

The Punjab Cinemas (Regulation) Act, 1952

PUNJAB

India

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Act 11 of 1952

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The Punjab Cinemas (Regulation) Act, 1952 Punjab Act 11 of 1952 Statement of Objects and Reasons.

- (1) The Cinematograph Act, 1918 (Central Act) which is applicable to this State has been repealed by the Central Government by the Cinematograph Act, 1952, which was passed at the last session of the Parliament. It received the assent of the President on the 21st March, 1952. It will be brought into force from the 28th July, 1952. (2). The Cinematograph Act, 1918, is of mixed contents, dealing with two separate matters, viz. (a) examination and certification of films as suitable for public exhibition, and (b) regulation of cinemas including their licensing. In the Seventh Schedule of the Constitution 'sanctioning of cinematograph films for exhibition', has been included in entry 60 of the Union List and 'Cinemas subject to the provisions of entry 60 of List I' in entry 33 of the State List. Some of the sections of the Cinematograph Act, 1918, therefore, concern the Central Government; some State Governments and others both the Central and State Governments. In the absence of a clear demarcation of the respective provisions of the Act with which the Central and State Governments are concerned, various difficulties have been arising in the administration of the Act. The provisions of the Cinematograph Act, 1918, have therefore, been re-enacted by the Government of India, separating those relating to examination films as suitable for public exhibition (a Union subject) from those relating to "regulation of cinemas including their licensing" (a State subject). The Cinematograph Act, 1952, consists of four parts - Part I consisting of definitions, Part IV dealing with Repeal and Parts II and III relating respectively to (a) examination and certification and certification of films as suitable for public exhibition, and (b) regulation of cinemas, including their licensing. Part II will extend to the whole of India (except the State of Jammu and Kashmir); Part III will extend to Part C State only. Accordingly Government of India. Ministry of Information and Broadcasting, have suggested that Part 'A' States and Part 'B' States should undertake legislation on the lines of Part III of the New Act. (3) This Bill is designed to give effect to the instructions of the Government of India. (Punjab Gazette Extraordinary, dated the 22nd July, 1952.) Published vide Punjab Government Gazette Extraordinary, dated the 22nd July, 1952 Received the assent of the Governor of Punjab on the 16th August, 1952, and was first published in the Punjab Government Gazette Extraordinary, dated the 19th August 1952. An Act to make provision for regulating exhibitions by means of cinematographs in the Punjab It is hereby enacted as follows :-

1. Short title, extent and commencement

(1) This Act may be called the Punjab Cinemas (Regulation) Act, 1952. (2) It extend to the whole of the State of Punjab. (3) It shall be deemed to have come into force on the 28th of July, 1952.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a)'Cinematograph' includes any apparatus for the representation of moving pictures or series of pictures ;(b)'Government' means the Government of the State of Punjab ;(c)'Place' includes a house, building, tent and any description of transport, whether by sea, land or air ;(d)'prescribed' means prescribed by rules made under this Act. Explanation - For the purpose of this clause Indian News Reviews produced in India and approved by the Central Government after considering the recommendations of the Chief Producer, Films Division, Bombay, shall be deemed to be films dealing with news and current events.

3. Cinematograph exhibitions to be licensed.

- Save as otherwise provided in this Act, no person shall give an exhibition, by means of a cinematograph, elsewhere than in a place licensed under this Act or otherwise than in compliance with any condition and restriction by such licence.

4. Licensing Authority.

- The authority having power to grant licences under this Act (hereinafter referred to as the licensing authority) shall be the District Magistrate : Provided that the Government may by notification in the official Gazette, constitute for the whole or any part of the State, such other authority as it may specify therein to be the licensing authority for the purposes of this Act.

5. Restrictions on powers of licensing authority.

(1) The licensing authority shall not grant a licence under this Act unless it is satisfied that -(a) the rules made under this Act have been complied with, and (b) adequate precautions have been taken in the place, in respect of which the license is to be given to provide for the safety of the persons attending exhibitions therein. (2) Subject to the foregoing provisions of this section and to the control of the Government, the licensing authority may grant licences under this Act to such persons as it thinks fit, on such terms and conditions as it may determine. (3) [Any person aggrieved by the decision of the licensing authority -(i) refusing to grant a licence under this Act; or (ii) approving the classification of seats for or the rates of admission to any cinematograph exhibition under the rules made under this Act ; may within such time as may be prescribed, appeal to the Government or to such officer as the government may specify in this behalf and the appellate authority may make such order as it thinks fit.] (4) The Government may, from time to time, issue directions to licensees generally or to any licensee in particular for the purpose of regulating the exhibition of any film or class of films, so that scientific films intended for educational purposes, films dealing with news and

current events, documentary films or indigenous films secure an adequate opportunity of being exhibited, and where any such directions have been issued, those directions, shall be deemed to be additional conditions subject to which the licence has been granted.

6. Power of Government or local authority to suspend exhibition of films in certain cases.

(1)The Government in respect of the whole of the State of Punjab or any part thereof, and the District Magistrate in respect of the district within his jurisdiction may, if it or he, as the case may be, is of opinion that any film which is being publicly exhibited is likely to cause a breach of peace, by order, suspend the exhibition of the film and during such suspension the film shall be deemed to be uncertified film in the State, part of the State or district, as the case may be.(2)When an order under sub-section (1) has been issued by District Magistrate, a copy thereof, together with a statement of reasons therefor, shall forthwith be forwarded by the District Magistrate to the Government, and the Government, may either confirm or rescind the order.(3)An order made under this section shall remain in force for a period of two months from the date thereof, but the Government may, if it is of opinion that the order should continue in force direct that the period of suspension shall be extended by such further period as it thinks fit..

6A. [Inspection of licensed premises - The licensing authority or any other officer empowered by it in this behalf, may, at any time, enter and inspect the licensed premises with a view to ensuring that the provisions of this Act and the rules made thereunder are being complied with and the owner or person incharge of the cinematograph shall allow such entry and inspection.]
[Inserted by Punjab Act 15 of 1969.]

7. Penalties.

- If the owner or person-in-charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used in contravention of the provisions of this Act or of the rules made thereunder, or of the conditions upon or subject to which any licence has been granted under this Act, he shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues.

7A. [Restriction on the sale of tickets. - (1) No person other than a person who is an authorised booking clerk at the licenced place, or an agent of the licensee at any other place and whose name has been approved by the licensing authority shall sell tickets for any cinematograph exhibition] [See Punjab Act 15 of 1969.]:

Provided that in the case of sale of tickets at a place other than the licensed place, the approval of the licensing authority shall also be necessary in respect of the place where tickets are to be sold.(2)Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment which may extend to one month or with fine which may extend to one thousand rupees or both.(3)Notwithstanding anything contained in the Code of Criminal Procedure, 1898 an offence under this section shall be cognizable:Provided that no police officer shall be empowered to arrest without warrant unless he is of or above the rank of an Assistant Sub-inspector.

8. [Power to suspend, cancel or revoke a licence. [Substituted by Punjab Act 6 of 1952.]

(1)Notwithstanding anything contained in this Act, the State Government or the licensing authority may, at any time, suspend, cancel or revoke a licence granted under Section 5 on one or more of the following grounds namely] [Substituted by Punjab Act 4 of 1973.] -(a)the licence was obtained through fraud or misrepresentation;(b)the licensee has committed a breach of any of the provisions of this Act or the rules made thereunder or of any condition or restriction in the licence, or of any direction issued under sub-section (4) of section 5;(c)on account of any changes occurring in the locality of the place licensed, the continuance of the licence is considered prejudicial to decency or morality; or(d)the licensee has been convicted of an offence under section [(7 or &-A) of this Act, or Section 7 of the Cinematograph Act, 1952, XXXVII of 1952);] [Substituted by Punjab Act, 15 of 1969.](e)[the licensee has been convicted for not less than three times of an offence punishable under clause (a) of sub-section (1) of section 15 of the Punjab Entertainments Duty Act, 1955, or has compounded such offence for not less than three times under section 18 of that Act:] [Clauses (e) to (g) inserted of Punjab Act 4 of 1963.](f)a penalty under section 14-A of the Act referred to in clause (e) has been imposed for not less than three times of the licensee; or(g)a tax exceeding two hundred rupees has been assessed on the licensee in any one case under sub-clause (ii) of clause (e) of section 2 of the Act referred to in clause (e)].(2)Where the Government or the licensing authority is of the opinion that a licence granted under section 5 should be suspended, cancelled or revoked, it shall, as soon as may be, communicate to the licensee the grounds on which the action is proposed to be taken and shall afford him a reasonable opportunity of showing cause against the action proposed to be taken.(3)If, after giving such opportunity, the Government or the licensing authority, as the case may be, is satisfied that the licence should be suspended, cancelled or revoked, it shall record an order stating therein the ground or grounds on which the order is made, and shall communicate the same to the licensee in writing.(4)Where the order suspending, cancelling or revoking a licence under sub-section (3) has been passed by a licensing authority, any person aggrieved by the order may, within thirty days of the communication of such order to him, prefer an appeal to Government which may pass such order as it think fit.(5)The order of the Government shall be final.

9. Power to make rules.

- The Government may, by notification in the official Gazette, make rules -(a)prescribing the terms, conditions, and restrictions, if any, subject to which licences may be granted under this Act;(aa)[prescribing fees for the grant and renewal of licences, for the issue of duplicate licence and other documents and for the inspection of licensed premises.] [See Punjab Act 15 of 1969.](b)providing for

the regulation of cinematograph exhibitions for securing the public safety;(c)prescribing the time within which and the conditions subject to which an appeal under sub-section (3) of section 5 may be preferred.[10. Power to exempt. - The Government may, by order in writing, exempt, subject to such conditions as it may impose, any cinematograph exhibition or class of cinematograph exhibitions as also the premises or site used or intended to be used of cinematograph exhibition from any of the provisions of this Act or of any rules made thereunder.] [Substituted by Punjab Act 28 of 1957, Section 2.]

11. Repeal of the Cinematograph Act, 1918.

- The Cinematograph Act, 1918 (II of 1918), in so far as it relates to matters other than the sanctioning of cinematograph films for exhibition, is hereby repealed :Provided that any appointment, notification, order scheme, rule, form or by-law, made or issued under the repealed Act shall, so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been made or issued under the provisions of this Act, unless or until it is superseded by any appointment, notification, order, scheme, rule, form or by-law made or issued under this Act.