



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 282]

CHENNAI, MONDAY, OCTOBER 8, 2012

Purattasi 22, Thiruvalluvar Aandu-2043

Part IV—Section 2

Tamil Nadu Acts and Ordinances

The following Ordinance which was promulgated by the Governor on the 24th September 2012 is hereby published for general information:-

TAMIL NADU ORDINANCE No. 18 OF 2012.

An Ordinance to extend the provisions of the Chennai City Police Act, 1888 to the City of Tiruppur.

WHEREAS the Legislative Assembly of the State is not in session and the Governor of Tamil Nadu is satisfied that circumstances exist which render it necessary for him to take immediate action for the purposes hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor hereby promulgates the following Ordinance:-

1. (1) This Ordinance may be called the Chennai City Police (Extension to the City of Tiruppur) Ordinance, 2012.

Short title and commencement.

(2) It shall come into force at once.

2. In this Ordinance, unless the context otherwise requires,—

Definitions.

(1) "City of Tiruppur" means the City of Tiruppur as defined in clause (a) of section 2 of the Tiruppur City Municipal Corporation Act, 2008;

(2) "City Police Act" means the Chennai City Police Act, 1888;

(3) "date of publication of this Ordinance" means the date of publication of the Chennai City Police (Extension to the City of Tiruppur) Ordinance, 2012 in the *Tamil Nadu Government Gazette*;

(4) "Government" means the State Government;

(5) "law in force" includes any enactment, Ordinance, regulation, order, by-law, rule, scheme or notification in force in the whole or in any part of the State of Tamil Nadu or any instrument having the force of law in the whole or in any part of the State of Tamil Nadu.

3. (1) With effect on and from the date of publication of this Ordinance, the City Police Act as in force immediately before the date of publication of this Ordinance, shall stand extended to, and shall be in force, in the City of Tiruppur.

Extension of Tamil Nadu Act III of 1888.

(2) In the City Police Act as extended to the City of Tiruppur,—

(a) any reference to the City of Chennai other than the reference in section 3 shall, by reason of this Ordinance, be construed as a reference to the City of Tiruppur;

Tamil Nadu Act 7 of 2008.

Tamil Nadu Act III of 1888.

(b) any reference to the Presidency Magistrate shall, by reason of this Ordinance, be construed as a reference to the Judicial Magistrate;

(c) any reference to the Commissioner shall, by reason of this Ordinance, be construed as Commissioner of Police for Tiruppur with whom the administration of the Police of the City of Tiruppur shall be vested.

Power of Government to authorise Commissioner of Police for the City of Tiruppur and certain other Police Officers in the City of Tiruppur to exercise powers of District Magistrate and Executive Magistrate under the Code of Criminal Procedure, 1973.

4. (1) Without prejudice to the provisions contained in section 7 of the City Police Act, the Government may, by notification, and subject to such conditions and limitation as may be specified therein, empower,-

(a) The Commissioner of Police for Tiruppur to exercise and perform in relation to the City of Tiruppur, the powers and duties of an Executive Magistrate and of a District Magistrate under such of the provisions of the Code of Criminal Procedure, 1973 (hereinafter in this section referred to as the said Code) or of any other law in force relating to matters with respect to which the State Legislature has power to make laws for the State, as may be specified in the notification;

(b) any officer subordinate to the Commissioner of Police in the City of Tiruppur (not being an officer below the rank of an Assistant Commissioner of Police) to exercise and perform in relation to the City of Tiruppur as may be specified in the notification, the powers and duties of an Executive Magistrate under such of the provisions of the said Code or of any other law in force relating to matters with respect to which the State Legislature has power to make laws for the State, as may be specified in the notification.

(2) Every officer subordinate to the Commissioner of Police in the City of Tiruppur shall, in the exercise and performance of any powers and duties, which he is empowered to exercise or perform under sub-section (1), be subject to the general control of the said Commissioner of Police in the same manner and to the same extent as an Executive Magistrate appointed under section 20 of the said Code would be subject to the general control of the District Magistrate appointed under that section.

(3) The Commissioner of Police in the City of Tiruppur or any officer subordinate to the Commissioner, shall not be subject, in the exercise and performance of any powers and duties which he is empowered to exercise and perform under sub-section (1), to the general control of the District Magistrate appointed under section 20 of the said Code.

Police force functioning in the City of Tiruppur immediately before the date of publication of this Ordinance to be deemed to be police force constituted under the City Police Act as extended.

5. (1) The police force functioning in the City of Tiruppur immediately before the date of publication of this Ordinance (hereinafter in this section referred to as the existing police force) shall, on the date of publication of this Ordinance, be deemed to be the police force constituted for the City of Tiruppur under the City Police Act as extended by this Ordinance and every member of the existing police force holding the office mentioned in column (1) of the Schedule immediately before the date of publication of this Ordinance shall be deemed to be appointed, on such date of publication of this Ordinance, to the office mentioned in the corresponding entry in column (2) of that Schedule.

(2) All proceedings (including proceedings by way of investigations) pending before any police officer of the existing police force immediately before the date of publication of this Ordinance shall, on the date of publication of this Ordinance, be deemed to be proceedings pending before him in his capacity as the holder of the office to which he is deemed to be appointed under sub-section (1) and shall be dealt with accordingly.

(3) Where any power or function which may be exercised or discharged under any law by a District Magistrate or an Executive Magistrate immediately before the date of publication of this Ordinance has been conferred on the Commissioner of Police or any other police officer by or under the City Police Act as extended, all proceedings in relation to, or arising from, the exercise of such power or the discharge of such function pending immediately before such conferment before the District Magistrate, or Executive Magistrate, as the case may be, shall on the conferment of such power or function, on the Commissioner of Police or other police officer, stand transferred to the Commissioner of Police for the City of Tiruppur or other Police Officer, as the case may be, and the officer to whom such proceedings stand so transferred shall either proceed *de novo* or from the stage of such transfer.

6. (1) Notwithstanding anything contained in the City Police Act as extended, the Commissioner of Police for Tiruppur shall, in the exercise of his functions under the City Police Act as extended, be under the control and direction of the Director-General of Police for the State of Tamil Nadu, subject to any rules that may be made under sub-section (2).

Control of the Director General of Police over the Commissioner of Police for Tiruppur.

Central Act 2 of 1974.

(2) It shall be competent to the Government to make rules to limit and regulate the exercise of the powers of, control and direction conferred on, the Director-General of Police by sub-section (1) in respect of the Commissioner of Police for Tiruppur.

(3) Nothing in this section shall apply in relation to the powers and functions which may be exercised or discharged by the Commissioner of Police for Tiruppur under any law as a District Magistrate or an Executive Magistrate.

7. (1) Any reference in the City Police Act as extended by this Ordinance to a law which is not in force in the City of Tiruppur on the date of publication of this Ordinance shall, in relation to the said City, be construed as a reference to the corresponding law, if any, in force in the said City.

Construction of reference to laws not in force in the City of Tiruppur.

Central Act
XXIV of 1859.

(2) Any reference to the Tamil Nadu District Police Act, 1859 in any law in force in the City of Tiruppur shall, in relation to the city, be construed, on and after the date of publication of this Ordinance, as a reference to the City Police Act.

Central Act
XXIV of
1859.

8. If, immediately before the date of publication of this Ordinance, there is any law in force in the City of Tiruppur including the Tamil Nadu District Police Act, 1859 (hereinafter in this section referred to as the Central Act) and the provisions of the City Police Act specified in the Schedule to the Central Act and extended by way of notification under section 54-A of the Central Act corresponding to the City Police Act, such corresponding law shall, on the date of publication of this Ordinance, stand repealed in relation to the City of Tiruppur, to the extent to which the corresponding law relates to matters with respect to which the State Legislature has power to make laws for the State.

Repeal of corresponding Law.

9. (1) The repeal by section 8 of any corresponding law shall not affect,—

Savings.

(a) the previous operation of any such law or anything done or duly suffered thereunder; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any such law; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the City Police Act had not been extended.

(2) Subject to the provisions of sub-section (1), anything done or any action taken, including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form, by law or scheme framed, certificate, permit or licence granted or registration effected under such corresponding law, in relation to the City of Tiruppur, shall be deemed to have been done or taken under the corresponding provisions of the City Police Act and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the said City Police Act as extended.

10. Any reference by whatever form or words in any law in force to any authority competent on the date immediately preceding the date of publication of this Ordinance to exercise any powers or discharge any functions in the City of Tiruppur shall, where a corresponding new authority has been constituted by or under the City Police Act as extended or under this Ordinance to the said City, have effect as if it were a reference to that new authority.

Construction of reference to authorities where new authorities have been constituted.

11. For the purpose of facilitating the application, in the City of Tiruppur, of the City Police Act as extended, any Court or other authority may construe the said Act, with such alteration not affecting the substance as may be necessary or proper to adapt it to the matter before the Court or other authority.

Powers of Courts and other authorities for purpose of facilitating application of the City Police Act.

12. (1) The Government may make rules for carrying out all or any of the purposes of this Ordinance.

Power to make rules.

(2) All rules made under this Ordinance shall be published in the *Tamil Nadu Government Gazette* and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(3) All notifications issued under this Ordinance shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(4) Every rule made or notification or order issued under this Ordinance shall, as soon as possible after it is made or issued, be placed on the table of the Legislative Assembly, and if before the expiry of the session in which it is so placed or the next session, the Legislative Assembly agrees that the rule or notification or order should not be made or issued, the rule or notification or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification or order.

Power to remove difficulties.

13. If any difficulty arises in giving effect to the provisions of the City Police Act as extended by this Ordinance, to the City of Tiruppur, the Government may, as occasion may require, by order, do anything which appears to them to be necessary for the purpose of removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of publication of this Ordinance.

THE SCHEDULE

(See section 5)

Designation of officer as immediately before the date of publication of this Ordinance.

(1)

(1) Superintendent of Police.

(2) Deputy Superintendent of Police.

24th September 2012.

Post to which the officer shall be deemed to be appointed.

(2)

Commissioner of Police:

Provided that after the date of publication of this Ordinance, the Government may appoint as Commissioner of Police an Officer in the rank of Deputy Inspector-General of Police:

Provided further that where a Commissioner of Police is appointed in the rank of Deputy Inspector-General of Police, the Government may appoint a Deputy Commissioner of Police in the rank of Superintendent of Police.

Assistant Commissioner of Police.

K. ROSAIAH,
Governor of Tamil Nadu.

EXPLANATORY STATEMENT.

During the Police officers conference held on 14-11-2011, the Hon'ble Chief Minister has announced that as Tiruppur is growing in size and population and beset with problems of migrant labour and traffic congestion, the need for a Commissionerate is acutely felt and in order to improve the standard of Policing in Tiruppur, a new Police Commissionerate will be constituted at Tiruppur.

2. To give effect to the above announcement, the Government have decided to bifurcate the existing Tiruppur Police District and to constitute a new Police Commissionerate for the City of Tiruppur by extending the provisions of the Chennai City Police Act, 1888 (Tamil Nadu Act III of 1888) to that City.

3. The Ordinance seeks to give effect to the above decision.

(By order of the Governor)

G. JAYACHANDRAN,
*Secretary to Government,
Law Department.*