

(1) Number of pages 24

(2) Date of repair 3.5.71

(3) Initials of the Referencer

DEPARTMENT

Paper taken out of the Records from the charge of the Referencer.

From _____
 _____ No. _____, dated _____
 Routine

196

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Local and Municipal DEPARTMENT

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

1133

~~Press.~~
Mis.

Dated 16 - 10 - 1888 197

Not to be folded or roughly handled

Office Note

(To accompany G.O. 24th July
1888, No. 1566, Judicial)

Under sec. 1(3) the act
is now in force only in municipalities
under Madras Act II of 1884.
The framing of rules under sec. 14
which the provisions of sec. 7 render
immediately necessary, must
therefore be undertaken in the
L. & M. Dept.

(Sd/-) A. G. C.

Paper taken from
From
No.
Date

For use
Department

[5]

Papers to be read in Proceedings:—

Again G.O., dated 22 Dec 1886, No. 1168 W.

Current No. 2652 L of 1888, dated 24th July 1888 from the Judicial Department

Current No. of 188 , dated from

order

The following ^{draft} rules framed under Section 14 of Act II of 1888 are referred to the Advocate General for remarks:—

Draft Rules

(1) All applications for licenses under Section 4 of the Act shall, in addition to the information required in this Section state the period for which the license is required.

(2) Licenses granted under Section 7 of the Act shall be subject to the following conditions:—

(3) No house shall be granted for a temporary building erected for a public resort or entertainment except in an open space, so as to prevent the risk of fire through sparks from adjacent houses.

(4) As a rule no increase of buildings or license unless it is provided by the

Under public grant of license under Sec 7 of this Act
 (1) the license shall be granted under Sec 7
 the Act without personal inspection under Sec 7
 the Act either by the Chairman himself or by the Council (member) deputed by him, or by a body

This seems hardly necessary with reference to Sec 8

which Officer of the Council then the Council

the license shall be granted for a period exceeding one month before renewal a fresh inspection is required (under 1) above named to be made

constructed intended for purposes of

See para 11 of the draft rules originally proposed in No. 22-11-86 1168 W

double main doors
doors of each building shall be
double, each half being not less
than 5 feet wide and opening out-
wards. In addition to the ordinary
means of egress, there should be at
least two special exits - one on each
side of the building - capable of
being at once utilized in an emergency.

6 portion of such building shall
be of less height than 7 feet from
the level of the ground.

It shall be a condition of license
that no naked light shall under any
circumstances, be allowed inside
a building used for public resort
or entertainment, or within 5
yards outside, if the roof of such
building is covered with straw
or other inflammable sub-
stances, and every lamp used in
such buildings shall be provided
with an iron or tin screen bending
over the chimney above, so as
to prevent sparks rising on to
the inflammable substance.

(iv) No entertainment or performance
shall be held in any building
unless a sufficient quantity of
buckets and

In the case of pandals such
exits can be conveniently afforded
& movable ladders tied in the
inside

The following further conditions
shall be insisted on -

in case of dispute
that constitutes a sufficient
quantity"

How are they to
keep their lamp?
(iv) (v)

The fee to be charged for the
grant of a license under rule 3
shall be fixed from time to
time by the council
subject to the approval of the
M.C. Provided that such
fee shall not exceed Rs 10
per week or portion of a week.

shall be paid in advance

never, the local municipal council
assess a fire engine, it should
so be procured on payment
hire, if necessary.

(e) No entertainment or performance
shall last later than 2 A.M.

(f) No oil of any kind or other in-
flammable substances shall be
kept in such buildings.

(g) Before the performances commence
the Police shall be communicated
with in view to the obtaining the
attendance of a police guard,
to preserve order, & see that the conditions
are observed and to render assistance
in case of accident.

3. A fee of Rs 10 per week or portion
thereof shall be payable for a license
for a building or enclosed place
the size of which is between 500 and
1000 square feet. The fee for every
additional 500 square feet of space
or fraction thereof shall be Rs 5 per
week or portion thereof.

The fees levied shall after
deducting all charges incident
thereto, if any, be credited to
municipal funds. All fees

& 2 Licenses granted under

7.

Wated _____

Chairman Municipal Council

Chairman, Municipal Council

¹⁰
Fees payable

To the Advocate General
thru the Govt. Solicitor.

Rules under
Act II

Public

88-

Wm

mis.

Note Please see rules originally
the first draft
prepared in 22 Dec 86
1886

Sec 7 requires the authority to inspect

not for a permanent building?

Surely this should be left to
the authority

Local and Municipal DEPARTMENT.

[5]

Papers to be read in Proceedings:—

Again G.O., dated

188 , No.

Again G.O., dated 22nd December

1886, No. 1268 m.

Current No. 2652 L of 1888, dated 24th July from the Judicial Department.

Current No.

of 188 , dated

from

Order.

The following draft rules framed under
Section 14 of Act II of 1888 are referred to the
Advocate General for remarks:—

Rules for the grant of licenses under
Sec 7 of the Act.

(1). No license shall be granted under Sec,
of the Act without personal inspection under
Sec 7 of the Act either by the Chairman
himself, by one of the Municipal Council-
lors deputed by him, or by a Magistrate or a
Police officer of rank not lower than a
Head Constable.

(2). No license shall be granted for a period
exceeding two months, and before renewal
a fresh inspection as required by rule (1)
above must be made.

(3). No license shall be granted for a temporary
building specially constructed for purposes

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.

6. Upon the receipt of any such application, the authority to whom application is made shall inspect the place or building in respect of which a license is required, and 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.

When authority to grant license.

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

(b) that no objection, arising from its situation, ownership, or the purpose proposed, exists, he shall give to the applicant a written license, signed by him, specifying the enclosure or building and the purpose for which it is to be used. Such license shall be in such form and subject to such fee and conditions as the Governor in Council may from time to time by rule direct.

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;

(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 place or building can no longer be safely used for the purpose 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, 7, or 9 unless such order has been made by the Magistrate of the district.

(2) The appeal shall be made within 30 days from the day on which the applicant received the order appealed against.

(3) In a municipal town the appeal shall lie to the Municipal Council, and in every other local area to the Sub-divisional Magistrate, or if the original order was made by a Sub-divisional Magistrate, to the Magistrate of the district.

(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 6, and may grant or withhold the license or make such other order as it thinks fit.

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 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, and if he sees reason to apprehend imminent danger to the public, to prevent the further use of such enclosure or building as a place of public resort or entertainment.

12. The District Magistrate may call for and examine the record of any proceeding taken under this Act, may call for any report in connection therewith, may make or cause to be made any further inquiry, and may pass any order which the authority holding the proceeding might have passed.

13. Every person who, having the immediate control of any enclosed place or building, permits it to be used for public resort or entertainment without having obtained a license, or, having obtained a license under this Act, permits such use in contravention of any of the conditions of such license, shall be liable, on conviction before a Magistrate, to fine which may extend to five hundred Rupees.

14. 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, for carrying out the purposes thereof, and may amend or cancel the same. 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.

ORDER—dated 24th July 1888, No. 1566, Judicial.

Recorded.

2. The Government will be prepared to consider the recommendation of any District Magistrate proposing to extend the operation of the Act, permanently or for a time or for specified occasions only, by notification under section 1 (3), to any local area not being a municipality.

(True Extract.)

W. Davidson
Under Secy P. H. D.
 for Ag. Chief Secretary.

To all District Magistrates.

*Copy to Local & Municipal Depts
 with office note*

Exd. A. Rail.

5-10

Govt. of {1888} Madras.

LOCAL AND MUNICIPAL.

Issued

Recd.

Encl.

G.O., 16th October 1888, No. 1133 M.

OCTOBER.

Places of Public Resort.

Before issuing rules under — requesting Chairmen of Municipal Councils to report on certain points and appending a form for the issue of licenses.