



## The Bengal Places of Public Amusement Act, 1933

Act 10 of 1933

**Keyword(s):**

**Commissioner of Police, Place of Public Amusement**

**DISCLAIMER:** This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

©

# Bengal Act X of 1933

## [THE BENGAL PLACES OF PUBLIC AMUSEMENT ACT, 1933.]<sup>1</sup>

ADAPTED

- (a) The Government of India (Adaptation of Indian Laws) Order, 1937.
- (b) The Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.
- (c) The Adaptation of Laws Order, 1950.

[9th November, 1933.]

*An Act to provide for the better control of certain places of public amusement.*

WHEREAS it is expedient to provide for the better control of certain places of public amusement and for the prevention of gambling in such places;

AND WHEREAS the previous sanction of the Governor General has been obtained under sub-section (3) of section 80A of the Government of India Act to the passing of this Act;

It is hereby enacted as follows:—

1. (1) This Act may be called the Bengal Places of Public Amusement Act, 1933.

(2) It extends to the whole of <sup>2</sup>[West Bengal].

(3) This section, section 3 and section 12 shall come into force at once and the <sup>3</sup>[State Government] may, by notification in the "*Official Gazette*", direct that the remaining provisions of the Act shall come into force in any area on such date as may be appointed in the notification.

2. In this Act unless there is anything repugnant in the subject or context,—

(1) "Calcutta" means the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866, together with the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866, and the Port of Calcutta as defined by notification under section 5 of the Indian Ports Act, 1908;

Short title, local extent and commencement.

Definitions.

5 & 6 Geo. V. c. 61;  
6 & 7 Geo. V. c. 37;  
9 & 10 Geo. V. c. 101.

Ben. Act IV of 1866.

Ben. Act II of 1866.

XV of 1908.

<sup>1</sup>For Statement of Object and Reasons, see the *Calcutta Gazette* of 1933, Pt. IV, page 156; and for Report of the Select Committee, see *ibid*, page 274, and for Proceedings of the Council, see the Proceedings of the Bengal Legislative Council, Vol. XLII, No. 1, page 157 and *ibid*, Vol. XLII, No. 3, page 66.

<sup>2</sup>The words within square brackets were substituted for the word "Bengal" by Art. 3(2) of the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

<sup>3</sup>The words "Provincial Government" were originally substituted for the words "Local Government" by para. 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "State" was substituted for the word "Provincial" by para. 4(1) of the Adaptation of Laws Order, 1950.

<sup>4</sup>The words within square brackets were substituted for the words "*Calcutta Gazette*" by para. 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937.

## (Sections 3-5.)

- (2) "Commissioner of Police" means the officer vested with the administration of Police in Calcutta under the Calcutta Police Act, 1866, the Calcutta Suburban Police Act, 1866, the Calcutta Port Act, 1890, and any Act amending any of these Acts;
- (3) "place of public amusement" means any place, enclosure, building, vessel, tent, booth or other erection, whether permanent or temporary, where music, singing, dancing or any diversion or game or the means of carrying on the same is provided and to which the public are admitted either free or on payment of money or on any other consideration and includes a carnival, circus or amusement park;
- (4) "prescribed" means prescribed by rules made under this Act.

Ben. Act IV  
of 1866.  
Ben. Act II  
of 1866.  
Ben. Act III  
of 1890.

Power to  
declare  
notified  
places of  
public  
amusement.

3. The <sup>1</sup>[State Government] may, by notification in the <sup>2</sup>[*Official Gazette*], declare that any places, or classes of places, of public amusement, specified in the notification, shall be notified places of public amusement for the purposes of this Act.

Prohibition  
to open or  
keep open a  
notified  
place of  
public  
amusement  
without a  
licence.

4. No person shall without, or otherwise than in conformity with the conditions of, a licence granted under this Act open or keep open any notified place of public amusement.

Licence to  
open and  
keep open a  
notified  
place of  
public  
amusement.

5. (1) The Commissioner of Police in Calcutta and elsewhere the District Magistrate, within the limits of his jurisdiction, may, on receipt of an application in the prescribed form, containing the prescribed particulars and on payment of the prescribed fee, grant to any person a licence to open a notified place of public amusement and to keep the same open for such period as may be specified in the licence on such conditions as may be prescribed in this behalf.

(2) When under any law a licence is required from any local authority for any place which is a notified place of public amusement under this Act, no licence shall be granted under this Act in respect of such place until a licence has been obtained from the local authority concerned.

(3) A licence may be refused in any case in which the Commissioner of Police or the District Magistrate, as the case may be, has reason to believe that the notified place of public amusement will be conducted in

<sup>1</sup>See foot-note 3 on page 239, ante.

<sup>2</sup>See foot-note 4 on page 239, ante.

of 1933.]

(Sections 6-8.)

contravention of any of the conditions of a licence which he is empowered to grant under this Act or is likely to lead to a breach of the peace, or to cause obstruction, annoyance or injury to residents in the locality.

6. The <sup>1</sup>[State Government] may, by notification in the <sup>2</sup>[*Official Gazette*], declare that the playing in any notified place of public amusement of any game or class of games specified in the notification is, in its opinion, against the public interest.

Power to declare certain games to be against public interest.

7. The Commissioner of Police in Calcutta or elsewhere the District Magistrate, within the limits of his jurisdiction may, by an order in writing served in the prescribed manner, suspend the playing, pending the receipt of the opinion of the <sup>1</sup>[State Government], in any notified place of public amusement, of any game or class of games which, in his opinion, is against the public interest and shall forthwith refer the matter to the <sup>1</sup>[State Government] for opinion:

Power to suspend the playing of certain games.

Provided that no such order shall remain in force for more than two months after it is made.

8. (1) If the Commissioner of Police in Calcutta or elsewhere the District Magistrate, within the limits of his jurisdiction, is satisfied that any notified place of public amusement is being kept open without, or in contravention of the conditions of, a licence granted under this Act he may by an order in writing, served in the prescribed manner, direct that such place shall be closed within such period as may be specified in the order. If the place is not closed within the period so specified any police officer authorised in writing in this behalf by the Commissioner of Police or the District Magistrate, as the case may be, may take any steps which may be necessary to close the said place.

Power to close any notified place of public amusement.

(2) The owner, the lessee or the manager of such place may apply in the prescribed manner to the Commissioner of Police or the District Magistrate, as the case may be, for revision of an order passed by him under sub-section (1).

(3) Any police officer not below the rank of an Assistant Sub-Inspector may enter any notified place of public amusement if he has reason to believe that such place is being kept open in contravention of the conditions of a licence granted under this Act.

<sup>1</sup>See foot-note 3 on page 239, *ante*.

<sup>2</sup>See foot-note 4 on page 239, *ante*.

## (Sections 9-12.)

Penalty for unlawfully keeping open a notified place of public amusement.

9. If a notified place of public amusement is opened or kept open without, or in contravention of the conditions of, a licence granted under this Act the owner, the lessee or the manager of such place shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalty for contravention of an order under section 8.

10. If a notified place of public amusement is kept open in contravention of an order served under section 8 the owner, the lessee or the manager of such place shall be punishable with fine which may extend to one thousand rupees for every day on which such place is kept open in contravention of the said order.

Powers of Deputy Commissioner of Police and Sub-divisional Magistrate.

11. The <sup>1</sup>[State Government] may empower any Deputy Commissioner of Police in Calcutta or elsewhere any Sub-divisional Magistrate to exercise within the limits of his jurisdiction any of the powers of the Commissioner of Police or of the District Magistrate, as the case may be, under this Act:

Provided that any order passed by a Deputy Commissioner of Police or Sub-divisional Magistrate may be reversed or modified by the Commissioner of Police or the District Magistrate, as the case may be.

Rules.

12. (1) The <sup>1</sup>[State Government] may, by notification in the <sup>2</sup>[Official Gazette], make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely:—

- (a) the form of applications for the grant of licences under this Act and the particulars to be contained in such applications;
- (b) the form of licences to be granted under this Act and the fees to be paid for such licences;
- (c) the conditions of licences to be granted under this Act:

Provision may be made by such conditions—

- (i) for the conduct of the notified place of public amusement in a decent and orderly manner and for securing the decent and orderly behaviour of all persons visiting the same;
- (ii) for the prevention of gambling therein;
- (iii) prohibiting the playing of any game or class of games which in the opinion of the <sup>1</sup>[State Government] is against the public interest; and

<sup>1</sup>See foot-note 3 on page 239, *ante*.

<sup>2</sup>See foot-note 4 on page 239, *ante*.

of 1933.]

*(Section 13.)*

- (iv) prohibiting the playing, pending the receipt of the opinion of the <sup>1</sup>[State Government], of any game or class of games the playing of which is suspended under section 7;
- (d) the manner in which orders made under section 7 or section 8 shall be served;
- (e) the manner of making applications under sub-section (2) of section 8 for revision of an order passed under sub-section (1) of that section.

13. No civil or criminal proceeding shall be instituted against any person for anything in good faith done or intended to be done under this Act. Indemnity.

---

<sup>1</sup>See foot-note 3 on page 239, *ante*.