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SECRET

[TAMIL NADU] ACT No. XII OF 1945<sup>1</sup>.[THE <sup>1</sup>(TAMIL NADU) PREVENTION OF COUCHING  
ACT, 1945.]

(Received the assent of the Governor-General on the 19th  
June 1945; first published in the Fort St. George  
Gazette on the 3rd July 1945.)

An Act to prevent couching by unqualified  
persons.

WHEREAS it is expedient to prevent couching by un-  
qualified persons; [It is hereby enacted as follows :—]

1. (1) This Act may be called the <sup>1</sup>[Tamil Nadu] <sup>Short title  
and extent.</sup> Prevention of Couching Act, 1945.

(2) It extends to the whole of the <sup>4</sup>[State of  
Tamil Nadu].

2. In this Act—

Definitions.

(i) "couching," means the operative displace-  
ment by the use of a needle or other instrument,  
of the opaque crystalline lens of the eye so as to cause  
it to be below the axis of vision ;

(ii) "registered practitioner" means a person  
registered under the <sup>1</sup>[Tamil Nadu] Medical Registra-  
tion Act, 1914.

Tamil  
Nadu]  
st IV of  
14.

<sup>1</sup> 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.

<sup>2</sup> For Statement of Objects and Reasons, see *Fort St. George  
Gazette*, dated the 13th February 1945, Part IV-A, page 4.

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) repealing the corres-  
ponding law in force in that territory.

<sup>3</sup> 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. I) Act,  
1948 (Tamil Nadu Act VII of 1948).

<sup>4</sup> This expression was substituted for the expression "State of  
Madras" by the Tamil Nadu Adaptation of Laws Order, 1989, as  
amended by the Tamil Nadu Adaptation of Laws (Second  
Amendment) Order, 1989.

Penalty for unlawful couching.

3. Whoever, not being a registered practitioner, or not possessing a qualification entitling him to be registered under the <sup>1</sup>[Tamil Nadu] Medical Registration Act, 1914, performs or attempts to perform couching on a person whether with or without his consent, or agrees to perform couching on a person, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both. <sup>1</sup>[Tamil Nadu] Act IV of 1914.

Offence to be cognizable, bailable and compoundable.

4. Notwithstanding anything contained in the Code of Criminal Procedure, 1898<sup>†</sup>, an offence against this Act shall be cognizable and bailable and may be compounded with the permission of the Court. Central Act V of 1898.

Cognizance of offences.

5. (1) No Magistrate inferior to that of a Magistrate of the second class\* shall try any offence against this Act.

(2) No Magistrate shall take cognizance of any offence against this Act except—

(i) upon the complaint in writing made by the person on whom couching was performed or an attempt to perform couching was made ; or

(ii) upon the report of a Police officer not below the rank of Sub-Inspector ; or

(iii) upon the report of any person or class of persons authorised by the <sup>2</sup>[State] Government in this behalf.

(3) No Magistrate shall take cognizance of any offence against this Act, unless the prosecution is instituted within six months from the date on which the offence is alleged to have been committed.

<sup>1</sup> 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.

<sup>2</sup> This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

<sup>†</sup> See now the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

\* According to clause (b) of sub-section (3) of section 3 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), which came into force on the 1st April 1974, any reference to a Magistrate of the second class shall be construed as a reference to a Judicial Magistrate of the second class.