

**GOVERNMENT OF PUDUCHERRY
ABSTRACT**

Pondicherry Municipality – Puducherry Municipalities Act, 1973 – Regulation of Entertainment activities to safe guard the public in the Pondicherry Municipal areas – Preliminary Notification – Order – Issued.

PONDICHERRY MUNICIPALITY
No.1002/PM/COMM/2024 Puducherry, the 24.10.2024

READ : I.D.No1233/PM/RO-II/A3/2024 (M/7777/2024) of Pondicherry Municipality,
Puducherry.

ORDER:

The following Notification shall be published in the next issue of the Official Gazette of the Government of Puducherry:-

NOTIFICATION

The following draft bye-laws for regulating the Entertainment activities and to safeguard the public within the jurisdiction of Pondicherry Municipality notified in exercise of the powers conferred by section 443 of the Puducherry Municipalities Act, 1973 (No.9 of 1973), is hereby published for information of all the persons likely to be affected thereby and notice is hereby given that said bye-laws will be taken into consideration by the Pondicherry Municipality, after the expiry of fifteen-days (15) from the date of publication in the Official Gazette of the Government of Puducherry.

2. Any objection or suggestion, which may be received from any person with respect to the said bye-laws before expiry of the period specified above, will be considered by the Pondicherry Municipality.
 3. Objections or suggestions should be addressed the Commissioner, Pondicherry Municipality, Marie building, No.1, Dumas Street, Puducherry.
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DRAFT BYE-LAWS FOR ENTERTAINMENT ACTIVITIES

1. Short title and commencement -

(1) These Bye-Laws may be called the Pondicherry Municipality Bye-laws for granting permission and License (Entertainment and Trade) for Entertainment Activities, 2024.

(2) In addition to the provisions of The Puducherry Municipalities Act, 1973 read with the Pondicherry Municipalities (Places of Public Resort and Entertainment) Rules, 1980 the procedures laid down under this Bye-laws shall be followed for granting permission, Municipal License and Levying Entertainment Tax and Trade License fee.

2. Definitions-

In this Bye-laws, unless the context, otherwise requires,

- (i) "Act "means the Puducherry Municipalities Act, 1973 (No. 9 of 1973);
- (ii) "admission" includes admission as a spectator or as one of an audience, and admission for the purpose of amusement by taking part in an entertainment or amusement or adventure sports or water sports.
- (iii) "Air based Adventure sports" any adventurous activities such as Paragliding, Powered Hang gliding, Parasailing, Sky Diving/Parachuting and Hot Air Ballooning
- (iv) "Amusement" means a facility where fun or recreation is provided by means of rides, gaming devices, or bowling alleys in amusement parks, amusement arcades, water parks, theme parks or such other places but does not include a place within such facility where other service are provided;
- (v) "Commissioner" means the Commissioner of a Municipality appointed under Section 14 of The Puducherry Municipalities Act, 1973
- (vi) "entertainment activity" includes a cinematograph exhibition, Performance of any nature, amusement activities like rides, water ride or air rides or land rides etc, adventure sports, water sports, games, dramatic or music performance, exhibition, land based adventure sports, water based adventure sports, air based adventure sports, events including weekend events, public shows, any form of activity that holds the attention and interest of audience or gives pleasure and delight, any idea or a task that amuses or entertains public or audience carried out within the Pondicherry Municipal area;
- (vii) "Entertainment Tax Officer" means an officer appointed by the Government, by name or by virtue of his office, to exercise the powers of an Entertainment Tax Officer under the Pondicherry Municipalities (Places of Public Resort and

Entertainment) Rules, 1980, and includes any officer authorized by the Municipal Council or Municipal Commissioner in this behalf to collect the entertainment tax;

- (viii) "local authority" means a Municipal Council constituted under any law for the time being in force in the Union Territory;
- (ix) "Land based entertainment activity" denotes any adventurous activities such as Mountaineering, Trekking, Rock Climbing, Sport Climbing, Camping, Snow Skiing, Mountain Biking, amusement park, merry go round, and Zipline
- (x) "Municipal Area" means any local area declared to be a Municipality under section 3 of the Act.
- (xi) "owner" means owner or owners of the premises or building or land where the entertainment activity carried out;
- (xii) "payment for admission" includes –
 - (a) Any payment made by a person by any manner who, having been admitted to one part of a place of entertainment, is subsequently admitted to another part thereof, for admission to which a payment is involved;
 - (b) Any payments for seats or other accommodation, made in any manner, in a place of entertainment activity;
 - (c) Any payment made in any manner for any purpose whatsoever connected with an entertainment which a person is required to make as a condition of attending or continuing to attend the entertainment in addition to the payment, if any for admission to the entertainment.
 - (d) Any payment made in any manner for any purpose whatsoever connected with entry into any public resort be it a permanent building, temporary building, open places or any enclosure of any manner.
- (xiii) "Proprietor" in relation to any entertainment includes any person responsible for or for the time being incharge of, the management thereof;
- (xiv) "Rule(s)" means the Pondicherry Municipalities (Places of Public Resort and Entertainment) Rules, 1980
- (xv) "Season ticket" means a ticket which authorises admission to a series of entertainments during a define period specified in it.
- (xvi) "Water based entertainment activity" denotesa river/boat cruise or boat rides, sea cruise, sea rides, water sports, para sailing, boat skiing Rafting, Kayaking and Canoeing, Water/Jet Skiing, Sailing, Rowing, Windsurfing, Yachting, Scuba Diving, Deep Sea Diving and any other activity which entertains or amuses or delights the audience/public/participant.

3. APPLICABILITY-

- (1) Every person, who conducts an activity of entertainment in the jurisdiction of Pondicherry Municipality shall register under the provisions of Section 348 and obtain license before commencing the entertainment activity.

Provided that no License fee shall be levied on any sports activities carried out by the Government.

4. Prohibition on entertainment activities-

- (1) No entertainment activity shall, be conducted, exhibited, performed in any manner whatsoever in any place without the written permission of the Commissioner.

- (2) The Commissioner shall not grant permission for any entertainment activity, if. -

- (i) the entertainment activity contravenes any of the provisions of this Bye-Laws or any other statute in vogue; or
- (ii) the entertainment activity is objected by any Government department/agency; or
- (iii) the entertainment activity appears to pose threat to public; or
- (iv) the owner or promoters have been debarred from conducting of entertainment activities by any Municipality or Government or any agency owned and controlled by the Government; or
- (v) the owners or promoters are in arrears of payment of any dues to the Municipality (or) Local Body (or) Government (or) any Government agency in Union Territory of Puducherry; or
- (vi) the owners or promoters have earlier been engaged in any company which was in arrears of payment of any dues to the Municipality (or) Local Body (or) any Government agency in Union Territory of Puducherry;

- (3) Subject to the provisions of this Bye-law, in the case of an entertainment activity liable to the fee, the Commissioner shall grant permission for the period to which the payment of the fee relates.

- (4) The Commissioner may suspend or cancel the entertainment activity fully or partly in unforeseen circumstances that may occur warranting suspension or cancellation of the entertainment activity.

(5) In the event of such suspension or cancellation of entertainment activity, fully or partly, the owner or promoters is not entitled for any compensation of any kind and license fee paid shall be stand forfeited.

5. License of the Commissioner to become void in certain cases -

Without prejudice to the provisions stipulated under Section 350 of the Puducherry Municipalities Act, 1973, the license granted under section 348 and 355 shall become void in the following cases, namely-

- (i) if any unauthorised addition to the entertainment activities be made;
- (ii) if any breach of safety to the public;
- (iii) if validity of any document lapses or withdrawn by the issuing agency within the licensed period;
- (iv) if any condition laid, by the Commissioner or law enforcing authorities or Government agencies or any other agencies/bodies empowered, is violated;

6. Owner deemed to be responsible-

If any entertainment activity is conducted, exhibited, performed etc after expiry of the Municipal license or the said license become void or cancelled or suspended as per the provisions of law, the owner or person in occupation of such land, building, or structure shall be deemed to be the person who has conducted, exhibited, performed such entertainment activity in contravention of these bye laws unless he proves that such contravention was committed by a person not in his employment or under his control or was committed without his connivance.

7. Ban of unauthorised entertainment activities-

(1) If any entertainment activity be conducted, exhibited, performed or retained contrary to the provisions of this Bye-laws or after the written permission for conduct, exhibit, performance thereof for any period shall have expired or cancelled or suspended or become void, the Commissioner or any officer authorised by the Commissioner may, by notice in writing, require the proprietor or occupier of the land, building or structure where such entertainment activity is conducted, exhibited, performed, to stop such activities or may enter any building, land or property and stop the activity and any cost incurred shall be liable to be recovered from the proprietor or occupier of the land or property including tenant and the entity responsible for conduct of such entertainment activity. Further, a penalty of two times the fee as mentioned in the Schedule - 1 be levied and the same need to be paid by the proprietor, owner or occupier of the land, or structure where such entertainment activity conducted, exhibited, performed and this will be the penalty for the first occurrence of such unauthorized entertainment and further, 25% of fee as mentioned in Schedule-1 will be levied for every additional week or part thereof.

(2) The Commissioner or any municipal officer authorised shall check on unauthorized and illegal outdoor entertainment activity and take appropriate action to remove or prohibit such entertainment activity. Whenever, any entertainment activity is conducted,

exhibited, performed in contravention of this Bye-laws, the same is actionable as per provisions of the Act. The Municipal Commissioner have the authority to shall give direction to the proprietor or occupier or tenant of property to dismantle, remove, stop illegal entertainment authority or direct any official of Municipality to take said actions *besides imposing to penalty as provided in Clause 7(1) above.*

8. Application for Entertainment License-

- (1) Applicant shall make an application, as per Rule 33 of the Rules, in **Appendix - 1** along with license fee prescribed in **Schedule -1** in addition to the fee specified in the Rule 30 of the Rules.
- (2) The License fee prescribed in Schedule – 1 stands revised once in every one year and such a revision of License fee shall not be less than 10% and the License fee shall not exceed Rs.20,000/- (Rupees twenty thousand only).

9. Process for Licensing-

- (1) The Commissioner shall scrutinize the application as per procedure laid under Section 349 of the Act. After satisfying himself, and on receipt of NOCs if any from other departments, the Commissioner shall register and issue Entertainment license as contemplated under Section 348 read with Rule 32 of the Rules.
- (2) The License is subject to the conditions imposed by the Commissioner in addition to the conditions laid down under Rule 34 of the Rules.
- (3) The rejected/refused applications shall be returned to the applicant with reasons for such rejection/refusal.

10. Payment of Entertainment Tax-

- (1) The Entertainment tax shall be ten percent on the total ticket value or twenty five percent on the entry fee, whichever is higher.
- (2) The owner or event manager or any person, who conducts any entertainment activity, shall pay Entertainment Tax, as calculated under clause (1), to the Entertainment Tax Officer.
- (3) The owner or event manager or any person shall issue tickets, to the audience duly sealed by the Entertainment Officer and shall submit the Counterfoil for verification by the Municipality. In respect of tickets issued online as well tickets duly sealed by the Entertainment tax officer shall be issued before admission to the entertainment activity.
- (4) The Entertainment tax for online tickets shall be computed based on the base ticket fare and shall not include the additional charges such as internet charges, convenience

fee.

(5) The owner or event manager or agent, in addition to the provisions of the Pondicherry Municipalities (Entertainments) Tax Rules, 1976, shall submit the details of tickets including online tickets issued and details of payment for admission to the Entertainment Tax Officer on every Tuesday and shall remit the Entertainment tax as per rules.

(6) No audience shall be permitted without ticket and the owner or event manager or agent held liable if any audience found without ticket during inspection.

11. General Prohibitions-

(1) In addition to any other prohibition, expressed or implied, in these Bye-laws, except with the permission of Commissioner on case-to-case basis, no person shall conduct, exhibit or perform any entertainment activities in open places:

- (i) parks, urban forests and Natural water bodies;
- (ii) residential sector, subject to fulfilment of conditions laid at the time of issuing permission;
- (iii) national Highways or State Highways;
- (iv) building or structures of archaeological, architectural, aesthetical, historical or heritage importance;
- (v) places of worship or religious significance;
- (vi) hospitals and nursing homes, libraries;
- (vii) cremation grounds, graveyards;
- (viii) areas classified as endangered regional ecosystems;

(2) In addition to any other prohibition, expressed or implied, in these Bye-laws, the Municipality shall take necessary action to suspend or stop or cancel the entertainment activities showing or expressing or engaging or conducting:

- (i) nudity,
- (ii) propagating caste, community, race or ethnic differences;
- (iii) promoting drugs, alcohol, cigarette or tobacco items;
- (iv) promoting exploitation of women or child;
- (v) depicting cruelty to animals;
- (vi) depicting any nation or institution in poor light;
- (vii) casting aspersion on any brand or person;
- (viii) banned by any law;
- (ix) glorifying violence;

- (x) promoting lottery tickets, sweepstakes entries and slot machines;
- (xi) any psychedelic;
- (xii) displaying destructive devices and explosives depicting items;
- (xiii) promoting weapons covered under the Arms Act, 1959;
- (xiv) defamatory, trade libellous, unlawfully threatening or unlawfully harassing
- (xv) obscene or pornography or indecent representation of women within the meaning of the Indecent Representation of Women (Prohibition) Act, 1986 (Central Act 60 of 1986);
- (xvi) any other items not in conformity with any Act/Rules/Guidelines and considered inappropriate and items so notified from time to time by the Municipality.
- (xvii) Engagement of Child Labourers
- (xviii) Any activities prohibited under The Immoral Traffic (Prevention) Act, 1956 or The Puducherry Gaming Act, 1956 or The Pondicherry Excise Act, 1970 or The Narcotic Drugs and Psychotropic Substance Act, 1985.

12. Inspections-

(1) In addition to the authorities specified in Rule 34(ix) of the Rules, the Commissioner or any Municipal Officer authorised by the Commissioner, shall

- (a) have the power to carry out an inspection of any entertainment activity at any time and enforce the provisions of this Bye-laws or Order or Guidelines or law in vogue;
- (b) inspect the tickets and take account of it. In case of issuance of tickets without Municipal seal or for any violations, shall have right to stop the event immediately and the licensee shall not be entitled for any compensation thereof;

13. Documentation-

(1) The owner of a property where entertainment activity is conducted, exhibited, performed shall retain certified copies of all documentation relating to the application for approval of such entertainment activity, as long as entertainment activity is carried out, and shall on demand by an officer authorized by Commissioner, present such documents failing which be liable to penalized as per the provisions of these bye laws.

(2) The owner or agency or event manager or promoter shall maintain records in respect of tickets issued as per the provisions of the Rules. In respect of Water or Air or Land based sports or adventure sports, the details of the participants or audiences or spectators or any other person shall be recorded in a register showing having their details of address, identity proof, and emergency contact number.

(3) The owner or agency or promoter, who conducts, exhibits, performs entertainment activities shall maintain the additional registers, if directed by any authorities, in addition to all registers as mandated in the Pondicherry Municipalities (Entertainments) Tax Rules, 1976 and submit the updated registers to any inspecting authorities on demand.

14. Insurance-

(1) The owner or agency or promoter of the entertainment activity shall arrange and keep in full force and effect in the joint names of the registered agency, a public liability Insurance policy for their respective rights, interests and liabilities to the third parties in respect of accidental death, bodily injury to persons or accidental damage to the property.

(2) The owner or agency or promoter of entertainment activity shall produce evidence of the public liability insurance policy to the Municipality.

15. Indemnity-

(1) The owner or agency or promoter of entertainment activity shall be required to indemnify the municipality against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against, or made upon the Municipality which arise as a result of the conduct or exhibit or performance of entertainment activities.

(2) The owner or agency or promoter of the entertainment activity shall always be responsible for any injury or damage caused or suffered by any person or property arising out of or relating to the conduct or exhibit or perform of any entertainment activity and the consequential claim shall be borne by the proprietor or agency or promoter who shall also indemnify and safeguard the Municipality, its employees or any entity employed/ appointed by Municipality.

16. IT based solution for application, renewal and monitoring

(1) The Municipality shall adopt a transparent system for grant of approval for conduct of Entertainment activity and monitoring.

(2) For the purpose of clause (1), the Municipality shall strive to develop an Information Technology based online system for grant of approvals for Entertainment activity and monitoring.

Provided that till such IT based system is created, the Municipality shall follow the conventional method of granting approvals and monitoring, as the case may be, however, details of all such approvals shall be promptly hosted on the Municipality website.

Schedule-1
[see Bye-law 8]

License fee for Entertainment Activities

Sl. No.	Type of Entertainment Activity	Entertainment License/Renewal Fee
1.	Land based Adventures or entertainment activities	Rs. 10,000/- per annum
2.	Air based Adventures or entertainment activities	
3.	Water based Adventures or entertainment activities	
4.	Entertainment Events of gathering more than 1000 people	Rs. 10,000/- per event
5.	Entertainment Events of gathering less than or equal to 1000 people	Rs. 5,000/- per event

Note: Apart from the above fee user charges as applicable shall be levied as per provisions of Solid Waste Management Bye-laws.

APPENDIX – 1

(see Bye-Law 8)



APPLICATION FOR ENTERTAINMENT LICENSE

PONDICHERRY MUNICIPALITY
Marie Building
No.1, Dumas Street,
Puducherry

PREMISES INFORMATION

Type of Entertainment:			(Photo of Applicant/ Authorized person)
Name of Premise:			
Address of Premise:			
Name & Address of the owner of premise:			
Length in mtrs:	Breadth in mtrs:	Height in mtrs:	
No. of Main Doors:	No. of Windows:	No. of Emergency Exit(s):	
Material of Roof:	Material of Enclosures:	No. of Fire extinguishers: Class A: Class B: Class C: Class D:	
Total No. of Audience:	Seating Configuration: 'A' Class: 'B' Class: 'C' Class: 'D' Class: 'E' Class:		
Ticket Value			
Is there going to be <i>(check appropriate box)</i> <input type="checkbox"/> Stage <input type="checkbox"/> temporary <input type="checkbox"/> outdoor <input type="checkbox"/> canopy <input type="checkbox"/> Tent <input type="checkbox"/> Outdoor stage equipment			
Area (in sq ft) <i>(for outdoor)(parking applicable for all cases)</i> Public gathering: Parking: Stage:			

APPLICANT INFORMATION

Name & Address of the Applicant:	Telephone No.:
	Mobile No.:
	E-mail id:
Type of Applicant: Owner <input type="checkbox"/> Agent <input type="checkbox"/> Lessee <input type="checkbox"/>	
Contact Person for inspection:	Mobile No.
Address of Contact person:	

LICENSE INFORMATION

<input type="checkbox"/> Annual License <input type="checkbox"/> temporary License <input type="checkbox"/> Fresh License <input type="checkbox"/> renewal of License	(to be filled in case of temporary license) From: <input type="text"/> <input type="text"/> <input type="text"/> : <input type="text"/> <input type="text"/> <input type="text"/>
Usage: <input type="checkbox"/> Day <input type="checkbox"/> Night Full Day <input type="checkbox"/>	Show Timings: I show: II Show: III Show: Addl Show:

DECLARATION

I, or we, hereby declare, that the information contained in this application is true and accurate to the best of my(our) knowledge and belief and that the operation of the place of amusement or entertainment events described above will conform in every respect and at all times with the laws, rules, and Fire Prevention and Building Safety and will not be used for other purposes except as hereinstated.

Signature:	Date:
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FOR OFFICE USE

License No.	License Dt.	Receipt No & Dt.	Fee Amount	Mode of Payment
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Required documents

Please enclose the following documents:

- ❖ Building Permit/Property Tax
- ❖ PAN No.
- ❖ GST No.
- ❖ Certificate of Structural Engineer, Ownership Details
- ❖ Contract agreement between the owner and agency
- ❖ Photograph of the premises (signed by owner and agency)
- ❖ Sketch plan of the premises indicating the area of seating configuration & Parking (signed by owner and agency)
- ❖ Details of Entertainment Activity
- ❖ Indemnity bond executed by the agency before a Notary Public
- ❖ Third Party Insurance Details
- ❖ Fitness certificate from the Department of Animal (if any animal involved in entertainment activity)
- ❖ Any other document prescribed by the Commissioner.