRAS.  
 LEGISLATIVE DEPARTMENT.

READ—the following paper:—

From S. HARVEY JAMES, Esq., Secretary to the Government of India, Legislative Department, to the Acting Under Secretary to the Government of Madras, dated Simla, the 30th June 1888, No. 1118.

I am directed to return herewith, with the assent of His Excellency the Viceroy and Governor-General signified thereon, the authentic copy of the Law noted on the margin, which was received with your letter, No. 39, dated the 20th April last, to the address of the Secretary to the Government of India in the Home Department.

2. With reference to section 69 of the Law, which prescribes a penalty for carrying weapons without authority, I am to request that, with the permission of the Governor in Council, orders may be issued to the Commissioner of Police to respect licenses granted under the Arms Act, unless there are special reasons to the contrary.

3. I am desired again\* to observe that rule laid down in the second clause of paragraph 1 of Home Department letter, No. 1130, dated the 7th July 1875, has not been observed in this case, inasmuch as the Report of the Select Committee and the Bill as amended by that Committee were forwarded to the Secretary of State on the 7th March last, and the Bill was passed by the Madras Council on the 20th idem. As the Bill in its amended form was forwarded to the Secretary of State, the usual communication from this department intimating that the measure might be proceeded with should have been awaited.

4. The entire proceedings of the meetings of the Madras Legislative Council held on the 22nd November 1887 and 20th March 1888 have been sent, instead of extracts from the proceedings relating to the Bill. I am again† to invite attention to the despatch from the Secretary of State, No. 36, dated the 11th November 1886, a copy of which was forwarded to the Government of Madras under cover of this office endorsement, No. 2524, dated the 23rd December 1886, and to request that the orders of the Secretary of State may be carefully observed in future.

\* Vide letter from this department, No. 948, dated 25th April 1888, and No. 948, dated 6th June 1888.

† Vide letters from this department, No. 727, dated 25th April 1888, and No. 948, dated 6th June 1888.

ORDER—dated 14th July 1888, No. 57, Legislative.

Communicated to the Judicial Department for the necessary action.

2. A copy of the Act, as assented to by His Excellency the Governor-General, will be published in the *Fort St. George Gazette*, and copies will be sent to the several Translators to Government, who will furnish vernacular translations of the same for publication.

14TH JULY

No. 57, LEGISLATIVE.

3. The Government of the Madras Legislative Council, in the following letter will be recorded with reference to letter to the Government of the Madras Legislative Council.

4. Paragraphs 3 and 4 of the letter to the Government of the Madras Legislative Council, dated 27th June 1888, No. 55.

(Extract.)

*Ag. Under Secy. to Govt.*

To the Judicial Department.

- " Superintendent, Government Press (with copy of Act).
- " Translators to Government (with copy of Act).

Exd. A. Raitt.

17/4  
Govt. of (1888) Madras.  
LEGISLATIVE.

*Issued**Recd.**Enc*

G.O., 14th Ju' 1888, No.

JULY.

**Madras City Police Act.**

Passing the necessary orders on receipt of the  
— as assented to by the Governor-General.



10  
SUPPLEMENT NO. 80

W  
4  
NO. 1118.

FROM

S. HARVEY JAMES, Esq.,

Secretary to the Government of India,

LEGISLATIVE DEPARTMENT,

TO

THE ACTING UNDER SECY TO THE GOVERNMENT OF MADRAS,  
LEGISLATIVE DEPARTMENT.

Simla, the 30th June, 1888.

SIR,

I AM directed to return herewith, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law noted on the margin, which was received with your letter No. 39, dated the 20th April last, to the address of the Secretary to the Government of India in the Home Department.

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3. I am desired again\* to observe that the rule laid down in the second clause of paragraph 1 of Home Department letter No. 1130, dated the 7th July, 1875, has not been observed in this case, inasmuch as the Report of the Select Committee and the Bill as amended by that Committee were forwarded to the Secretary of State on the 7th March last, and the Bill was passed by the Madras Council on the 20th idem. As the Bill in its amended form was forwarded to the Secretary of State, the usual communication from this Department intimating that the measure might be proceeded with should have been awaited.

\* Vide letter from this Department, No. 948, dated the 6th June, 1888.



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I have the honour to be,

SIR,

Your obedient Servant,

*S. Harvey*  
Secretary to the Government of India.

CURRENT NO. 80

GOVERNMENT OF INDIA  
LEGISLATIVE DEPARTMENT.

TO THE ACTING UNDER SECRETARY TO THE GOVERNMENT OF MADRAS, LEGISLATIVE DEPARTMENT.

NO. 1118, DATED THE 30TH JUNE, 1888.

RECEIVED  
9 JUL 88

SUBJECT:

FORWARDS, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law to regulate the Police of the City of Madras, and makes certain remarks with respect to the measure.



THE MADRAS CITY POLICE ACT.

ARRANGEMENT OF SECTIONS.

Preamble.

SECTIONS.

1. (1) Short title.  
(2) Local extent.  
(3) Commencement.
2. (1) Enactments repealed.  
(2) Saving clause.
3. Interpretation clause.  
City of Madras.  
Commissioner.  
Conviction.  
Imprisonment.  
Common gaming-house.  
Cattle.
4. Police Superannuation Fund.
5. Appointment and removal of Commissioner.
6. Appointment and removal of Deputies and Assistant to Commissioner.
7. Commissioner's power as a Magistrate.
8. Commissioner and his Deputies and Assistant to be Justices of the Peace.
9. Constitution of Police Force.
10. Commissioner to make rules for the government of the Force.
11. Commissioner to appoint, dismiss, &c., members of the Force.
12. Members of the Force to receive certificate of enrolment.  
Form of enrolment.
13. Members of the Force not to resign without leave or notice.
14. Members to deliver up certificates, clothing, &c., on resignation.
15. Penalty for neglect or violation of duty.
16. Powers of Police enrolled under Act XXIV of 1859.
17. Appointment of special constables.
18. Powers of special constables.
19. Penalty for special constable neglecting to serve.
20. Power to quarter additional Police in disturbed parts.
21. Appointment of additional constables on application of private individual.
22. Recovery of moneys due.
23. Duties of Police officers.
24. Power to arrest without warrant on view of offence.
25. Apprehension of offenders by private individual.
26. Power to search for stolen property without warrant.
27. Power to seize property regarding which an offence is suspected.
28. Pawnbrokers to report stolen property tendered to them.
29. Power to fix period within which stray dogs may be killed.
30. Power to take charge of property of intestate under 200 rupees, and deliver to party entitled.
31. Provisions of Criminal Procedure Code to apply.
32. Commissioner to keep standard weights and measures.
33. Power of Police to enter shops to inspect weights and measures.
34. Places of public resort to be licensed.
35. Eating-houses, &c., to be licensed.
36. Conditions for issue of licenses.
37. Penalty for omission to procure licenses.
38. Power to enter and inspect unlicensed places.
39. Power to make rules for regulation of places of public entertainment.
40. Service of copy of order made on owner.
41. Power to regulate processions in public streets, keep order, &c.
42. Power to grant warrant to enter common gaming-houses.
43. Evidence as to common gaming-house.
44. Proof of playing for stakes unnecessary.
45. Penalty for opening, &c., common gaming-house.



(1) Number

30

(2) Date of

2.14.68

(3) Initials of the Referencer

V/A

## MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Legislative

DEPARTMENT

G.O. No. 57 (Legislative) Press  
B.P. No. Min.

Dated

14. 7.

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பாதுகாப்பு பிரதி-1  
 செப்பனிடும் பெயர்: ௭. சிவாஜி ரெவ்  
 செப்பனிடும் காக எடுத்துக் - 11/08 - 2/09  
 கொண்டுள்ள நாள்.  
 25/2/09  
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2 14TH JULY No. 57, LEGISLATIVE.

3. The Government of the Madras Legislative Council is hereby notified that the Bill for the purpose of amending the Madras Police Act, 1888, will be communicated to the Council on the 14th July 1888. The Bill will be recorded with reference to the letter to the Government dated 27th June 1888, No. 55. (See Extract.)

Ag. Under Secy. to Govt.

To the Judicial Department.  
" Superintendent, Government Press (with copy of Act).  
" Translators to Government (with copy of Act).

Ed. A. Raitt.

7/15  
Govt. of (1888) Madras.  
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*S. Harcourt*  
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43. Evidence as to common gaming-house.
44. Proof of playing for stakes unnecessary.
45. Penalty for opening, &c., common gaming-house.



# SECTIONS.

46. Penalty for gaming in common gaming-house.
47. Instruments of gaming may be destroyed on conviction.
48. Indemnification of witnesses.
49. Saving of games of skill.
50. Payment of portion of fine to informer or Police.
51. Penalty for cheating at games.
52. Brothels.
53. Penalty for cruelty to animals.
54. Appointment of infirmary for animals.
55. Magistrate may order animal to be destroyed or sent to infirmary.
56. Animals sent to infirmary may be detained and shall be removed after notice.
57. Power to sell such animals in default of payment of charges, &c.
58. Power of Magistrate to order delivery of animal.
- 59.\* Cost of inquiries.
60. Stray animals to be impounded.
61. Powers of Police on the occasion of fire.
62. Cost of establishment, &c., for extinguishing fire.
63. Penalty for wilful trespass.
64. Penalty for being found armed between sunset and sunrise, &c.
65. Penalty for possession of property believed to have been stolen.
66. Penalty for buying or taking pledge from a child.
67. Penalty for introducing spirits, &c., into barracks or on board vessels of war.
68. Penalty for introducing spirits into hospitals.
69. Penalty for carrying weapon without authority.
70. Penalty for harbouring deserters from vessels.
71. Penalty for certain offences in public street.
  - (i) Rash or negligent driving.
  - (ii) Causing obstruction by negligence in driving cattle.
  - (iii) Driving, &c., elephant or camel without Commissioner's permission.
  - (iv) Driving, &c., without lights.
  - (v) Driving, &c., otherwise than on the near or left side of road.
  - (vi) Driving, &c., vehicles without springs otherwise than on side of roads.
  - (vii) Driving, &c., animal or vehicle on foot-way.
  - (viii) Permitting cattle or vehicle to be under control of child.
  - (ix) Leaving vehicle or cattle without due control.
  - (x) Exposing for show animals or vehicles, making or repairing vehicle, &c.
  - (xi) Obstructing thoroughfare.
  - (xii) Letting loose horses or ferocious dogs.
  - (xiii) Conveying article which projects more than 5 feet.
  - (xiv) Flying a kite, wantonly frightening horses, &c.
  - (xv) Playing music, beating tom-tom, &c.
  - (xvi) Affixing bills or defacing walls.
  - (xvii) Bathing in public street or aqueduct.
  - (xviii) Intruding on or fouling bathing place.
  - (xix) Using indecent or threatening language.
  - (xx) Soliciting for prostitution.
  - (xxi) Begging.
72. Penalty for gambling or cock-fighting in street, &c.
73. Penalty for committing nuisance in street.
74. Penalty for lighting bonfire, discharging fire-arm, fire-work, &c., in or near street.
75. Penalty for drunkenness or riotous or indecent behaviour in street.
76. Penalty for breach of conditions of licenses.
77. Fee for licenses.
78. Power to make bye-laws.
79. Bye-laws to be published in English and vernacular.
80. Penalty for breach of bye-law.
81. Limitation of actions.
82. Saving of penalty provided by other law.

## MADRAS.

ACT No. III of 1888.

### *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:—

- |                                                                        |                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Preamble.                                                              |                                                                                                                                                                                                                                                                                                                                                                              |
| Short title.                                                           | 1. (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.                                                                                                                                                                                                                                                                                                   |
|                                                                        | (3) It shall come into force at once.                                                                                                                                                                                                                                                                                                                                        |
| Enactments repealed.                                                   | 2. (1) The enactments mentioned in the schedule hereto annexed are repealed to the extent specified in the third column thereof.                                                                                                                                                                                                                                             |
| Saving clause.                                                         | (2) But all appointments and rules made, jurisdiction and powers conferred, forms prescribed, certificates granted and notifications issued, under Madras Act VIII of 1867 or under any enactment repealed by that Act, shall, so far as may be, be deemed to have been respectively made, conferred, prescribed, granted and issued under this Act.                         |
|                                                                        | 3. In this Act, unless there be something repugnant in the subject or context—                                                                                                                                                                                                                                                                                               |
| "City of Madras."                                                      | "City of Madras" includes all places within the local limits of the ordinary original jurisdiction of the High Court of Judicature of Madras.                                                                                                                                                                                                                                |
| "Commissioner."                                                        | "Commissioner" means the Commissioner of Police for Madras appointed under 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" means any enclosure, room, or place, in which cards, dice, tables or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using, or keeping such enclosure, room, or place, whether by way of charge for the use of instruments of gaming, or of the enclosure, room or place, or otherwise howsoever. |
| "Cattle."                                                              | "Cattle" includes horned cattle, horses, asses, mules, sheep, goats, swine, camels and elephants.                                                                                                                                                                                                                                                                            |
| "Police Superannuation Fund."                                          | 4. Nothing in this Act contained shall operate to deprive any person who, on the 1st day of September 1867, was a subscriber to the Town Police Superannuation Fund constituted under Act XIII of 1856 of any of the privileges which he would have had under sections 18 and 19 of that Act.                                                                                |
| Appointment and removal of Commissioner of Police.                     | 5. 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, who shall from time to time be appointed by the Governor in Council of Fort St. George and may be removed by the same authority.                                                                                                 |
| Appointment and removal of Deputies or Assistants to the Commissioner. | 6. The Governor in Council may, from time to time, appoint one or more Deputies or Assistants to the Commissioner, 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. Any Deputy or Assistant Commissioner may be removed by order of the Governor in Council.                     |



7. 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 Governor in Council, provided that he shall not exercise any powers under Chapters XVIII, XX, or XXI of the Code of Criminal Procedure, 1882.

8. The Commissioner, his Deputies and Assistants, shall by virtue of their office be Justices 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. 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 Governor in Council.

10. The Commissioner may, from time to time, subject to the control of the Governor in Council, frame orders and regulations for the general government of the Force.

11. The appointment of the members of the Force shall rest with the Commissioner, and he may at any time, subject to the control of the Governor in Council, fine, suspend, reduce or dismiss any member thereof, provided that no fine shall exceed one month's pay.

12. 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 ceases to be employed in the Force.

13. No member 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 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. 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 the 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 to 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. For neglect or violation of duty in his office, and for any breach of the orders and regulations framed as aforesaid, every member of the Force, besides being suspended or dismissed from his employment as hereinbefore provided, shall be liable on conviction to fine not exceeding Rs. 100 or to imprisonment not exceeding three months, or to both.

16. 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 this Act.

17. The Commissioner may, of his own authority, appoint any able-bodied male person between the ages of 18 and 55 to be a special constable to assist the Police Force on any temporary emergency.

18. Every special constable so appointed shall have the same power, 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. If any person being appointed a special constable 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. It shall be lawful for the Commissioner with the sanction of the Governor in Council to be notified in the *Fort St. George Gazette* and in such other manner as the Government may direct, to employ any Police Force in 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 the 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 Government may direct, and the Commissioner shall assess the proportion in which the amount is to be paid by the inhabitants, according to his judgment of their respective means.

21. On the application of any person, the Commissioner may appoint for such time as he shall think fit additional constables to keep the peace at any place within his jurisdiction at the charge of such person, but subject to the orders of the Commissioner. Provided that on the expiry of one month from the receipt of notice in writing from the applicant or his representative, the Commissioner shall discontinue such constables.

22. 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. 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; to 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 resort of loose or disorderly characters.



Police officer may arrest without warrant on view of offence.

24. Any Police officer may arrest without a warrant any person committing, in his view, any offence made punishable by this Act.

25. 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 any person acting in aid of such person, and may be detained until he give 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. 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. Any Police officer may seize any property or thing which may be found in the possession of any person, where the 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. Any officer of Police may deliver to any pawnbroker, 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 pawnbroker, 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 in pawn, for sale, or otherwise, to inquire the 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 pawnbroker, 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 pawnbroker, dealer or worker as aforesaid may also detain any person offering such article as aforesaid pending the arrival of the police.

29. 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. Whenever any person dies intestate leaving movable property within the City of Madras under two hundred 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 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 Secretary of State for India, from all liability in respect of such property.

31. 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. 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 Governor in Council; 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. 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. No enclosed place or building having an area of five hundred square feet or upwards shall be used for public entertainment or resort without a license from the Commissioner.

35. No enclosed place or building shall be used as an eating-house, coffee-house, boarding-house, lodging-house, hotel, tavern, wine, beer or spirit shop, arrack or toddy shop, gymnasium or fencing school, or for the sale or consumption of any intoxicating drug or liquor, without a license from the Commissioner. Provided that nothing in this section shall apply to the sale in reasonable quantities of any drug or substance for medicinal purposes only, or to any gymnasium or fencing school of any educational institution controlled or recognized by the Governor in Council.

36. Licenses 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 Governor in Council, may prescribe, and for such period not exceeding one year as may be stated in the license. Provided that, in regard to any liquor or drug for the sale of which a license is required under any law for the time being in force for the regulation of the Excise revenue, a license shall be granted by the Commissioner only to persons holding license under such law and shall have force only while such license subsists.

37. Whoever keeps or uses or permits to be kept or used any enclosed place or building requiring a license under section 34 or 35 without having obtained a license 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. The Commissioner may, by order 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 authorize 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. 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 a license 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. 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.

41. 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 and processions in the public roads, streets, or thoroughfares; prescribe the routes by which and the times at which such processions may pass; keep order in the public roads, streets, thoroughfares, landing places and all other places of public resort, and



prevent obstructions on the occasion of such assemblies and processions, and in the neighbourhood of places of worship during the time of public worship; and in any case when the roads, streets, thoroughfares, landing places, or places of public resort may be thronged or liable to be obstructed; and may license and regulate the use of music in the streets; and the Commissioner may prohibit any assembly or procession if he considers such prohibition to be necessary for the preservation of the public peace or public safety; and every person opposing or not obeying any order issued as aforesaid or violating the conditions of any such license shall be liable on conviction to a fine not exceeding one hundred rupees.

42. If the Commissioner has reason to believe that any enclosed place or building 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 enclosed place or building, 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 enclosed place or building and also the persons found therein.

43. Any cards, dice, gaming table or cloth, board, or other instruments of gaming found in any enclosed place or building entered or searched under the provisions of the last preceding section, or on any person found therein, shall be evidence that such enclosed place or building is used as a common gaming-house, and that the persons 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. 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, or stake.

45. 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 to imprisonment not exceeding three months, or to both.

46. Whoever is found gaming or present for the purpose of gaming in a 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. 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. 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. Nothing in sections 42 to 48 of this Act shall be held to apply to games of mere skill wherever played.

50. The Magistrate may direct any portion, not exceeding one-half of any fine which shall be levied under sections 45 and 46 of this Act, and of the moneys or proceeds of articles seized and ordered to be forfeited under section 47, to be paid to informers or Police officers who may have assisted in the detection of the offender.

51. 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, or adventures, or in betting on the sides or hands of the players, or in wagering on the event of any game, sport, pastime, or exercise, wins from any other person for himself or for any other or others any sum of money or valuable thing, shall be deemed guilty of cheating punishable under section 417 of the Indian Penal Code.

52. 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 any 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. Whoever cruelly beats, ill-treats, or tortures any animal, or causes any animal to be cruelly beaten, ill-treated, 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. The Governor in Council 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. 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. 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. 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 of 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. 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. 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 enquiry as the Magistrate may direct.



60. It shall be lawful for all persons to seize any cattle found straying upon any road, street, or thoroughfare, or trespassing on any public or 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 eight annas for every goat, sheep, or pig, and one rupee 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. On the occasion of a fire in the City of Madras, the Commissioner or any Police officer above the rank of constable may—

- 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;
- 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;
- 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;
- call on the persons in charge of any fire-engine to render such assistance as may be possible; and
- 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 any fire brigade or by Police officers or their assistants in the due execution of their duties shall be deemed to be damage 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 any fire brigade from liability to damages on account of any acts done by him without reasonable cause.

62. All charges on account of establishments and appliances for extinguishing fire maintained by the Police under the orders of the Governor in Council 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 Commissioners for the City of Madras upon the Commissioner certifying the amount thereof.

63. 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 Governor in Council or appropriated to public purposes, shall be liable on conviction to fine not exceeding twenty rupees.

Penalty for being found armed between sunset and sunrise intending to commit an offence, &c.

64. Whoever is found between sunset and sunrise—

- armed with any dangerous instrument with intent to commit an offence, or
- having his face covered or otherwise disguised with intent to commit an offence, or
- 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
- lying or loitering in any bazaar, street, road, yard, thoroughfare, or other 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. 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. 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. 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 Her Majesty any spirituous or fermented liquor or intoxicating drug or preparation, without the license 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. 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 on conviction to fine not exceeding fifty rupees or to imprisonment not exceeding two months.

69. Whoever, not being a soldier or sailor in the Army or Navy of the Queen or a Police officer or a 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. 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, shall be liable on conviction to fine not exceeding one hundred rupees.

71. Whoever, in any public street, road, thoroughfare, or place of public resort, commits any of the following offences, shall be liable on conviction to fine not exceeding fifty rupees, or to imprisonment which may extend to one month:—

- Whoever drives or rides any animal, or drives, drags or pushes any vehicle in a rash or negligent manner.
- Whoever by negligence or ill-usage in driving cattle causes any mischief or obstruction by such cattle.
- Whoever drives, rides, or leads any elephant or camel without permission from the Commissioner.
- Whoever drives, drags or pushes any vehicle at any time between half an hour after sunset and one hour before sunrise without a sufficient light, except when there may be sufficient moonlight to render such light unnecessary.
- Whoever without reasonable cause shall drive, drag or push any vehicle, otherwise than on the near or left side of the road.



Driving, &c., vehicles without springs otherwise than on side of road.

vi. Whoever drives, drags or pushes any vehicle without springs on any road or street except on the side thereof.

Driving, &c., animal or vehicle on foot-way.

vii. Whoever leads or rides any animal, or drives, drags, or pushes any vehicle, upon any foot-way, or fastens any animal so that it can stand across or upon any foot-way.

Permitting cattle or vehicle to be under control of child.

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

Leaving vehicle or cattle without due control.

ix. Whoever, being in charge of any vehicle or cattle, leaves it or them at such a distance as not to have the same under due control.

Exposing for show animal or vehicle, making or repairing vehicle, or training horses except as allowed by Commissioner.

x. Whoever cleans or exposes for show, hire, or sale, any animal or vehicle, or makes or repairs any 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.

Obstructing thoroughfare.

xi. 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.

Letting loose horses or ferocious dogs.

xii. 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.

Conveying article which projects more than 5 feet.

xiii. Whoever conveys through the streets any article which projects more than five feet in front or behind the vehicle or vehicles on which it is placed.

Flying a kite, wantonly frightening horse, &c.

xiv. 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 the persons using the thoroughfare.

Playing music, beating tom-tom, &c.

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

Affixing bills or defacing walls.

xvi. Whoever without the consent of the owner or occupier affixes or causes to be affixed any bill, notice, or other paper upon any building, wall or fence, or writes upon or defaces or marks any such building, wall or fence.

Bathing in public street or aqueduct.

xvii. Whoever bathes or washes himself or any other person, or any animal or clothing, except in a place set apart for such purpose.

Intruding on or fouling bathing place.

xviii. 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.

Using indecent or threatening language.

xix. 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.

Soliciting for prostitution.

xx. Whoever solicits or molests any passenger for the purpose of prostitution.

Begging.

xxi. Whoever begs or applies for alms, or exposes or exhibits any sores, wounds, bodily ailment or deformity with the object of exciting charity or of extorting alms.

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

73. Whoever in or by the side of or near to any public street, thoroughfare, or place of public resort, 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. Whoever, except at such times and places as the Commissioner may allow, in or near any street, road or thoroughfare lights any bonfire, sets fire to or burns any straw or other matter, discharges any firearm or air-gun, 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. Whoever is found drunk and incapable of taking care of himself, is guilty of any riotous, disorderly or indecent behaviour in any street or thoroughfare, in any place of public amusement or resort, or on board any passenger boat or vessel, and whoever is guilty of any violent, disorderly, or indecent behaviour in any Police court, office, or station, shall be liable on conviction to fine not exceeding fifty rupees or to imprisonment not exceeding one month, or to both.

76. For any breach of any of the conditions of a license granted under this Act the offenders shall be liable on conviction to fine not exceeding one hundred rupees, and such fine may be recovered from the person licensed notwithstanding that such breach may have been owing to the default or carelessness of his servant or agent in charge of the shop or place. Any person so convicted shall also be liable to the forfeiture of his license at the discretion of the Commissioner.

77. For every license or permission granted under this Act, the Commissioner may levy such fee not exceeding two rupees as may from time to time be fixed by the Governor in Council.

78. The Governor in Council 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. Every bye-law shall be published in the *Fort St. George Gazette* in English, Tamil, Telugu, and Hindustani; and no bye-law shall have effect until the expiration of one month from the date of its first publication in the *Fort St. George Gazette*.

80. 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. On account of anything done under the provisions of this Act, 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 act on account of which a criminal prosecution has been instituted and failed.



82. Nothing in this Act contained shall be construed to prevent any person from being liable under any other law to any other or higher punishment than is provided by this Act; provided that no person shall be punished twice for the same offence.

## SCHEDULE.

(Referred to in Section 2.)

## ENACTMENTS REPEALED.

| Number and Year.            | Subject.              | Extent of Repeal. |
|-----------------------------|-----------------------|-------------------|
| (Madras) III of 1862 .. ..  | Police bye-laws .. .. | The whole.        |
| (Madras) VIII of 1867 .. .. | Police .. ..          | The whole.        |
| (Madras) IV of 1879 .. ..   | Police .. ..          | The whole.        |
| (Madras) I of 1884 .. ..    | Municipal .. ..       | Section 318.      |

I certify this to be a true copy and that the Act received the assent of the Right Honorable the Governor of Madras on the 12<sup>th</sup> April 1888.

A. G. Cardew.

O. A. Camund Acting Under Secretary  
20<sup>th</sup> April 1888 Legislative Dept

I assent to this Law.

D. S. S. S.

Simla  
26<sup>th</sup> June 1888

Viceroy of India

2P  
Legue Cl No 80

Order, No 57, dated 14<sup>th</sup> July 1888

Comm<sup>d</sup> to the Judl Dept for the necessary action.

2. A copy of the Act as assented to by His Excellency the Govr Genl will be published in the Fort St George Gazette, and copies will be sent to the several ~~translators~~ translators to Govt, who ~~will~~ will furnish vernacular translations of the same for publication.

3. The Assent of the Govr Genl to the Act will be communicated to the Council for making Laws and Regulations.

4. Paras 3 & 4 of the foregoing Letter will be recorded with reference to ~~the~~ <sup>Letter to the S. of I.</sup> dated 27<sup>th</sup> June 1888 No 55

M. J. 98 July. 10/1/88

To the Judl Dept  
Supt, Govt Press (with copy of the)  
Translators to Govt



Act assented to  
by the Govr Genl

Enc.

Print

14/7

14/7

17

13/5

Printed  
17<sup>th</sup> July 1888



3-4-1885

20-9-21

1-11-13

11-5-44

20-4-15

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27-7-85

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ORDINARY, PRINTED.

Legue DEPARTMENT.

14<sup>th</sup> July, 1888

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14/7/88

Signature

Print

[Despatch Abstract.]

Madras City Police Act:

Passing the necessary orders  
on receipt of the  
assented by the Govt Genl