

Appendix III

(See Chapter IV)

Sec. 51-A of the Madras City Police Act :

51-A. (1) Power to direct removal of persons from city in special cases. Whenever the Commissioner is satisfied from information received or otherwise,

(a) That the movements or acts of any persons in the city of Madras who has not been born in the said city or in the district of Chingleput or North Arcot as it existed immediately before the 1st April 1960 are causing or are calculated to cause alarm, danger or harm to person or property, or that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of any offence involving force or violence or punishable under Chapter XII, XVI or XVII of the Indian Penal Code or in the abetment of any such offences; and

(b) that witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part regarding the safety of their person or property, the Commissioner may, by an order in writing signed by him, direct such person so to conduct himself as shall seem necessary to the Commissioner to prevent such alarm, danger or harm or the commission of such offence, or require such person to remove himself outside the said city within such time as may be specified in the order.

Explanation—For the purpose of this sub-section. the decision of the Commissioner as to whether a person has or has not been born in the city of Madras or in the district of Chingleput or North Arcot as it existed immediately before the 1st April 1960 shall be final.

(2) Before an order is passed against any person under sub section (1) the Commissioner or any Deputy Commissioner authorized by him shall inform such person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of explaining those allegations. The Commissioner or Deputy Commissioner may also examine any witnesses produced by such person. Any written statement made by such person shall be filed with the record.

Such person shall be entitled to appear before the Commissioner or Deputy Commissioner by an advocate or attorney for the purpose of explaining the allegations against him and examining the witnesses produced by him.

(3) The Commissioner or Deputy Commissioner authorised under sub-section (2) may, for the purpose of securing the attendance of any person against whom an order is proposed to be made under sub-section (1) exercise all or any of the powers of a court under sections 75 to 77 of the Code of Criminal Procedure.

(4) Any person aggrieved by an order of the Commissioner under sub-section (1) may, within thirty days from the date of such order, appeal to the State Government who may after considering all the circumstances of the case, confirm vary or rescind the order. Where an appeal is preferred to the state government under this sub-section, they may at their discretion, subject to such conditions, if any, as they may think fit to impose, stay the operation of the Commissioner's order, pending the passing of final orders on the appeal.

(5) No order passed by the Commissioner under sub-section (1) or by the state government under sub-section (4) shall be called in question in any court except on one or more of the following grounds namely:

(a) that the procedure laid down in sub-section (2) was not followed; or

(b) that there was no material upon which the order could have been based; or

(c) that there was no sufficient ground for believing that witnesses were not willing to come forward to give evidence in public against the person in respect of whom the order was made.

(6) (a) Any person who is guilty of the breach of any direction given to him under sub-section (1) or sub-section (4) shall be punishable with imprisonment which may extend to two years or with fine or with both.

(b) If any person directed under sub-section (1) or sub-section (4) to remove himself outside the city of Madras fails or refuses to do so or re-enters the said city while such direction is in force, the Commissioner may, in lieu of or in addition to prosecuting such person under clause (a), cause him to be arrested and removed in police custody to such place outside the said city as he may direct.

(7) Nothing in this section shall be deemed to require any police officer to disclose not the person against whom an order is made under sub-section (1) or to any court the sources of his information or any fact the communication of which might, in the opinion of the Commissioner, lead to the disclosure of the identity or name of any informant.