

(1) Number of pages 13
(2) Date of repair 3.5.71
(3) Initials of the Referencer _____

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Judicial DEPARTMENT

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

2647

~~Pres.~~
Mis.

Dated

21. 11. 1887

197

Not to be folded or roughly handled

STATEMENT OF OBJECTS AND REASONS.

The disastrous loss of life and property which occurred in the Fire at the People's Park, Madras, on the 31st December 1886, drew public attention to the absence of control over buildings intended to accommodate large numbers of people, and one of the recommendations of the jury at the inquest on the fire was that some responsible officer should be invested with authority to regulate all places of public resort where there may be danger to life. The present Bill has been drafted with the object of vesting this control in all places outside the Town of Madras in the Chairman of the Municipal Council, where such exists, and in places where no Municipal Council exists, in the Magistrate having jurisdiction, subject to appeal to the Municipal Council or the District Magistrate, as the case may be. The Bill extends, in the first instance, only to Municipalities, but may be extended to any local area. It provides that no enclosed place or area, having an area of 500 square feet, shall be used for public resort or entertainment without a license having been first obtained from the authority named above. No license is to be granted unless the authority is satisfied that the place may be safely used for the purpose intended, and power is given to any Magistrate and to certain Police officers to enter and inspect any place used for public resort. Finally, a penal clause is added and power to make rules. The Bill does not apply to the Town of Madras, as it has been found convenient to embody the legislation for that city in the Town Police Act, a revision of which has been undertaken.

5th November 1887.

P. P. HUTCHINS.

Government of Fort St. George.
LEGISLATIVE DEPARTMENT.

ANNEXURE

TO

A Bill to provide for the inspection and licensing of places of public resort and entertainment.

(Statement of Objects and Reasons).

No. 3 of 1887.

A

BILL

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:—

1. (1) This Act may be called the
“Places of Public
Resort Act, 1887.”

(2) It shall, except where it is otherwise expressed, come
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
to those towns in
the Madras Presidency which have been declared to be
municipalities under Madras Act IV of
1834, 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,
mosque, or other
place of public wor-
ship.

2. In this Act, unless there is some-
thing repugnant in
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

7.2. 1887/57

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

Application for license: what it must contain.

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. On 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 assembled therein, and may refuse to grant a license until the alteration or addition is made.

When authority to grant license.

7. If the authority is satisfied—

(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 from any order made under Section 6 or 9 thereof.

Appeal against refusal, revocation, or suspension of license.

(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 Con-

Power to enter place of public resort to inspect license or to prevent further use.

stable 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.

Penalties.

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—

Power to make rules.

- (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.

(HON'BLE MR. HUTCHINS.)

Introduced November 1887.

7TH NOVEMBER 1887, No. 69, LEGISLATIVE.

GOVERNMENT OF MADRAS.
LEGISLATIVE DEPARTMENT.

READ—again G.O., dated 14th September 1887, No. 44, Legislative.

READ—also the following paper:—

From the Government Solicitor, Madras, dated 14th October 1887, No. 550.

ABSTRACT.—Forwarding opinion of the Advocate-General on the draft Bill to provide for the inspection and licensing of places of public resort and entertainment.

ORDER—dated 7th November 1887, No. 69, Legislative.

Under Rule 25 of the rules for the conduct of business in the Council for making Laws and Regulations, the Right Honorable the Governor directs the publication in the *Fort St. George Gazette* of the draft Bill to provide for the inspection and licensing of places of public resort and entertainment, with Statement of Objects and Reasons.

2. The Hon. Mr. Hutchins will be requested to take charge of the Bill.

(True Extract.)

A. G. Cardew.
Ag. Under Secretary to Govt.

To the Hon. Mr. Hutchins.
„ Judicial Department.

Erd. T. O'Connor.

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J. C. 1/1/87

CURRENT NO. 4869

Govt. of (1887) Madras.
LEGISLATIVE.

Issued 14 Nov/87.

Recd.

Encl.

G.O., 7th November 1887, No. 69.

NOVEMBER.

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

Directing the publication in the Fort St. George
Gazette of the draft—, and requesting the Hon.
Mr. Hutchins to take charge of it.

V/ Go 21st Nov/87. 2667
Recorded.

app.
7/11. J.H.
18/11

ORDINARY, M.S.

Judicial DEPARTMENT.
G.O., DATED 21st November/87
No. 2667

26-12-82

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When given for copying

[Despatch Abstract.]

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