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ASSAM ACT VIII OF 1935.

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THE ASSAM MUNICIPAL (AMENDMENT) ACT, 1935.

An Act further to amend the Assam Municipal Act, 1923.

Preamble. WHEREAS it is expedient further to amend the Assam Municipal Act, 1923.

It is hereby enacted as follows :—

Short title. 1.(1) This Act may be called the Assam Municipal (Amendment) Act, 1935.

Commencement. (2) It shall come into force on the first day of January 1936.

Insertion of new sections 236A to 236D. 2. After section 236 of the Assam Municipal Act, 1923 (hereinafter referred to as the said Act), the following new sections shall be inserted.

“ 236A.(1) No premises shall be kept open for the purposes of regular gain by means of public cinematographic exhibitions, dramatic performances, circuses, variety shows, or as a place of public resort for similar recreations or amusements unless a license has been granted therefor by the Board at a meeting, which license shall be annually renewable, and in accordance with such conditions as the Board, subject to rule, may think fit to impose :

Provided, firstly, that such conditions shall not be inconsistent with the terms of any license which may be required for such premises under any other Act ;

Provided, secondly, that this section shall not apply to private amateur performances or to performances held wholly for the benefit of a charity, in any such place ; and

Provided, thirdly, that notwithstanding the provisions of section 59(2) the imposition of a license fee exceeding rupees one hundred on any cinema house or other place of amusement as aforesaid shall require the approval of the Local Government.

Price English. 1d.]

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(2) If within a period of three months following the receipt of an application for license under this section the Board at a meeting has not passed orders thereon, either granting or refusing a license, it shall be deemed to have granted the license.

(3) No place within the municipality shall be used for the purpose of public cinematographic performances, circuses, variety shows, or as a place of public resort for similar recreations or amusements, otherwise than for the purpose of regular gain, without the previous permission of the Board and in accordance with such conditions and on such terms as the Board, subject to rule, may see fit to impose.

236B. (1) Subject to the provisions of section 236D any license granted under section 236A may at any time be suspended or revoked by the Board at a meeting if any of the restrictions, limitations or conditions attached to the license be evaded or infringed by the grantee, or if the grantee be convicted of a breach of any of the provisions of the Act or of any rule or bye-law made thereunder in any matter to which such license relates, or if the grantee has obtained the same by misrepresentation or fraud.

(2) When any such license is suspended or revoked, and until such order of suspension or revocation is cancelled, or when the period for which it was granted, or the period within which application for renewal should be made, has expired, whichever expires later, the grantee shall for all purposes of this Act, or any rule or bye-law made under the Act, be deemed to be without a license.

236C. Every order of a Board at a meeting granting, refusing, suspending, revoking or modifying a license or permission under section 236A shall be in writing, shall state the grounds on which it proceeds, shall be published on the notice board of the Board's Office, and shall be served on the owner of the premises concerned within fourteen days.

236D. Any person aggrieved by an order granting, refusing, suspending or revoking a license or permission under the aforesaid section may, notwithstanding anything contained elsewhere in this Act, appeal to the Local Government within thirty days from the date of the order. The decision of the Local Government shall be final and shall not be questioned in any Court."

Amendment of
section 239 and
insertion of new
sections 239(3),
296 (XVIIIa)
and 297 (XXIIa).

3. (i) In section 239 of the said Act the word "or" shall be inserted at the end of sub-section (2) and the following sub-section shall be added :—

"(3) uses any premises for the purposes of public cinematographic exhibitions, dramatic performances, circuses or variety shows, or as a place of public resort for similar recreations or amusements, in contravention of the provisions of section 236A."

(ii) In section 296 of the said Act the following new sub-clause shall be inserted :—

"(xviii) regulate the conditions which may be imposed for the grant of licenses for places of public resort for recreations and amusements."

(iii) In section 297 of the said Act the following new sub-clause shall be inserted :—

"(xviii) preventing nuisances affecting the public health, safety, or convenience in places of public resort for purposes of recreation or amusement."