

The Punjab Dramatic Performances Act, 1964

HARYANA

India

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Act 10 of 1964

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The Punjab Dramatic Performances Act, 1964 Act 10 of 1964 Statement of Object and Reasons. - Dramatic performances in the Punjab State are at present regulated under the Dramatic Performances Act, 1876, which was enacted more than eighty-eight years ago. Conditions have materially changed since then especially after the commencement of the Constitution. Many of its provisions are unsatisfactory for instance, it contains no provision for giving an opportunity to the parties affected to make their objections or enabling them to take the matter on appeal or revision before a higher authority. Besides, some of its provisions have been declared ultra vires the Constitution. In order, therefore, to conform the provisions of this legislation to judicial pronouncements and also to liberalise them, it has been decided to re-enact the law in its entirety in the form of the present Bill. Published vide Punjab Government Gazetted (Extra.), dated 18.2.1964 (Mahga 29, 1885 Saka) page 130. Received the assent of the Governor of Punjab on the 16th April, 1964, and was first published in the Punjab Government Gazette Extraordinary, dated the 21st April, 1964. An Act to provide for the better control of public dramatic performances in the State of [Haryana] [Adaptation of Laws Order, 1968.]. Be it enacted by the Legislature of the State of Punjab in the Fifteenth Year of the Republic of India as follows:-

1. Short title and extent.

(1) This Act may be called the Punjab Dramatic Performances Act, 1964. (2) It extends to the whole of the State of [Haryana] [Adaptation of Laws Order, 1968.].

2. Definitions.

- In this Act, unless the context otherwise requires, -(1) "objectionable performance" means any play, pantomime or other drama which is deliberately intended to outrage the religious feelings of any class of the citizens of India by insulting or blaspheming or profaning the religion or the religious beliefs of that class or is grossly indecent, or is scurrilous or obscene or intended to blackmail, or which is likely to :- (i) incite any person to resort to violence or sabotage for the purpose of

overthrowing or undermining the Government established by law in India or in any State thereof or its authority in any area; or(ii)incite any person to commit murder, sabotage or any offence involving violence; or(iii)seduce any member of the armed forces of the Union or of the police forces from his allegiance or his duty, or prejudice the recruiting of persons to serve in any such force or prejudice the discipline of any such force; or(iv)incite any section of the citizens of India to acts of violence against any other section of the citizens of India.Explanation I. - A performance shall not be deemed to be objectionable merely because in the course thereof words are uttered or signs or visible representations are made, expressing disapprobation or criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means.Explanation II. - In judging whether any performance is an objectionable performance, the play, pantomime or other drama shall be considered as a whole.(2)"public place" means any building or enclosure, or any place in the open air or any pandal of where the sides are not enclosed to which the public are admitted to witness the performance.

3. Power to prohibit objectionable performances.

(1)Whenever the District Magistrate is satisfied that any play, pantomime or other drama performed or about to be performed in a public place in his district is an objectionable performance, he may, by order stating the grounds on which he considers the performance objectionable, prohibit the performance.(2)No order under sub-section (1) shall be passed without giving a reasonable opportunity to the organizers or other principal persons responsible for the conduct of the performance or to the owner or occupier of the public place in which such performance is intended to take place to show cause why the performance should not be prohibited.(3)Every order made under sub-section (1) shall be published in the official Gazette and may also be notified by proclamation and a written or printed notice thereof may be affixed at any place or places adapted for giving information of the order to the persons intending to take part in the performance so prohibited.

4. Power to prohibit objectionable performances temporarily.

(1)The District Magistrate may, if he is of opinion that any play, pantomime or other drama performed or about to be performed in a public place in his district, being of the nature specified in clause (1) of section 2, is likely to lead to a breach of the peace, by order, stating the grounds for such opinion, prohibit its performance:Provided that the District Magistrate may review such order on an application made by the person or party affected by it.(2)Subject to any order made on appeal under section 10, an order under this section shall remain in force two months from the making thereof.Provided that the District Magistrate may, if he is of opinion that the order should continue in force, by such further order or orders as he may deem fit, extend the period aforesaid by a further period or periods not exceeding two months at a time as may be specified in such order or orders.

5. Service of order of prohibition.

- A copy of the order made under section 3 or section 4 may be served personally or in such other manner as may be prescribed by rules made under section 13, on the organizers or other principal

persons responsible for the conduct of, or any person about to take part in, the performance so prohibited on the owner or occupier of the public place in which such performance is intended to take place.

6. Penalty for disobeying order.

- Any person on whom a copy of the order referred to in section 3 or section 4 is served and who does or willingly permits, any act in disobedience of such order, shall, on conviction, be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

7. Penalty for disobeying prohibition.

(1) Any person who, after the publication of an order under sub-section (3) of section 3, or during the period when an order made under section 4 is in force, organizes or is responsible for the conduct of, or who with the knowledge that such an order under section 3 or section 4 is in force takes part in, the performance prohibited thereby or any performance substantially the same as the performance so prohibited shall, on conviction, be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both. (2) Any person who, being the owner or occupier, or having the use of any public place, opens, keeps or uses the same for any performance prohibited under section 3 or section 4, or permits the same to be opened, kept or used for any such performance, shall, on conviction, be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

8. Power to call for information.

(1) For the purpose of ascertaining the character of any intended play, pantomime or other drama, the District Magistrate may, by order, require the organizers or other principal persons responsible for the conduct of, or other person about to take part in, such play, pantomime or other drama or the author, proprietor or printer of the play, pantomime or other drama about to be performed, or the owner or occupier of the place in which it is intended to be performed, to furnish such information as the District Magistrate may think necessary. (2) Every person so required shall be bound to furnish the information to the best of his ability within the time specified in such order and in case of contravention shall be deemed to have committed an offence under section 176 of the Indian Penal Code (Central Act XLV of 1860).

9. Power to call for copy of purport of drama, etc.

(1) If the District Magistrate has reason to believe that an objectionable performance is about to take place, he may by order direct that no such performance shall take place in any public place, in his district, 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, no less than seven days before the

performance, to the District Magistrate.(2)A copy of any order made under sub-section (1) may be served on the owner or occupier of the public place in which such performance is intended to take place, and if thereafter he does or willingly permits, any act in disobedience of such order, he shall, on conviction, be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

10. Appeal.

- Any person aggrieved by any order made under section 3 or section 4 may, within sixty days of the publication of such order, in the Official Gazette under sub-section (3) of section 3 or, as the case may be, within sixty days of the date on which an order under section 4 is made, prefer an appeal to the State Government, or an officer authorised in this behalf by the State Government by notification, and upon such appeal the appellate authority may pass such orders as it deems fit confirming, varying or reversing the order appealed against, and may pass such consequential or incidental orders as may be necessary.

11. Saving of prosecutions under other laws.

- Where no order under section 3 or section 4 has been made in respect of any performance, nothing in this Act shall bar a prosecution under the Indian Penal Code (Central Act XLV of 1860) or any other law for the time being in force.

12. Protection for acts done in good faith.

- No suit, prosecution or other legal proceeding shall be instituted against any authority or officer for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.

13. Power to make rules.

(1)The State Government may by notification make rules to carry out the purposes of this Act.(2)Every rule made under this section shall be laid as soon as may be after it is made before [the House] [Vide Adaptation of Laws Order, 1968.] of the State Legislature while it is in session for a total period of ten days which may be comprised in one session or in two successive sessions, and if before the expiry of the session, in which it is so laid or the session immediately following, [the House] [Vide Adaptation of Laws Order, 1968.] agree in making any modification in the rule or [the House] [Vide Adaptation of Laws Order, 1968.] agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

14. Repeal of Central Act XIX of 1876.

- The Dramatic Performances Act, 1876 (Central Act XIX of 1876), in so far as it applies to the State of Punjab is hereby repealed.