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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Judicial DEPARTMENT.

G.O. No.
B.P. No.

2365

Press
Mis.

Dated

19-10-1887 197

Not to be folded or roughly handled

A
BILL

TO

*Provide for the Inspection and Licensing of
Places of Public Resort and Entertain-
ment.*

WHEREAS it is expedient to provide for
the inspection of
Preamble, places of public
resort and entertainment, and for the
licensing of the same by competent
authority; It is hereby enacted as fol-
lows:—

1. (1) This Act may be called the
Short title. "Places of Public
Resort Act, 1887."

(2) It shall, except where it is other-
wise expressed, come
Commencement. into force on such
day as the Governor in Council may, by
notification in the *Fort St. George Gazette*,
direct.

(3) It extends in the first instance only
Local extent. to those towns in
the Madras Presi-
dency which have been declared to be
municipalities under Madras Act IV of
1884, or other Act of the same nature for
the time being in force; but the Governor
in Council may, from time to time, by
notification in the *Fort St. George Gazette*,
extend it 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 Presidency of
Fort St. George outside the limits of the
Municipality of Madras, and may cancel
or modify any such notification. Pro-
vided that in any such local area, such
extension shall not be deemed to affect
any place to which admission is free.

(4) Nothing in this Act shall apply to
any church, temple,
Saving. mosque, or other
place of public wor-
ship.

2. In this Act, unless there is some-
thing repugnant in
Definitions. the subject or con-
text,—

"Chairman of Municipal Council"
means the Chairman of a Municipal Council
appointed under Madras Act IV of 1884,
or other Act relating to District Muni-
cipalities in the Presidency of Fort St.
George for the time being in force.

"Magistrate" means a Magistrate ap-
pointed under Act X of 1882, or any law

relating to the Courts of Magistrates for the time being in force.

"Building" includes any house, hut, shed or roofed enclosure.

3. From and after the date on which this Act shall come into force in any local area, no enclosed place or building within such area, whether permanent or temporary, having an area of 500 square feet, shall be used for public resort or entertainment, unless a license has been previously obtained in the manner hereinafter provided.

4. When any person desires to obtain a license to permit or cause any enclosed place or building to be used for public resort or entertainment, or to construct any enclosure or building for such purpose, he shall send an application to the authority named in Section 5, setting forth the name of the owner of the place or building, its situation, size and description, the material of which the enclosure or building is made or proposed to be made, whether it is or is proposed to be permanent or temporary, and the purpose for which it is proposed to be used.

5. Applications for licenses for the use of any enclosed place or building for public resort or entertainment, or for the construction of any enclosure or building to be used for such purpose within any municipal town, shall be made to the Chairman of the Municipal Council, and within any other local area, to the Magistrate having original jurisdiction therein.

6. Upon the receipt of an application under Section 4, it shall be lawful for the authority to whom the application is made, to inspect the place or building in respect of which a license is required, and the authority may call on the applicant, by notice in writing, to make any alteration or addition in the material or arrangement of the enclosure or building, or in the precautions for the safety of the public to be assembled therein, and may refuse to grant a license until the alteration or addition is made.

7. If the authority is satisfied—

24TH JULY 1888, No. 1566, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper :—

G.O., dated 27th June 1888, No. 54, Legislative.

Read—the following letter 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, 6th June 1888, No. 948 :—

I am directed to return herewith, with the assent of His Excellency the Viceroy and Governor-General signified thereon, the authentic copy of the Bill noted on the margin, which was received with your letter, No. 36, dated the 13th April last, to the address of the Secretary to the Government of India in the Home Department.

2. I am at the same time 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 Bill was passed by the Madras Legislative Council on the 20th March last, one month after the date on which the Bill, as amended by the Select Committee, was forwarded to the Secretary of State,* and before receipt of the communication from this department, No. 734, dated the 27th April 1888, the receipt of which should have been awaited before the measure was further proceeded with.

3. I am also desired again † to point out that copies of the entire proceedings of the meetings of the Madras Legislative Council, at which the Bill was considered, have been forwarded instead of extracts from the proceedings relating to the Bill, in accordance with the orders of the Secretary of State contained in despatch, 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. This department having been obliged to reprint the necessary extracts from the proceedings for transmission to England, I am to request that, in future, the orders of the Secretary of State may be observed when copies of proceedings relating to Bills which are submitted for the assent of His Excellency the Governor-General are sent to the Government of India.

27th June 1888, No. 54, Legislative.

revocation, or suspension or appeal order made under
license.
Section 6 or 9 thereof.

4. With reference to paragraph 2 of the foregoing letter, the Government of India will be addressed.

(Here enter Letter No. 55, dated 27th June 1888.)

(True Extract.)

(Signed) A. G. CARDEW,
Ag. Under Secy. to Govt.

To the Judicial Department.

„ Local and Municipal Department.

„ Superintendent, Government Press (with copy of Act).

ENCLOSURE.

MADRAS.

ACT No. II OF 1888.

An Act to provide for the Inspection and Licensing of Places of Public Resort and Entertainment.

WHEREAS it is expedient to provide for the inspection of places of public resort and entertainment, and for the licensing of the same by competent authority; It is hereby enacted as follows:—

Preamble.

Short title.

Commencement.

(3) It extends to all towns in the Madras Presidency which have been or may hereafter be declared to be municipalities under Madras Act IV of 1884, or other Act of the same nature.

Local extent.

for the time being in force, and the Governor in Council may, from time to time, by notification in the *Fort St. George Gazette*, extend it 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 Presidency of Fort St. George outside the limits of the Municipality of Madras, and may cancel or modify any such notification.

Saving.

Definitions.

“Chairman of a Municipal Council” means the Chairman of a Municipal Council appointed under Madras Act IV of 1884, or other Act relating to District Municipalities in the Presidency of Fort St. George for the time being in force.

“Magistrate” means a Magistrate appointed under the Code of Criminal Procedure.

“Building” includes any house, hut, shed or roofed enclosure.

3. Within any area in which this Act is in force, no enclosed place or building, whether permanent or temporary, having an area of 500 square feet or upwards, shall be used for public resort or entertainment, unless a license has been previously obtained in the manner hereinafter provided.

4. When any person desires to obtain a license to use any enclosed place or building for public resort or entertainment, or to construct any enclosure or building for such purpose, he shall send an application to the authority named in section 5, setting forth the name of the owner of the place or building, its situation, size and description, the material of which the enclosure or building is made or proposed to be made, whether it is or is proposed to be permanent or temporary, and the purpose for which it is proposed to be used.

5. Such application shall be made to the Chairman of the Municipal Council, if the enclosed place or building is within a municipal town, and in every other case to any Magistrate having jurisdiction over the local area in which the place or building is situated.

Authority to whom application should be made.

(a) that the enclosed place or building is of such a character that it may safely be used for the purpose of public resort or entertainment proposed;

(b) that no other objection, arising from its situation, ownership, or the purpose proposed, exists,

he shall give to the applicant a written license, signed by him, on payment of such fee as the Governor in Council may direct, and, in such form as the Governor in Council may prescribe, specifying the enclosure or building in respect of which the license is granted and the purpose for which the enclosure or building is to be used. Such license may be granted subject to such conditions as the Governor in Council may from time to time by rule authorize.

If the authority is not satisfied as aforesaid, he may refuse to grant a license, recording his reasons for refusal in writing.

8. Every license granted under this Act shall state the period for which it is to continue in force, and shall cease to be in force on the expiration of that period.

9. Any authority granting a license under this Act may, for reasons recorded in writing, revoke or suspend the same when he has reason to believe—

(a) that the license has been fraudulently obtained, or has been granted erroneously, or without sufficient examination;

(b) that the enclosed place or building has been used for other purposes of public resort or entertainment than that for which the license was granted;

(c) that the condition of the enclosed place or building or the precautions for the safety of the public to be assembled therein, have so altered that it can no longer be safely used for the purpose of public resort or entertainment for which the license was granted.

10. (1) Any applicant for a license under this Act may appeal against refusal, revocation, or suspension of license, or appeal from any order made under Section 6 or 9 thereof.

(2) The appeal shall be made within 15 days from the day on which the applicant received the order appealed against.

(3) In every municipal town the appeal shall lie to the Municipal Council; and in every other local area to the District Magistrate.

(4) The appellate authority shall have the same power to inspect and to require alteration or addition in the enclosed place or building as the authority to whom application is made under Section 5.

11. It shall be lawful for any Magistrate or officer of Police in charge of a station or of higher rank than Head Constable to enter at any time any enclosure or building used as a place of public resort, for which license is required under this Act, to inspect the license if any has been issued, and, if there is no license or if the conditions of the license are not observed, to prevent the further use of such enclosure or building as a place of public resort.

12. Every person who, having the immediate control of any enclosure or place used or constructed for public resort or entertainment permits the use of it for such purpose without having obtained a license as required by Section 7, or having obtained a license under this Act permits such use in contravention of any of the conditions of such license, shall be punished with fine which may extend to Rs. 500.

13. The Governor in Council may, at any time, after the passing of this Act, and from time to time, make rules consistent with this Act, and may amend or cancel the same, for all or any of the following purposes, namely—

- (a) for determining the conditions on which a license under this Act may be granted, suspended, or revoked;
- (b) for determining the circumstances in which this Act shall be extended to any local area outside a municipality;
- (c) generally for carrying out the purposes of the Act.

All such rules shall be published in the *Fort St. George Gazette*, and shall come into force on the day on which they are so published or on such later date as may be specified in the notification publishing them.

Government of Fort St. George.
LEGISLATIVE DEPARTMENT.

A

BILL

TO

Provide for the Inspection and Licensing of
Places of Public Resort and Entertainment.

Judl. 4206/87

14TH SEPTEMBER 1887, No. 44, LEGISLATIVE.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

READ—again G.O., dated 15th April 1887, No. 822, Judicial.

READ—also Draft Bill to provide for the Inspection and Licensing of Places of Public
Resort and Entertainment, prepared in the Legislative Department.

ORDER—dated 14th September 1887, No. 44, Legislative.

Ordered that the Bill be forwarded to the Advocate-General for remarks.
(True Extract.)

A. G. Cordeiro.
Ag. Under Secy. to Govt.

To the Advocate-General.
Judicial Department.

Exd. T. O'Connor.

Jul 16-4-87: 822

CURRENT NO. 42 of Tull.

Govt. of (1887) Madras.
LEGISLATIVE.

Issued

Recd. *6/10*

Encl.

G.O., 14th September 1887, No. 44.

SEPTEMBER.

Draft Bill to provide for the Inspection and Licensing of Places of Public Resort and Entertainment.

Forwarding to the Advocate-General for remarks the —.

19/10/87 B:2365-
Received
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ORDINARY, M.S.

2nd DEPARTMENT.
G.O., DATED 19/10/87
No. 2365.

When given for copying

[Despatch Abstract.]

Off. to provide for the inspection &
licensing of places of public resort &
Entertainment.

