

The M.P. Cinemas (Regulation) Act, 1952

MADHYA PRADESH

India

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Act 17 of 1952

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1. [Amended by THE MADHYA PRADESH CINEMAS (REGULATION) AMENDMENT ACT, 2022 (Act 8 of 2022) on 27 January 2023]

The M.P. Cinemas (Regulation) Act, 1952 No. 17 of 1952 [Dated 10th September, 1952] Received the assent of the Governor on the 10th September, 1952; assent first published in the Madhya Pradesh Gazette on the 19th September, 1952. An Act to make provisions for the regulation of Cinemas including their licensing. Whereas it is expedient to make provisions for the regulation of Cinemas, including their licensing; It is hereby enacted as follows :

1. Short title, extent and commencement.

(1) This Act may be cited as The Madhya Pradesh Cinemas (Regulation) Act, 1952. (2) [It [extends to and shall be in force in the whole of Madhya Pradesh] [Substituted by M.P. Extension of Laws Act, 1958 (No. 23 of 1958) [w.e.f. 1-1-1959].]]

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context, - (a) "cinematograph" includes any apparatus for the representation of moving pictures or series of pictures; (aa) "Municipal area" shall have the same meaning as assigned to it in clause (34-a) of Section 5 of the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956) and clause (18-a) of Section 3 of the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961); (ab) "other area" means and includes any area outside the municipal area, except area falling under jurisdiction of the Cantonment Board; (b) "place" includes a house, building, tent and any description of transport, whether by sea, land or air; (c) "prescribed" means prescribed by rules made under this Act.

3. Cinematograph exhibition 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 conditions and restrictions imposed by such licence.

4. Licensing Authority.

The authority having powers to grant licenses under this Act (hereinafter referred to as the "licensing authority") shall be the Commissioner for the municipal area within the limits of Municipal Corporation and the District Magistrate, or an executive magistrate, not below the rank of sub-divisional magistrate, authorized by the District Magistrate for municipal areas falling within limits of Municipal Council, Nagar Parishads and for other areas: Provided that the State Government may, by notification, constitute for the whole or any part of the State such other authority as it may specify in the notification 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 the Act have been substantially complied with; and (b) adequate precautions have been taken in the place in respect of which the licence is to be given to provide for the safety of persons attending exhibitions therein. (2) Subject to the foregoing provisions of this section and to the control of the State Government, the licensing authority may grant licences under this Act to such persons as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may determine. (3) Any person aggrieved by the decision of a licensing authority refusing to grant a licence under this Act may, within such time as may be prescribed, appeal to the State Government or to such officer as the State Government may specify in this behalf and the State Government or the officer, as the case may be, may make such order in the case as it or he thinks fit. (4) The State 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, 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 and restrictions subject to which the licence has been granted.

6. Power of State Government or local authority to suspend exhibition of films.

(1) The State Government in respect of the [whole State] [Substituted by Section 3(3) of the M.P. Extension of Laws Act, 1958 (No. 23 of 1958) (w.e.f. 1-1-1959).] or any part thereof, and the District Magistrate in respect of the district or town within his jurisdiction, may, if it or he is of opinion that any film which is being publicly exhibited, is likely to cause a breach of the peace, by order suspend

the exhibition of any film and during such suspension no person shall exhibit such film in any place in the area specified in the order.(2)Where an order under sub-section (1) has been issued by a District Magistrate a copy thereof, together with a statement of reasons therefor, shall forthwith be forwarded by the District Magistrate to the State Government and the State Government may either confirm or discharge the order.(3)No order under this section shall remain in force for more than two months but the State Government may, if it is of the opinion that any such order should continue in force, direct that the period of suspension shall be extended by such further period as it thinks fit.

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 the rules made thereunder, or of the conditions and restrictions subject to which any licence has been granted under this Act, he shall be punishable with fine not exceeding rupees fifty thousand, and in the case of continuing offence, with a further fine not exceeding rupees five thousand for each day the offence continues.

8. Power to revoke licence.

- Where the holder of a licence has been convicted of an offence under Section 7 of the Cinematograph Act, 1952 (XXXVII of 1952), or Section 7 of this Act, the licence may be revoked by the licensing authority.

9. Power to make rules.

- The State Government may, by notification make rules-(a)prescribing the terms, conditions and restrictions, if any, subject to which licences may be granted under this Act;(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;(d)[any other matter which is to be or may be prescribed.] [Inserted by M.P. Extension of Laws Order, 1958 (No. 23 of 1958) (w.e.f. 1-1-1959).]

10. Power to exempt.

- The State Government may, by order in writing, exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Act or of any rules made thereunder.

11. Repeal.

- The Cinematograph Act, 1918 (II of 1918), in so far as it relates to matters other than the sanctioning of cinematograph films is herebyNotifications(i)Notification No. F. 25-7-95-Cul. XXX,

dated 13-11-1995, Published in M.P. Rajpatra, Part I, dated 8-12-1995, page 1903. - In exercise of the powers conferred by the proviso to Section 4 of the Madhya Pradesh Cinema (Regulation) Act, 1952 (No. 17 of 1952), the State Government hereby constitute all Municipalities and Municipal Corporations of the State as Licensing Authority for their respective jurisdiction for the purposes of the said Act.(ii)[Notification No. F. 25-7-95-Cul-XXX, dated the 21st May, 1993.] [Published in M.P. Rajpatra Part I dated 19-6-98, Page 1097.] - In exercise of the powers conferred by the proviso to Section 4 of the Madhya Pradesh Cinema (Regulation) Act, 1952 (No. 17 of 1952) the State Government hereby rescind this departments Notification No. F. 25-7-95-Cul-XXX, dated the 13 November, 1995.