

THE PLACES OF PUBLIC AMUSEMENT ACT, 1933**CONTENTS**

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THE PLACES OF PUBLIC AMUSEMENT ACT, 1933

ACT NO. X OF 1933

[9th November, 1933]

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

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

¹[* * *]

It is hereby enacted as follows:—

Short title, local
extent and
commencement

1. (1) This Act may be called the ²[* * *] Places of Public Amusement Act, 1933.

(2) It extends to the whole of Bangladesh ³[except a Metropolitan Area].

(3) This section, section 3 and section 12 shall come into force at once and the 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.

* Throughout this Act, except otherwise provided, the words "Bangladesh", "Government" and "Taka" were substituted, for the words "East Pakistan", "Provincial Government" and "rupees" respectively by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

¹ Second paragraph of the preamble was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The word "Bengal" was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

³ The words "except a Metropolitan Area" were added by section 114, SCHEDULE III of the Chittagong Metropolitan Police Ordinance, 1978 (Ordinance No. XLVIII of 1978).

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

Definitions

¹[* * *]

(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.

3. The Government may, by notification in the 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.

Power to declare notified places of public amusement

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

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

5. (1) 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.

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

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

¹ Clauses (1) and (2) were omitted by 1st Schedule of The East Pakistan Repealing and Amending Ordinance, 1962 (Ordinance No. XIII of 1962).

(3) A license may be refused in any case in which the District Magistrate has reason to believe that the notified place of public amusement will be conducted in contravention of any of the conditions of a license 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.

Power to declare certain games to be against public interest

6. The Government may, by notification in the 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 suspend the playing of certain games

7. 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 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 Government for opinion:

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

Power to close any notified place of public amusement

8. (1) If 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, serve 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 authorized in writing in this behalf by the District Magistrate may take any steps which may be necessary to close the said place.

(2) The owner, the lessee or the manager of such place may apply in the prescribed manner to the District Magistrate 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.

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 Taka or with both.

Penalty for unlawfully keeping open a notified place of public amusement

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 Taka, for every day on which such place is kept open in contravention of the said order.

Penalty for contravention of an order under section 8

11. The Government may empower any Sub-divisional Magistrate to exercise within the limits of his jurisdiction any of the powers of the District Magistrate under this Act:

Power of Sub-divisional Magistrate

Provided that any order passed by a Sub-divisional Magistrate may be reversed or modified by the District Magistrate.

12. (1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Rules

(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 Government is against the public interest; and
- (iv) prohibiting the playing, pending the receipt of the opinion of the 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.

Indemnity

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.
