

The Orissa Fire-works and Loud Speakers (Regulation) Act, 1958

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Act 30 of 1958

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The Orissa Fire-works and Loud Speakers (Regulation) Act, 1958 Orissa Act 30 of 1958 For Statement of Objects and Reasons see Orissa Gazette Extraordinary/19.8.1958. An Act to provide for regulating display of explosive fireworks and the use and play of loud speakers in the State of Orissa. Whereas it is expedient to regulate the display of explosive fireworks and the use and play of loud speakers in the State of Orissa; It is hereby enacted by the Legislature of the State of Orissa in the Ninety Year of the Republic of India as follows :

1. Short title, extent and commencement.

(1) This Act may be called the Orissa Fire-works and Loud Speakers (Regulation) Act, 1958. (2) It extends to the whole of the State of Orissa. (3) It shall apply at once to the Municipalities and Notified Areas constituted under the Orissa Municipal Act, 1950 (Orissa 23 of 1950) and the State Government may, from time to time by notification, apply the same to any other local area as they deem fit.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context-(i) "explosive fire-works" means fire-works which explode with a loud noise and includes rockets, squibbs, crackers and such other devices which cause a loud noise; (ii) "loud speaker" means as instrument to augment sounds, vocal, instrumental or recorded; and (iii) "prescribed" means prescribed by rules made under this Act.

3. Restrictions against display of explosive fire.

- works and use and play of loud speakers - No person shall display any explosive fireworks or use and play a loud speaker-(a)within such distance from a hospital, a Court House and an educational institution as may be prescribed; or(b)at any place or in any procession between the hours of 11 p.m. and 5 a.m. without the permission in writing of the prescribed authority.

3A. [Power to prohibit display of explosive fire-works and use and play of loud speakers. [Inserted vide Orissa Act No.4 of 1979.]

- Notwithstanding anything contained in this Act, the District Magistrate or any other person authorised by the State Government in that behalf may, on being satisfied that in his opinion it is necessary in the public interest so to do, by an order In writing recording reasons therefor, prohibit the display of any explosive fire-works or the use and play of loud speakers, in any place and at any time.]

4. Application for permission.

(1)Any application for permission referred to in Clause (b) of Section 3 shall be made to the prescribed authority in such form as may be prescribed and shall bear a court-fee stamp of one rupee.(2)The prescribed authority may, for reasons to be recorded in writing, grant or reject the application and in granting such application may impose any restriction or condition subject to which the applicant may display fireworks or use and play a loud speaker.(3)In granting or rejecting an application or imposing any restriction or condition thereto, the prescribed authority shall have due regard to the following circumstances, namely :(a)the purpose or occasion, religious, ceremonial or otherwise in relation to which the application is made;(b)the nature and duration of such display or of such use and play;(c)the locality where such display or such use and play is proposed; and(d)the number of applicants on any one date as respects any one locality.

5. Penalty.

- Any person who contravenes any of the provisions of this Act shall, on conviction, be liable to be punished with imprisonment which may extend to [six months] [Inserted vide Orissa Act No.4 of 1979.] or with fine which may extend to [five hundred rupees] [Substituted vide Orissa Act No.4 of 1979.] or with both.

6. [Cognizance of offence under this Act. [Substituted vide Orissa Act 13 of 1996.]

- No Magistrate shall take cognizance of an offence under this Act except upon a report in writing made in this behalf by a Police Officer on receipt of information from the person aggrieved :Provided that nothing contained in this section shall affect the provisions of the Code of Criminal Procedure, 1898 (5 of 1898) in regard to the powers of certain Magistrates to take cognizance of

offence upon their own knowledge.

7. Power of Police Officers to arrest offenders in certain cases.

(1) Any Police Officer, not being below the rank of Assistant Sub-Inspector of Police, who detects a person displaying any explosive fire-works or using and playing a loud speaker in contravention of any of the provisions of Section 3 or Section 3-A may-(i) arrest such person without warrant; and (ii) seize the explosive fire-works found with, or in the custody, of the person so displaying or, as the case may be, the loud speaker including its accessories so used and played. (2) The provisions of Code of Criminal Procedure, 1973 shall apply to every seizure made under Sub-section (1). (3) An offence under this Act shall be bailable.]

8. Power to make rules.

- The State Government may, subject to the previous publication, make rules for carrying out the purposes of this Act.