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PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 21st March 1876, and was referred to a Select Committee with instructions to make their report thereon in two months:—

Bill No. 5 of 1876.

A Bill for the better control of dramatic performances.

WHEREAS it is expedient to empower the several Local Governments to prohibit dramatic performances which are scandalous, defamatory, seditious, obscene or otherwise prejudicial to the public interest; It is hereby enacted as follows:—

1. This Act may be called "The Dramatic Performances Act, 1876."

Local extent. It extends to the whole of British India.

Commencement. And it shall come into force at once.

"Magistrate" defined. 2. In this Act "Magistrate" includes a Presidency Magistrate.

3. Whenever the Local Government is of opinion that any play, pantomime, or other drama performed or about to be performed is—

(a) of a scandalous or defamatory nature, or

(b) likely to excite feelings of disaffection to the Government established by law in British India, or

(c) likely to deprave and corrupt persons present at such performance, or

(d) otherwise prejudicial to the interests of the public,

the Local Government, or such officer as it may generally or specially empower in this behalf, may by order prohibit such performance.

4. A copy of any such order may be served on any person about to take part in the performance so prohibited, or on the owner or occupier of any house, room or place in

which such performance is intended to take place; and any person on whom such copy is served, and who does, or willingly permits, any act in disobedience to such order, shall be punishable on conviction before a Magistrate with imprisonment for a term which may extend to three months, or with fine, or with both.

5. Any such order may be notified by proclamation, and a written or printed notice thereof may be stuck up at any place or places adapted for giving information of the order to the persons intending to take part in the performance so prohibited.

6. Whoever, after the notification of any such order—

(a) takes part in the performance prohibited thereby, or in any performance substantially the same as the performance so prohibited, or

(b) in any manner assists in conducting any such performance, or

(c) is present as a spectator during the whole or any part of any such performance, or

(d) being the owner or occupier, or having the use of any house, room or place, opens, keeps or uses the same for any such performance, or permits the same to be opened, kept or used for any such performance,

shall be punishable on conviction before a Magistrate with imprisonment for a term which may extend to three months, or with fine, or with both.

7. If any Magistrate has reason to believe that any house, room or place is used, or is about to be used, for any performance prohibited under this Act, he may, by his warrant, authorize any officer of police to enter with such assistance as may be requisite, by night or by day, and by force if necessary, any such house, room or place, and to take into custody all persons whom he finds therein, and to seize all scenery, dresses and other articles found therein and reasonably suspected to have been used, or to be intended to be used, for the purpose of such performance.

Power to grant warrant to Police to enter and rest and seize.

Power to serve order of prohibition.

8. No conviction under this Act shall bar a prosecution under section 124 A, or section 294, of the Indian Penal Code.

9. Whenever it appears to the Local Government that the provisions of this section are required in any local area, it may, with the sanction of the Governor General in Council, declare, by notification in the local official *Gazette*, that such provisions are applied to such area from a day to be fixed in the notification.

On and after that day, the Local Government may order that no dramatic performance shall take place in any place of public entertainment within such area, except under a license to be granted by such Local Government, or such officer as it may empower in this behalf.

The Local Government may also order that no dramatic performance shall take place in any place of public entertainment within such area unless a copy of the piece, if and so far as it is written, or some sufficient account of its purport, if and so far as it is in pantomime, has been furnished, not less than three days before the performance, to the Local Government, or to such officer as it may appoint in this behalf.

A copy of any order under this section may be served on any keeper of a place of public entertainment, and if thereafter he does or willingly permits any act in disobedience to such order, he shall be punishable on conviction before a Magistrate with imprisonment for a term which may extend to three months, or with fine, or with both.

STATEMENT OF OBJECTS AND REASONS.

The primary object of this Bill is to empower the Government to prohibit Native plays which are scandalous, defamatory, seditious or obscene. The necessity for some such measure has been established by the recent performance in Calcutta of a scurrilous Bengali drama, to prevent which the existing law was found to be insufficient.

The Bill, first, empowers the Government or such officer as it empowers in this behalf, to issue an order prohibiting any dramatic performance which, in the opinion of the Government, comes within any of the classes abovementioned. The order may be served on intending performers or on the owner of the place in which the play takes place. The order may also be notified by proclamation, and penalties are provided for disobedience thereto.

Power is then given to the Magistrates to grant warrants to the Police to enter, arrest, and seize scenery, dresses, &c.

Lastly, the Local Government is empowered to order, in specified localities, that no play shall be performed in any place of public entertainment, except under a license from Government, and that a copy of the piece, if written, or a sufficient account of its purport, if it be in pantomime, shall be previously furnished to the proper authorities.

(Signed) A. HOBHOUSE.

Calcutta, 9th March 1876.

WHITLEY STOKES,

Secretary to the Government of India.