

ORISSA ACT 30 OF 1958

**[THE ORISSA FIRE-WORKS AND LOUD
SPEAKERS (REGULATION) ACT, 1958]**

*[Received the assent of the Governor on the 12th
November, 1958 first published in an extra-
ordinary issue of the Orissa Gazette, dated
the 19th November, 1958]*

AN ACT TO PROVIDE FOR REGULATING DISPLAY OF
EXPLOSIVE FIRE-WORKS AND THE USE AND PLAY
OF LOUD SPEAKERS IN THE STATE OF ORISSA

WHEREAS it is expedient to regulate the display of
explosive fire-works and the use and play of loud
speakers in the State of Orissa;

It is hereby enacted by the Legislature of the
State of Orissa in the Ninth Year of the Republic of
India as follows:—

1. (1) This Act may be called the Orissa Fire-
Works and Loud Speakers (Regulation) Act, 1958.

Short title
extent and
commence-
ment.

(2) It extends to the whole of the State of
Orissa.

Orissa Act
23 of 1950.

(3) It shall apply at once to the Municipalities
and Notified Areas constituted under the Orissa
Municipal Act, 1950 and the State Government may,
from time to time by notification, apply the same to
any other local area as they deem fit.

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

Definitions

(i) "explosive fire-works" means fire-works which
explode with a loud noise and includes rockets,
squibbs, crackers and such other devices which cause a
loud noise;

(ii) "loud speaker" means an instrument to
augment sounds, vocal, instrumental or recorded; and

(iii) "prescribed" means prescribed by rules made
under this Act.

1. For Statement of Objects and Reasons, See Orissa Gazette, Extra-
ordinary, dated the 19th August, 1958 (No. 339).

(REGULATION) ACT, 1978

(Secs. 3-4)

Restrictions
against dis-
play of
explosive
fire-works
and use and
play of loud
speakers.

3. No person shall display any explosive fire-works or use and play a loud speaker—

(a) within such distance from a hospital, a Court House and an educational institution as may be prescribed; or

(b) at any place or in any procession between the hours of 11 P.M. and 5 A.M. without the permission in writing of the prescribed authority.

Power to
prohibit
display of
explosive
fire-works
and use and
play of Loud
speakers.

[3-A. Notwithstanding anything contained in this Act, the District Magistrate or any other person authorised by the State Government in that behalf may, on being satisfied that in his opinion it is necessary in the public interest so to do, by an order in writing recording reasons therefor, prohibit the display of any explosive fire-works or the use and play of loud speakers, in any place and at any time.]

Application
for
permission.

4. (1) Any application for permission referred to in clause (b) of section 3 shall be made to the prescribed authority in such form as may be prescribed and shall bear a court-fee stamp of one rupee.

(2) The prescribed authority may, for reasons to be recorded in writing, grant or reject the application and in granting such application may impose any restriction or condition subject to which the applicant may display fire-work or use and play a loud speaker.

(3) In granting or rejecting an application or imposing any restriction or condition thereto, the prescribed authority shall have due regard to the following circumstances, namely:—

(a) the purpose or occasion, religious, ceremonial or otherwise in relation to which the application is made ;

(b) the nature and duration of such display or of such use and play;

(c) the locality where such display or such use and play is proposed; and

(d) the number of applicants on any one date as respects any one locality.

1. Inserted by the Orissa Fire-works and Loudspeakers (Regulation) Amendment Act, 1979 (Or. Act 4 of 1979), s. 2.

(REGULATION) ACT, 1958

(Secs. 5-8)

5. Any person who contravenes any of the provisions of this Act shall, on conviction, be liable to be punished with imprisonment which may extend to [six months] or with fine which may extend to [five hundred rupees] or with both. Penalty

[6. No Magistrate shall take cognizance of any offence under this Act except upon a report in writing made in that behalf by a Police Officer or on a complaint filed before him by any aggrieved person: Cognisance of offence under this Act.

5 of 1898 Provided that nothing contained in this section shall affect the provisions of the Code of Criminal Procedure, 1898, in regard to the powers of certain Magistrates to take cognizance of offence upon their own knowledge.

7. (1) Any Police Officer, not being below the rank of Assistant Sub-Inspector of Police, who detects a person contravening the provision of clause (a) of section 3, may arrest such person without warrant. Power of Police officer to arrest offenders in certain cases

(2) An offence under this Act shall be bailable.

8. The State Government may, subject to the previous publication make rules for carrying out the purposes of this Act. Power to make rules.

1. Substituted by the Orissa Fire-works and Louds peaker (Regulation) Amendment Act, 1979 (Or. Act 4 of 1979), s. 3 (a).

2. Substituted by *ibid.*, s. 3. (b)

3. Substituted by *ibid.*, s. 4.