

The Tamil Nadu Towns Nuisances Act, 1889

Act 3 of 1889

Keyword(s):

Public Place, Rash or Negligent Driving, Causing Obstruction, Obstructing thoroughfare, Depositing Rubbish, Drunken or Riotous or Indecent Behaviour

Amendments appended: 20 of 1942, 34 of 1951, 4 of 1975, 30 of 1975

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1889: T. N. Act III] *Towns*

THE ¹(TAMIL NADU) TOWNS NUISANCES
ACT, 1889.

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¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, which came into force on the 14th January 1969.

'(TAMIL NADU) ACT NO. III OF 1889*.

[THE '(TAMIL NADU) TOWNS NUISANCES ACT, 1889.]
(Received the assent of the Governor on the 16th
November 1889 and of the Governor-General on
the 23rd December 1889.)

An Act to provide for the prevention and
control of Nuisances outside the Town
of Madras.

Preamble. WHEREAS it is expedient to amend Act XXIV of
1859* and to consolidate and improve the law relat-
ing to nuisances in places outside the Town of Madras:
It is hereby enacted as follows:—

Short title. 1. (1) This Act may be called the '[Tamil Nadu]
Towns Nuisances Act, 1889.

Local extent. (2) *[Section 1 of this Act extends*] to the whole
of the '[State of Tamil Nadu]. The remaining sections
extend to all towns in the '[said State] which may

1 These words were substituted for the word "Madras" by the
Tamil Nadu Adaptation of Laws Order, 1969, as amended by the
Tamil Nadu Adaptation of Laws (Second Amendment) Order,
1969, which came into force on the 14th January 1969.

2 For Statement of Objects and Reasons, see *Fort St. George
Gazette* Supplement, dated the 12th February 1889, page 3; for
Report of Select Committee, see *ibid.*, dated the 8th October 1889,
page 1; for Proceedings in Council, see *ibid.*, dated the 26th March
1889, page 2, *ibid.*, dated the 12th November 1889, page 12.

The Act came into force on the 1st July 1891.

This Act was extended to the Kanyakumari district and the
Shencottah taluk of the Tirunelveli district by section 3 of, and
the First Schedule to, the Tamil Nadu (Transferred Territory)
Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960), which
came into force on the 1st April 1961 repealing the corresponding
law in that territory.

3 The Tamil Nadu District Police Act, 1859.

4 This expression was substituted for the expression "Sections
1 and 2 of this Act extend" by the Tamil Nadu Repealing and
Amending Act, 1951 (Tamil Nadu Act XIV of 1951).

5 This expression was substituted for the expression "Presidency
of Fort St. George" by the Tamil Nadu Adaptation of Laws
Order, 1970, which was deemed to have come into force on the
14th January 1969.

6 This expression was substituted for the expression "said
Presidency" by *ibid.*

* The Tamil Nadu Towns Nuisances Act, 1889, as amended by
section 2 of the Tamil Nadu Towns Nuisances (Amendment and
Extension to Pudukkottai) Act, 1951 (Tamil Nadu Act XXXIV
of 1951), was extended to, and will be in force, in the merged
Territory of Pudukkottai by virtue of section 3 of the latter Act.

have been or may hereafter be declared to be municipalities under Madras Act IV of 1884¹, or other Act of the same nature for the time being in force; and the ²[State Government] may from time to time by notification in the ³[Official Gazette], extend such sections or any part or parts thereof permanently or for a time or for specified occasions only, from such date as may be specified in the notification, to any other local area in the ⁴[State of Tamil Nadu], outside the limits of the Town of Madras, and may cancel or modify any such notification.

2. [Enactments repealed.] Repealed by the Repealing and Amending Act, 1901 (Central Act XI of 1901).

3. Whoever in any ⁵[public place] commits any of the following offences shall be liable on conviction to fine not exceeding fifty rupees or to imprisonment of either description not exceeding eight days :—

Penalty for certain offences in public places.

(1) Whoever drives or rides any animal, or drives, drags or pushes any vehicle, in a rash or negligent manner.

Rash or negligent driving.

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

Causing obstruction by negligence in driving cattle.

¹ This Act has been repealed and re-enacted in the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920).

² The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

³ These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

⁴ This expression was substituted for the expression "Presidency of Fort St. George" by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

⁵ These words were substituted for the words "public street, road, thoroughfare or place of public resort" by section 3 (i) of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941). This Act was permanently re-enacted by section 2(1) of, and the First Schedule to, the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).

Driving, etc., otherwise than on near or left side of the road.

(3) Whoever without reasonable excuse and so as to cause danger or obstruction to any person shall drive, drag or push any vehicle otherwise than on the near or left side of the road.

Leaving vehicle or cattle without due control.

(4) 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.

Obstructing thoroughfare.

(5) Whoever causes any vehicle to remain or stand longer than may be necessary for loading or unloading except at places appointed for the purpose, 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.

Exposing goods so as to cause obstruction.

(6) Whoever exposes goods for sale so as to cause obstruction.

Letting loose horses or ferocious dogs.

(7) 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.

¹ [(8) *Repealed.*]

Depositing rubbish, stones, etc.

(9) Whoever without reasonable excuse throws or lays down any dirt, filth, rubbish, or any stones or building materials.

Unauthorized use of sound amplifiers in public places.

² [(10) Whoever uses any sound amplifier except at such times and places and subject to such conditions as shall, from time to time, be allowed by an officer of the Police Department ³(not below the rank of a Deputy Superintendent of Police.)]

¹ Clause (8) was repealed by section 14 of the Tamil Nadu Prevention of Begging Act, 1945 (Tamil Nadu Act XIII of 1945). This Act was permanently re-enacted by section 2 of, and the First Schedule to, the Tamil Nadu Re-enacting and Repealing (No. I) Act, 1948 (Tamil Nadu Act VII of 1948).

² The original clause (10) was repealed by section 14 of the Tamil Nadu Gaming Act, 1930 (Tamil Nadu Act III of 1930) and the present clause was inserted by section 3 of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941) re-enacted permanently by section 2(1) of, and the First Schedule to, the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).

³ These words were substituted for the words "not below the rank of a District Superintendent of Police" by section 2 of the Tamil Nadu Towns Nuisances (Amendment and Extension to Pudukkottai) Act, 1951 (Tamil Nadu Act XXXIV of 1951).



(11) Whoever 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.

Committing
nuisances in
public place.

(12) Whoever is found drunk and incapable of taking care of himself, or is guilty of any riotous, disorderly or indecent behaviour.

Drunken
or riotous,
disorderly
or indecent
behaviour.

¹[*Explanation*.—In this section “ 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.]

2[* * * * *]

4. Whoever neglects to fence in or protect any well, tank or other dangerous place or structure, or,

Neglecting
to fence in
well, tank, etc.

whoever causes any offensive matter to run from any house, factory, dung-heap or the like into the street—

Causing
offensive
matter to
run from
house, etc.

shall be liable on conviction to fine not exceeding fifty rupees or to imprisonment of either description which may extend to one month.

5. Whoever cruelly beats, ill-treats, tortures, or drives, rides or otherwise uses any animal in an unfit state to be so driven, ridden or used, or causes any animal to be cruelly beaten, ill-treated, tortured, or to be driven, ridden or used when unfit to be driven, ridden or used, shall be liable on conviction to fine not exceeding fifty rupees, or to imprisonment of either description not exceeding one month, or to both.

Penalty for
cruelty to
animals.

¹ This Explanation was added by section 3 of the Madras City Police and Towns Nuisances (Amendment) Act, 1941 (Madras Act XXIII of 1941), re-enacted permanently by section 2 (1) of, and the First Schedule to, the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).

This paragraph was repealed by section 14 of the Tamil Nadu Gaming Act, 1930 (Tamil Nadu Act III of 1930).

¹[6. Repealed.]

¹[7. Repealed.]

Police may
arrest with-
out warrant
on view of
offence.

² [8.(1)] Any police officer may arrest without a warrant any person committing in his view any offence made punishable by this Act.

³[(2) Any agent of the Society for the Prevention of Cruelty to Animals who is specially empowered by the ⁴[State] Government in that behalf may arrest without a warrant any person committing in his view any offence punishable under section 5; ⁵[(* * * * *)].

⁶[(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.]

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

¹ These sections were repealed by section 14 of the Tamil Nadu Gaming Act, 1930 (Tamil Nadu Act III of 1930).

² Original section 8 was renumbered as sub-section (1) of section by section 3 of the Madras City Police, Towns Nuisances and Prevention of Cruelty to Animals (Amendment, Act, 1942) (Tamil Nadu Act XX of 1942), Re-enacted permanently with specified modifications by section 2 (2) of, and the Second Schedule to, the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).

³ This sub-section was added by section 3, *ibid.*

⁴ This word was substituted for the word " Provincial " by the Adaptation Order of 1950.

⁵ The words " and the provisions of the Code of Criminal Procedure, 1898 shall apply to an arrest made by such agent as if it had been made by a Police officer " were omitted by section 2(2) of, and the Second Schedule to, the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).

⁶ Sub-sections (3) and (4) were inserted by *ibid.*

⁷ Now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).



1889: T.N. Act III]

Towns

¹[9. *Repealed.*]

10. The District or Sub-divisional Magistrate may, from time to time cause to be notified by beat of drum or otherwise that dogs found straying within certain limits will be destroyed, and dogs found straying within such limits after such notification may be destroyed by any person in such manner as the District or Sub-divisional Magistrate may, from time to time direct.

Destruction
of stray dogs.

11. Sections 3 and 4 of this Act shall be read with, and form part of, Act XXIV of 1859².

Act to form
part of
District
Police Act.

[* * * * *].

¹ This section was repealed by section 14 of the Tamil Nadu Gaming Act, 1930 (Tamil Nadu Act III of 1930).

² Short title "The Tamil Nadu District Police Act, 1859.

³ The Schedule appended to this Act was repealed by the Repealing and Amending Act, 1901 (Central Act XI of 1901). see the Third Schedule, Part III.

860 *Madras City Police, Towns Nuisances and Prevention of Cruelty to Animals Amendment)*

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[TAMIL NADU] ACT No. XX CF 1942².

[THE MADRAS CITY POLICE, TOWNS NUISANCES AND PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) ACT, 1942.]

(Received the assent of the Governor-General on the 20th August 1942 ; first published in the Fort St. George Gazette on the 1st September 1942.)

An Act further to amend the Madras City Police Act, 1888, the Towns Nuisances Act, 1889³, and the Prevention of Cruelty to Animals Act, 1890, in its application to the ⁴[State of Tamil Nadu].

WHEREAS it is expedient further to amend the Madras City Police Act, 1888, the Towns Nuisances Act, 1889³, and the Prevention of Cruelty to Animals Act, 1890, in its application to the ⁴[State of Tamil Nadu] : ⁵[It is hereby enacted as follows :—]

¹[Tamil Nadu] Act III of 1888. ⁴[Tamil Nadu] Act III of 1889.

Central Act XI of 1890.

1. This Act may be called the Madras City Police, Towns Nuisances and Prevention of Cruelty to Animals (Amendment) Act, 1942.

⁶[2-3.]

¹ These words were substituted for the word " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated the 14th April 1942, Part IV-A, page 31.

³ Now the Tamil Nadu Towns Nuisances Act, 1889 (Tamil Nadu Act III of 1889).

⁴ This expression was substituted for the expression " Province of Madras " by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

⁵ These words were substituted for the paragraph containing the enacting formula and the paragraph preceding that paragraph by section 5 of the Tamil Nadu Re-enacting and Repealing (No. 1) Act, 1948 (Tamil Nadu Act VII of 1948).

⁶ Sections 2 and 3 were repealed by Tamil Nadu Act XI of 1952.

short title.

1942: T.N. Act XX] *Madras Cruelty to Animals Act, 1942*
Nuisances and Prevention of Cruelty to Animals (Amendment)

Central
Act XI
of 1890.

4. (1) Section 13 of the Prevention of Cruelty to Animals Act, 1890, shall be renumbered as sub-section (1) of that section and in the sub-section as so renumbered, for the words and figure "under section 4", the words "under this Act" shall be substituted.

Amendment
of section 13,
Central Act
XI of 1890.

(2) After the sub-section as so renumbered¹[the following sub-sections] shall be added, namely:—

"(2) Any agent of the Society for the Prevention of Cruelty to Animals who is specially empowered by the²[State] Government in that behalf may arrest without a warrant any person committing in his view any offence punishable under this Act ;"

³["(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.

Central
Act V of
1898.

(4) The provisions of the Code of Criminal Procedure, 1898⁴, shall apply to any arrest made or bond taken under this section as if the arrest had been made, or the bond had been taken under the said Code."]

¹ These words were substituted for the words "the following sub-section" by section 2 (2) of, and the Second Schedule to, the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).

² This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

³ In sub-section (2), the words "and the provisions of the Code of Criminal Procedure, 1898, shall apply to an arrest made by such agent as if it had been effected by a Police officer" were omitted, and in lieu thereof, sub-sections (3) and (4) were inserted by section 2 (2) of, and the Second Schedule to, the Tamil Nadu Re-enacting Act, 1949 (Tamil Nadu Act X of 1949).

⁴ See now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

1951: T.N. Act XXXIV] *Towns Nuisances* 227
(Amendment and Extension to Pudukkottai)

¹[TAMIL NADU] ACT No. XXXIV OF 1951.²

[THE ¹[TAMIL NADU] TOWNS NUISANCES (AMENDMENT
AND EXTENSION TO PUDUKKOTTAI) ACT, 1951.

(Received the assent of the President on the 24th October
1951 ; first published in the Fort. St. George Gazette
on the 6th November 1951.)

An Act further to amend the ¹[Tamil Nadu] Towns Nuisances
Act 1889, and to extend it to the merged territory
of Pudukkottai.

¹[Tamil Nadu] Act III of 1889. WHEREAS it is expedient further to amend the ¹[Tamil Nadu] Towns Nuisances Act, 1889, for the purpose hereinafter appearing and to extend the Act as so amended to the merged territory of Pudukkottai ; It is hereby enacted as follows ;—

1. This Act may be called the ¹[Tamil Nadu] Towns Nuisances (Amendment and Extension to Pudukkottai) Act, 1951. Short title.

¹[Tamil Nadu] Act III of 1889. 2. In section 3, clause (10), of the ¹[Tamil Nadu] Towns Nuisances Act, 1889 (hereinafter referred to as the said Act), for the words "not below the rank of a District Superintendent of Police," the words "not below the rank of a Deputy Superintendent of Police" shall be substituted. Amendment of section 3, ¹[Tamil Nadu] Act III of 1889.

3. The said Act as amended by section 2 is hereby extended to, and shall be in force in, the merged territory of Pudukkottai. Extension of ¹[Tamil Nadu] Act III of 1889 to the merged territory of Pudukkottai.

1. These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

2. For Statement of Objects and Reasons, see *Fort St. George Gazette*, dated the 26th June 1951, Part IV-A, page 78.

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(Amendment and Extension to Pudukkottai)]

Powers of Courts and other authorities for purposes of facilitating application of [Tamil Nadu] Act III of 1889.

4. For the purpose of facilitating the application of the said Act to the merged territory of Pudukkottai, any Court or other authority may construe it with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Court or other authority.

Power to remove difficulties.

5. If any difficulty arises in giving effect to the provisions of the said Act, in the merged territory of Pudukkottai, the State Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969



418 *Madras City Police and Tamil Nadu Towns Nuisances (Amendment)*

TAMIL NADU ACT NO. 4 OF 1975.*

THE MADRAS CITY POLICE AND TAMIL NADU TOWNS NUISANCES (AMENDMENT) ACT, 1974.

[Received the assent of the Governor on the 9th January 1975, first published in the Tamil Nadu Government Gazette Extraordinary on the 17th January 1975 (Thai 4, Anantha, (2006—Tiruvalluvar Andu).]

An Act further to amend the Madras City Police Act, 1888 and the Tamil Nadu Towns Nuisances Act, 1889.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-fifth Year of the Republic of India as follows :—

Short title and commencement. 1. (1) This Act may be called the Madras City Police and Tamil Nadu Towns Nuisances (Amendment) Act, 1974.

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

Amendment of Tamil Nadu Act III of 1888.

2. In the Madras City Police Act, 1888 (Tamil Nadu Act III of 1888),—

(i) in sub-section (1) of section 41, for the words “sound amplifiers in public places”, the words “sound amplifiers in any area” shall be substituted ;

(ii) in clause (xv) of section 71, the words “or plays any music or uses any sound amplifier” shall be omitted ;

(iii) after section 71, the following section shall be inserted, namely :—

“71-A. *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 to imprisonment which may extend to three months.

* For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette*, dated the 6th November 1974, Part IV—Section 1, pages 271-272.



1975: T.N. Act 4] *Madras City Police and* 419
Tamil Nadu Towns Nuisances (Amendment)

(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. ”.

3. In the Tamil Nadu Towns Nuisances Act, 1889 (Tamil Nadu Act III of 1889),—

Amendment of
Tamil Nadu
Act III of
1889.

(i) clause (10) of section 3 shall be omitted;

(ii) after section 3, the following section shall be inserted, namely:—

“3-A. *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 an officer of the Police Department not below the rank of an Inspector of Police shall be liable on conviction to fine not exceeding five hundred rupees or to 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. ”.

1975 : T.N. Act 30] *Towns Nuisances (Amendment)* 499

TAMIL NADU ACT NO. 30 OF 1975.*

**THE TAMIL NADU TOWNS NUISANCES
(AMENDMENT) ACT, 1975.**

[Received the assent of the Governor on the 13th November 1975, first published in the Tamil Nadu Government Gazette Extraordinary on the 14th November 1975 (Aippasi 28, Iratchasa (2006-Tiruvalluvar Andu)).]

**An Act further to amend the Tamil Nadu Towns
Nuisances Act, 1889.**

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-sixth Year of the Republic of India as follows :—

1. (1) This Act may be called the Tamil Nadu Towns Nuisances (Amendment) Act, 1975. Short title and commencement.

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

2. In section 3 of the Tamil Nadu Towns Nuisances Act, 1889 (Tamil Nadu Act III of 1889), after clause (12) and before the *Explanation*, the following clause shall be inserted, namely :— Amendment of section 3, Tamil Nadu Act III of 1889.

“(13) Whoever organises any assembly, meeting or procession between sunset and sunrise without providing sufficient petromax lights in addition to electric lights.”.

*For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette Extraordinary*, dated the 16th October 1975, Part IV—Section 1, Page 177.