

Tamil Nadu Places of Public Resort Act, 1888

TAMILNADU

India

Tamil Nadu Places of Public Resort Act, 1888

Act 2 of 1888

- Published on 12 April 1888
- Commenced on 12 April 1888
- [This is the version of this document from 12 April 1888.]
- [Note: The original publication document is not available and this content could not be verified.]

Tamil Nadu Places of Public Resort Act, 1888(Tamil Nadu Act 2 of 1888)Statement of Objects and Reasons - Tamil Nadu Places of Public Resort Act, 1888 (Tamil Nadu Act II of 1888). - For Statement of Objects and Reasons, see Fort St. George Gazette, Supplement, dated 8th November, 1887, page 19: for Report of the Select Committee, see ibid, dated 31st January, 1888, page 1; for Proceedings in Council see ibid, dated 29th November, 1887, page 5 and ibid, dated 27th March, 1888, page 11.Received the assent of the Governor on the 12th April 1888 and of the Governor-General on the 31st May 1888.An Act to provide for the inspection and licensing of places of public resort and entertainment.Preamble. - 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. [Short title and commencement. [Amended by Tamil Nadu Act XX of 1960.]

(1)This Act may be called the [Tamil Nadu] Places of Public Resort Act, 1888.(2)(a)It shall come into force at once in every municipality constituted or deemed to have been constituted under the Tamil Nadu District Municipalities Act, 1920 ([Tamil Nadu] [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.] Act V of 1920).(b)The State Government may, by notification, extend all or any of the provisions of this Act to any other local area in the State except the City of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] from such date as may be specified in such notification and may cancel or modify any such notification.Notes. - This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Tamil Nadu Merged States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 1949).Under sub-section (1) of section 5-A, of the Tamil Nadu Cinemas Regulation Act, 1955 (Tamil Nadu Act IX of 1955), the provisions of this Act shall not apply to any application made under the said sub-section by any person who intends to use any place for the exhibition of cinematograph films.]

2. [Definitions. [Amended by Madras Places of Public Resort (Amendment) Act, 1960 (Tamil Nadu Act XX of 1960).]

- In this Act, unless the context otherwise requires -(a)"building" includes any house, hut, shed or roofed enclosure;(b)"executive authority" means the executive authority as defined in clause (8-C) of section 3 of the [Tamil Nadu] District Municipalities Act, 1920 ([Tamil Nadu] [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.] Act V of 1920)"Chairman of a Municipal Council" means the Chairman of a Municipal Council appointed under [Tamil Nadu] [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.] [Act VI of 1884] [See now Tamil Nadu Act V of 1920.], or other Act relating to District Municipalities in the [State of Tamil Nadu] [Substituted for 'State of Madras' by Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] for the time being in force;"Magistrate" means a Magistrate appointed under the [Code of Criminal Procedure.] [See now Code of Criminal Procedure, 1973 (Central Act II of 1974).]]

3. [Licences for use of enclosed place or building for public resort or entertainment. [This section was substituted for the original section by section 2 of the Tamil Nadu Places of Public Resort (Amendment) Act, 1949 (Tamil Nadu Act XXXVIII of 1949).]

- In any area in which this Act is in force, no enclosed place or building, whether permanent or temporary, shall be used for public resort or entertainment in the following cases, unless a licence has been obtained in respect thereof under this Act: -(a)In every case where the area within the enclosed place or occupied by the building is five hundred square feet or more;(b)In case the area aforesaid is less than five hundred square feet, if the place of building is situated within the jurisdiction of a municipal council or [of a panchayat classified as a Class I Panchayat under clause (a) of sub-section (1) of section 5 of the [Tamil Nadu] Village Panchayats Act, 1950 ([Tamil Nadu] [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.] [Act X of 1950)] [Now see the Tamil Nadu Panchayat Act, 1994 (Tamil Nadu Act 21 of 1994)] or as a town-panchayat under the [Tamil Nadu] [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.] Panchayats Act, 1958 ([Tamil Nadu] [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.] [Act XXXV of 1958)] [Now see the Tamil Nadu Panchayat Act, 1994 (Tamil Nadu Act 21 of 1994).] and the public are allowed to take part in any game or competition therein.]]

4. Application for licence: what it must contain.

- When any person desires to obtain a licence 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.

4A. [Conditions subject to which licence may be granted. [Section 4-A was inserted by Tamil Nadu Places of Public Resort (Amendment) Act, 1981 (Tamil Nadu Act 54 of 1981).]

- Notwithstanding anything contained in this Act or in any other law for the time being in force, no application for licence under section 4 shall be entertained unless the following conditions are complied with by the applicant, namely: -(a)The applicant shall give an undertaking in writing to the authority or officer referred to in section 5 that the enclosed place or building shall not be used for the purpose of displaying any indecent or obscene play or dance or other like performance or for the activities such as ring-throwing, arrow or pin-throwing or any other activity of a gambling nature as may be prescribed by the State Government in this behalf;(b)The applicant shall, in the undertaking referred to in clause (a), agree to abide with the provisions of the law relating to the maintenance of law and order and decency in public places;(c)The applicant shall, along with the undertaking referred to in clause (a), also furnish security-deposit for such sum as specified in the Schedule and in such manner as may be prescribed by the State Government in this behalf, for the due observance of the terms and conditions laid down in the said undertaking or the licence to be granted and in the event of non-compliance with any of the terms and conditions of the said undertaking or licence, the sum so deposited as security deposit shall be forfeited to the State Government:Provided that no such forfeiture of the security deposit shall be made unless the applicant had been given a reasonable opportunity of being heard:Provided further that the forfeiture of the security deposit under this clause shall not be a bar for proceeding against the holder of the licence under the provisions of section 9.]

5. [Authority to whom application should be made. [Please see in this connection section 198 of the Tamil Nadu District Boards Act, 1920 (Tamil Nadu Act XIV of 1920). according to which when the Tamil Nadu Places of Public Resort Act, 1888 (Tamil Nadu Act II of 1888), is extended to a non-panchayat area, the authority to whom application for a licence shall be made and who may grant or refuse the licence shall be the executive authority of the District Board. Similarly under section 94 of the Tamil Nadu Village Panchayats Act, 1950 (Tamil Nadu Act X of 1950), when the Tamil Nadu Places of Public Resort Act, 1888 (Tamil Nadu Act II of 1888) is

extended to any village or part thereof the said authority shall be the executive authority of the panchayat.]

- Such application shall be made to the [executive authority], if the enclosed place or building is within a municipal town, and in every other case [to any revenue officer not below the rank of Tahsildar] [Inserted by Madras Places of Public Resort (Amendment) Act, 1960 (Tamil Nadu Act XX of 1960).] having jurisdiction over the local area in which the place or building is situated.]

6. The authority shall inspect and may require addition or alteration to place or building.

- 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 licence 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 licence until the alteration or addition is made.

7. When authority to grant licence.

- [If the authority, after consulting such authority or officer as the State Government may, from time-to-time, by rule direct, is satisfied] [Inserted by Madras Places of Public Resort (Amendment) Act, 1965 (Tamil Nadu Act III of 1965).] -(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;(c)[that the applicant has duly given the undertaking and furnished the security deposit referred to in section 4-A, [Inserted by Tamil Nadu Places of Public Resort (Amendment) Act, 1981 (Tamil Nadu Act 54 of 1981).]he shall give to the applicant a written licence, signed by him, specifying the enclosure or building and the purpose for which it is to be used. Such licence shall be in such form and subject to such fee and conditions as, the [State Government] may, from time to time, by rule direct.If the authority is not satisfied as aforesaid, he may refuse to grant a licence, recording his reasons for refusal in writing.]

8. Licence to state period for which it is to be in force.

- Every licence 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. Revocation or suspension of licence.

- [(1)] [Section 9 re-numbered as sub-section (1) of that section and sub-section (2) added by Tamil Nadu Act LIV of 1981.] Any authority granting a licence under this Act may, for reasons recorded in writing, revoke or suspend the same when he has reason to believe -(a)that the licence 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 licence was granted;(c)that the place or

building can no longer be safely used for the purpose for which the licence was granted;(d)[that any condition of the licence [or the undertaking referred to in section 4-A] [Inserted by Madras Places of Public Resort (Amendment) Act, 1960 (Tamil Nadu Act XX of 1960).] has been contravened.](2)[[Section 9 re-numbered as sub-section (1) of that section and sub-section (2) added by Tamil Nadu Act LIV of 1981.] Notwithstanding anything contained in sub-section (1), in so far as it relates to suspension of any licence granted under this Act, where a prima facie case has been made out, the authority may, at any time and for reasons to be recorded in writing, suspend any licence granted under this Act and in such a case, no show cause notice is necessary.

10. Appeal against order under section 6, 7 or 9.

(1)Any applicant for a licence under this Act may appeal from any order made under section 6, 7 or 9 unless such order has been made by the [Collector] [Inserted by Madras Places of Public Resort (Amendment) Act, 1960 (Tamil Nadu Act XX of 1960).] of the district.(2)The appeal shall be made within thirty 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 [Revenue Divisional Officer or if the original order was made by a Revenue Divisional Officer to the Collector of the district.] [Inserted by Madras Places of Public Resort (Amendment) Act, 1960 (Tamil Nadu Act XX of 1960).](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, and may either grant or withhold the licence or make such other order as it thinks fit.

11. Power to enter place of public resort, to inspect licence or to prevent further use.

- It shall be lawful for [any Revenue Officer not below the rank of a Tahsildar or any Officer of Police] [Inserted by Madras Places of Public Resort (Amendment) Act, 1960 (Tamil Nadu Act XX of 1960).] in charge of a station or of higher rank than head constable to enter at any time any enclosure or building for which licence is required under this Act, to inspect the licence, if any, has been issued, and, if there is no licence or if the conditions of the licence 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. Collector of the District may revise any proceedings under this Act.

- The [Collector of the District] [Inserted by Madras Places of Public Resort (Amendment) Act, 1960 (Tamil Nadu Act XX of 1960).] 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.

12A. [Prohibition of smoking in certain places where entertainments are held. [Inserted by section 3 of the Tamil Nadu City Police and Places of Public Resort (Amendment) Act, 1951 (Tamil Nadu Act XIII of 1951).]

(1) If any entertainment (including a cinematograph exhibition, dance or drama) to which members of the public are admitted, whether on payment or not, is held in an enclosed place or building, then, no person shall, during the prohibited period as defined in sub-section (2), smoke either -(a) on the stage except in so far as smoking may be part of the entertainment, or (b) in the auditorium, that is to say, in that portion of the enclosed place or building in which accommodation is provided for members of the public: Provided that the State Government may, by notification in the [Fort St. George Gazette], exempt any class of entertainments from the provisions of this sub-section. (2) For the purposes of sub-section (1), "prohibited period" means so much of the period commencing thirty minutes before the beginning of the entertainment and ending with the termination thereof, as may fall within the hours which the State Government may, by notification in the [Fort St. George Gazette] [Now Tamil Nadu Government Gazette.] specify in this behalf for entertainments generally or any class of entertainments. (3) Any person who contravenes the provisions of this section shall be liable to be ejected summarily from the enclosed place or building by any Police Officer and shall also be punishable with fine which may extend to fifty rupees. (4) A person ejected under sub-section (3) shall not be entitled to the refund of any payment made by him for admission to the entertainment or to any other compensation.]

13. Penalties.

- 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 licence or, having obtained a licence under this Act, permits such use in contravention of [any of the conditions of such licence or of the undertaking referred to in section 4-A, shall be liable on conviction before a Magistrate, to fine which may extend to five hundred rupees and in addition, in the case of a continuing contravention, with the additional fines which may extend to fifty per centum of the fine first imposed for every day during which such contravention continues after conviction for the first such contravention.] [Substituted by Tamil Nadu Places of Public Resort (Amendment) Act, 1981 (Tamil Nadu Act 54 of 1981).]

13A. [Act to apply to areas within three miles of municipal limits. [Sections 13-A to 13-D were inserted by section 2 of the Tamil Nadu Places of Public Resort (Amendment) Act, 1947 (Tamil Nadu Act XXIII of 1947).]

- The provisions of this Act shall apply to all areas situated within a distance of three miles from the limits of any municipality, as if such areas formed part of such municipality: Provided that this section shall not apply to -(i) areas for the time being included within the limits of some other municipality, or (ii) areas to which this Act has been, or may be, extended by a notification under section 1, sub-section [(2)(b)] so long as such notification remains in force.

13B. Distribution of income derived by municipalities from outside municipal limits.

- Where, by virtue of section 13-A, a municipal council derives any income under this Act from any area outside the municipal limits, such income shall be distributed between the municipal council and the local authority or authorities having jurisdiction over such area, in such manner as the [State] [The word 'State' was substituted for the word 'Provincial' by the Adaptation Order of 1950.] Government may specify in rules made under this Act.

13C. Provision for cases where jurisdiction is transferred.

- Where, by virtue of any notification issued under section 1, sub-section [(2)(b)] [Amended by Madras Places of Public Resort (Amendment) Act, 1960 (Tamil Nadu Act 20 of 1960).] or otherwise, jurisdiction under this Act over any area stands transferred from one officer or authority to another officer or authority, all licences granted, all orders passed, and all proceedings commenced, in respect of places, buildings and enclosures in such area, by or before the officer or authority having jurisdiction prior to such transfer, shall be deemed to have been granted, passed, or commenced by or before the officer or authority having jurisdiction subsequent to such transfer.

13D. Act not to apply to chinch, temple, mosque, etc.

- Nothing in this Act shall apply to any church, temple, mosque or other place of public worship.]

14. Power to make rules.

(1)The [State Government] [The words 'Provincial Government' were substituted for the word 'Governor-in-council by the Adaptation Order of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.] 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 [Official Gazette] [Substituted for the words 'Fort St. George Gazette' by the Adaptation Order of 1937.] 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.(2)[All rules made under this Act shall, as soon as possible after they are made, be placed on the table of [the Legislative Assembly] [Inserted by Madras Places of Public Resort (Amendment) Act, 1960 (Tamil Nadu Act 20 of 1960).] and shall be subject to such modifications by way of amendment or repeal as the Legislature may make either in the same session or in the next session.][Schedule] [Schedule added by Tamil Nadu Places of Public Resort (Amendment) Act, 1981 (Tamil Nadu Act 54 of 1981).][See clause (c) of section 4-A]

Area	Amount of Security Deposit (Rs.)
(1)	(2)
(i) City of Coimbatore and City of Madurai	10,000

(ii)	Municipalities, Special Grade	8,000
(iii)	Municipalities and Township, Selection Grade	6,000
(iv)	Municipalities and Township, First Grade	5,000
(v)	Municipalities and Township, Second Grade	4,000
(iv)	Municipalities and Township, Third Grade	3,000
(vii)	Panchayat Towns and Panchayat Villages	2,000