

THE DRAMATIC PERFORMANCES ACT, 1876

[Act No. 19 of 1876 dated 16th. December, 1876]¹

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An Act for the better control of public dramatic performances.

WHEREAS it is expedient to empower the Government to prohibit public dramatic performances which are scandalous, defamatory, seditious or obscene; It is hereby enacted as follows: -

1. Short title

This Act may be called the Dramatic Performances Act, 1876.

Local extent.- It extends to the whole of India except ²[the territories which, immediately before the 1st November, 1956, were comprised in Part B States].
³[***]

2. "Magistrate" defined

In this Act "Magistrate" means, in the Presidency-towns, a Magistrate of Police, and elsewhere the Magistrate of the district.

3. Power to prohibit certain dramatic performances

Whenever the State Government is of opinion that any play, pantomime or other drama performed or about to be performed in a public place is-

- (a) of a scandalous or defamatory nature, or
 - (b) likely to excite feelings of disaffection to the Government established by law in ⁴[India], or
 - (c) likely to deprave and corrupt persons present at the performance,
- the State Government or outside the Presidency-towns ⁵[***] the State Government or such Magistrate as it may empower in this behalf, may by order prohibit the performance.

Explanation.- Any building or enclosure to which the public are admitted to witness a performance on payment of money shall be deemed a "public place" within the meaning of this section.

4. Power to serve order of prohibition. Penalty for disobeying order

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

5. Power to notify order

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 or to witness the performance so prohibited.

6. Penalty for disobeying prohibition

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, in wilful disobedience to such order, 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. Power to call for information

For the purpose of ascertaining the character of any intended public dramatic performance, the State Government, or such officer as it may specially empower in this behalf, may apply to the author, proprietor or printer of the drama about to be performed, or to the owner or occupier of the place in which it is intended to be

performed, for such information as the State Government or such officer thinks necessary.

Every person so applied to shall be bound to furnish the same to the best of his ability, and whoever contravenes this section shall be deemed to have committed an offence under section 176 of the Indian Penal Code.

8. Power to grant warrant to Police to enter and arrest and seize

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 or to articles found therein and reasonably suspected to have been used, to be intended to be used, for the purpose of such performance.

9. Saving of prosecutions under Penal Code, sections 124A and 294

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

10. Power to prohibit dramatic performance in any local area, except under license

Whenever it appears to the State Government that the provisions of this section are required in any local area, it may ⁶[***] declare, by notification in the 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 State 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 State Government, or such officer as it may specially empower in this behalf.

The State 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 State 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.

11. Powers exercisable by Governor-General- Repealed by the A.O. 1937]

12. Exclusion of performances at religious festivals

Nothing in this Act applies to any jattras or performances of a like kind at religious festivals.

Foot Notes

1. This Act has been repealed in its application to Madras, to Andhra Pradesh, to Madhya Pradesh and to Andaman and Nicobar Islands by various State enactments and regulations.

This Act has been repealed in the Union Territory of Delhi by Notification No. G.S.R. 850, dated 6th. June, 1964.

The Act has been amended in Punjab by Punjab Act No. 48 of 1956.

2. Substituted by the Adaptation of Laws (No. 2) Order, 1956, for the words "Part B States".

3. The words "And it shall come into force at once" omitted by Act No. 10 of 1914.

4. Substituted by the A.O. 1948, for the words "British India or British Burma".

5. The words "and Rangoon" omitted by the A.O. 1937.

6. The words "with the sanction of the G. G. in C." omitted by Act No. 4 of 1914.