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MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 22nd August 1962

G.S.R. 1136.—In exercise of the powers conferred by section 2 of the Union territories (Laws) Act, 1950 (30 of 1950), the Central Government hereby extends to the Union territory of Tripura the Madras Dramatic Performance Act, 1954 (Madras Act XXXIII of 1954), as at present in force in the State of Madras, subject to the following modifications, namely:—

Modifications

1. Throughout the Act, for the expression "State Government" unless that expression is by this notification directed to be otherwise modified, the expression "Chief Commissioner" shall be substituted and there shall also be made in any sentence in which that expression occurs such consequential amendments as the rules of grammar may require.

2. Throughout the Act, for the expression "Fort St. George Gazette", the expression "Tripura Gazette" shall be substituted.

3. In sub-section (2) of section 1, for the words "State of Madras", the words "Union Territory of Tripura" shall be substituted.

4. In section 2, after clause (2), the following clause shall be inserted, namely:—

"(3) 'Chief Commissioner' means the Chief Commissioner of Tripura."

5. In section 4,—

(i) in sub-section (1), for the words "The Commissioner of Police in the Presidency-town or the District Collector elsewhere" the words, "The District Magistrate" shall be substituted;

(ii) in the proviso to sub-section (1), for the words "the officer who passed such order may review it", the words "the District Magistrate may review such order" shall be substituted; and

(iii) in the proviso to sub-section (2), for the words "the Commissioner of Police or the District Collector, as the case may be," the words "the District Magistrate" shall be substituted.

6. In sub-section (1) of section 9—

(i) for the words "or in the Presidency-town, the Commissioner of Police or elsewhere the District Collector, have or", the words "or the District Magistrate" shall be substituted;

(ii) for the words "they or he", the words "the Chief Commissioner or the District Magistrate" shall be substituted; and

(iii) for the words "to the State Government, the Commissioner of Police or the District Collector aforesaid", the words "to him" shall be substituted.

7. In section 10,—

(i) in sub-section (1), for the words "the High Court" in the first place where they occur, the words "the court of the Judicial Commissioner of Tripura" shall be substituted; and for the words "the High Court" in the second place where they occur, the words "that court" shall be substituted; and

(ii) sub-section (2) shall be omitted.

8. Sub-section (2) of section 13 shall be omitted.

9. Section 14 shall be omitted.

ANNEXURE

**THE MADRAS DRAMATIC PERFORMANCES ACT, 1954 AS EXTENDED TO
THE UNION TERRITORY OF TRIPURA**

MADRAS ACT 33 OF 1954

An Act to provide for the better control of public dramatic performances in the State of Madras.

Whereas it is expedient to provide for the better control of public dramatic performances in the State of Madras;

Be it enacted in the Fifth Year of the Republic of India as follows:—

1. Short title and extent.—(1) This Act may be called the Madras Dramatic Performances Act, 1954.

(2) It extends to the whole of the Union territory of Tripura.

2. Definitions.—In this Act, unless the context otherwise requires—

(1) "objectionable performance" means any play, pantomime or other drama which is likely to—

- (i) incite any person to resort to violence or sabotage for the purpose of overthrowing or undermining the Government established by law in India or in any State thereof or its authority in any area; or
- (ii) incite any person to commit murder, sabotage or any offence involving violence; or
- (iii) seduce any member of any of the armed forces of the Union or of the police forces from his allegiance or his duty, or prejudice the recruiting of persons to serve in any such force or prejudice the discipline of any such force; or
- (iv) incite any section of the citizens of India to acts of violence against any other section of the citizens of India; or which—
- (v) is deliberately intended to outrage the religious feelings of any class of the citizens of India by insulting or blaspheming or profaning the religion or the religious beliefs of that class; or
- (vi) is grossly indecent, or is scurrilous or obscene or intended for blackmail;

Explanation I.—A performance shall not be deemed to be objectionable merely because in the course thereof words are uttered, or signs or visible representations are made, expressing disapprobation or criticism of any law or of any policy of administrative action of the Government with a view to obtain its alteration or redress by lawful means.

Explanation II.—In judging whether any performance is an objectionable performance, the play, pantomime or other drama shall be considered as a whole.

(2) "public place" means any building or enclosure, or any place in the open air and any pandal where the sides are not enclosed, to which the public are admitted to witness a performance.

(3) "Chief Commissioner" means the Chief Commissioner of Tripura.

3. Power to prohibit objectionable performances.—(1) Whenever the Chief Commissioner is satisfied that any play, pantomime or other drama performed or about to be performed in a public place is an objectionable performance, he may, by order stating the grounds on which he considers the performance objectionable, prohibit the performance.

(2) No order under sub-section (1) shall be passed without giving a reasonable opportunity to the organizer or other principal persons responsible for the conduct of the performance or to the owner or occupier of the public place in which such performance is intended to take place to show cause why the performance should not be prohibited.

(3) Every order made under sub-section (1) shall be published in the Tripura Gazette.

(4) Any order made under sub-section (1) may also be notified by proclamation and a written or printed notice thereof may be affixed at any place or places adapted for giving information of the order to the persons intending to take part in the performance so prohibited.

4. Power to prohibit objectionable performances temporarily.—(1) The District Magistrate may, if he is of opinion that any play, pantomime or other drama performed or about to be performed, being of the nature specified in section 2,

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is likely to lead to a breach of the peace, by order stating the grounds for such opinion, prohibit its performance:

Provided that the District Magistrate may review such order on an application made by the person or party affected by such order.

(2) Subject to any order made by the Court on appeal under section 10, an order under this section shall remain in force for two months from the making thereof:

Provided that the District Magistrate may, if he is of opinion that the order should continue in force, by such further order or orders as he may deem fit, extend the period aforesaid by such further period or periods not exceeding two months at a time as may be specified in such order or orders.

5. Service of order of prohibition.—A copy of the order made under section 8, sub-section (1), or under section 4, sub-section (1) or sub-section (2), may be served personally or in such other manner as may be prescribed by rules made under section 13, on the organizers or other principal persons responsible for the conduct of, or any person about to take part in, the performance so prohibited or on the owner or occupier of the public place, in which such performance is intended to take place.

6. Penalty for disobeying order.—Any person on whom a copy of the order referred to in section 3 or section 4 is served and who does, or willingly permits, any act in disobedience of such order, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees, or with both.

7. Penalty for disobeying prohibition.—(1) Any person who, after the publication of an order under section 3, sub-section (3), or during the period when an order made under section 4, sub-section (1) or sub-section (2), is in force, organizes or is responsible for the conduct of, or who with the knowledge that such an order under section 3 or section 4 is in force takes part in, the performance prohibited thereby or any performance substantially the same as the performance so prohibited, shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(2) Any person who being the owner or occupier, or having the use of any public place, opens, keeps, or uses the same for any performance prohibited under section 3 or section 4, or permits the same to be opened, kept or used for any such performance, shall on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(2) Every person so required shall be bound to furnish the information to the best of his ability within the time specified in such order and in case of character of any intended play, pantomime or other drama, the Chief Commissioner.

8. Power to call for information.—(1) For the purpose of ascertaining the organizer, or such officer as he may empower in this behalf, may by order, require the organizers or other principal persons responsible for the conduct of, or other persons about to take part in, such play, pantomime, or other drama or the author, proprietor or printer of the play, pantomime or other drama about to be performed, or the owner or occupier of the place in which it is intended to be performed, to furnish such information as the Chief Commissioner or such officer may think necessary.

owner or occupier of the public place in which such performance is intended to be performed, to furnish such information as the Chief Commissioner or such officer may think necessary.

(2) A copy of any order made under sub-section (1) may be served on the organizer, or such officer as he may empower in this behalf, may by order, require the organizers or other principal persons responsible for the conduct of, or other persons about to take part in, such play, pantomime, or other drama or the author, proprietor or printer of the play, pantomime or other drama about to be performed, or the owner or occupier of the place in which it is intended to be performed, to furnish such information as the Chief Commissioner or such officer may think necessary.

copy of the piece, if and so far as it is in pantomime, has been furnished, not less than seven days before the performance, to him.

of the Indian Penal Code (Central Act XLV of 1860).

the performance shall take place in any public place within any area, unless a contravention shall be deemed to have committed an offence under section 176 of the Indian Penal Code (Central Act XLV of 1860).

9. Power to call for copy of report of drama, etc.—(1) If the Chief Commissioner or the District Magistrate has reason to believe that an objectionable dramatic performance is about to take place, the Chief Commissioner, or the District Magistrate, as the case may be, may, by order, direct that no such drama-

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of such order, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

10. **Appeal to Court of the Judicial Commissioner.**—(1) Any person aggrieved by an order under section 3, sub-section (1), or under section 4, sub-section (1) or sub-section (2), may, within sixty days of the publication of such order under section 3, sub-section (3), or, as the case may be, within sixty days of the date on which an order under section 4, sub-section (1) or sub-section (2), is made, prefer an appeal to the Court of the Judicial Commissioner, and upon such appeal, that Court may pass such orders as it deems fit confirming, varying or reversing the order appealed from, and may pass such consequential or incidental orders as may be necessary.

(2)

11. **Saving of prosecutions under other laws.**—Where no order under section 3 or section 4 has been made in respect of any performance, nothing in this Act shall bar a prosecution under the Indian Penal Code (Central Act XLV of 1860) or any other law.

12. **Protection for acts done in good faith.**—No suit, prosecution or other legal proceeding shall be instituted against any authority or officer for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

13. **Power to make rules.**—(1) The Chief Commissioner may, by notification in the Tripura Gazette, make rules to carry out the purposes of this Act.

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[No. F. 6/2/62-Judl.II/UTL-49.]

P. N. KAUL, Dy. Secy.