

The Tamil Nadu Cinemas (Regulation) Act, 1955

TAMILNADU

India

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Act 9 of 1955

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The Tamil Nadu Cinemas (Regulation) Act, 1955 Tamil Nadu Act 9 of 1955 Statement of Objects and Reasons - Tamil Nadu Cinemas (Regulation) Act, 1955 (Tamil Nadu Act IX of 1955). - For Statement of Objects and Reasons please see Fort St. George Gazette Extraordinary, dated the 6th December 1954. Statement of Objects and Reasons - Tamil Nadu Cinemas (Regulation) Amendment Act, 1956 (Tamil Nadu Act XXI of 1956). - Condition 16 of the conditions of licence for the exhibition of cinematograph films under the Madras Cinemas (Regulation) Act, 1955 (Madras Act IX of 1955), provides that the licence shall be subject to cancellation or suspension for the breach of any of the conditions specified in it. There is, however, no specific provision in the said Act in this behalf. It is accordingly proposed to amend the Act so as to empower the licensing authority to revoke or suspend a licence in cases where such licence has been obtained by fraud or misrepresentation or where the licensee has failed to comply with the provisions of the Act or the rules made thereunder or any of the conditions or restrictions upon or subject to which the licence was granted. 2. Under sub-section (7) of section 5 read with sub-section (2) of section 5-A of the Act, any person aggrieved by the decision of the licensing authority refusing to grant a cinematograph licence or refusing to approve any transfer or assignment thereof under section 5 or refusing to grant permission under section 5-A, has right of appeal against such decision. It is now proposed to make provision for appeal against the order of the licensing authority granting, or approving the transfer of, a licence under section 5, or granting permission under section 5-A and also against an order revoking or suspending any licence, or permission. It is also proposed to empower the appellate authority to stay the orders of the licensing authority pending final orders on the appeal. 3. The Bill seeks to give effect to the above objects. Published in Part IV-Section 3 of the Forts St. George Gazette, dated the 23rd August, 1960. Statement of Objects and Reasons - Madras Cinemas (Regulation) Amendment Act, 1961 (Madras Act 20 of 1964. - There is, at present, no provision in the Madras Cinemas (Regulation) Act, 1955 (Madras Act IX of 1955) to disqualify a person who has been convicted of an offence under the Madras Entertainments Tax Act, 1939 (Madras Act X of 1989) from holding a licence under the former Act for any specified period. There is also no provision in Madras Act IX of 1955 to enable the licensing authority to take into consideration also the antecedents of the applicant in deciding whether to grant or refuse a licence or to revoke or suspend the licence of a licensee who has been convicted of an offence under section 14 of Madras Act X of 1939, or has been

permitted to compound such offence under section 15 of that Act. It has now been decided to insert suitable provisions in Madras Act IX of 1955 to provide for the above matters, Published in Part IV-Section 3 of the Forts St. George Gazette, dated the 20th July 1964. Statement of Objects and Reasons - Tamil Nadu Cinemas (Regulation) Amendment Act, 1979 (Tamil Nadu Act 50 of 1979). - Under the Tamil Nadu Cinemas (Regulation) Act, 1955 (Tamil Nadu Act IX of 1955), the Government do not have any revisionary power over the decision passed or order made in appeal by the appellate authority in respect of licences and permissions granted or refused under the said Act. It is, therefore, considered necessary that the Government should have the powers of revision over the decisions or orders of the appellate authority under the said Act. Accordingly, the Tamil Nadu Cinemas (Regulation) Amendment Ordinance, 1979 (Tamil Nadu Ordinance 11 of 1979) was promulgated by the Governor.² The Bill seeks to replace the said Ordinance. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 2nd November 1979. Statement of Objects and Reasons - Tamil Nadu Cinemas (Regulation) Amendment Act, 1984 (Tamil Nadu Act 12 of 1984). - It is considered necessary in the interest of the general public who speak mainly Tamil which is the official language of the State, that the cinema theatres in the State exhibit Tamil Films for a period of non more than one months in a year. To give effect to the above object, the Governor promulgated the Tamil Nadu Cinemas (Regulation) Amendment Ordinance, 1984 (Tamil Nadu Ordinance I of 1984), amending the Tamil Nadu Cinemas (Regulation) Act, 1955 (Tamil Nadu Act IX of 1956), taking powers to issue suitable directions in this regard. The Bill seeks to replace above ordinance give effect to the above decision. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 18th February 1984. Statement of Objects and Reasons - Tamil Nadu Cinemas (Regulation) Third Amendment Act, 1987 (Tamil Nadu Act 48 of 1987). - The Tamil Nadu Cinemas (Regulation) Act, 1955 (Tamil Nadu Act IX of 1955) provides for the regulation of exhibition by means of cinematograph in the State of Tamil Nadu. It has been felt necessary to amend the said Act for the following purposes, namely:-(i) to amend section 5 so as to provide therein, the taking into consideration by the licensing authority the interest of cinema going public and other sections of the public generally in granting or refusing a licence and also for providing therein a new provision indicating the procedure to be followed in regard to transfer or assignment of licences;(ii) to amend section 5-A so as to reference to certain enactments relating to local authorities enacted subsequent to the enactments referred to therein which shall not apply to the matters specified therein;(iii) to amend section 6 so as to adopt reference to metric system of measurement;(iv) to amend section 9 so as to provide for the revocation or suspension of licence in cases where the licensee has failed to pay any amount due under the Tamil Nadu Entertainments Tax Act, 1939 (Tamil Nadu X of 1939) and to provide therein other consequential matters;(v) to amend sections 2, 7 and 10 so as to provide certain verbal amendments therein.² The Bill seeks to achieve the above objects. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 12th November 1982. Statement of Objects and Reasons - Tamil Nadu Cinemas (Regulation) Amendment Act, 1987 (Tamil Nadu Act 24 of 1987). - Instances have been brought to the notice of the Government where licensees of cinema theatres persistently commit the offence of admitting more number of persons to a place of cinematograph exhibition than the licensed capacity and also evade payment of tax under the Tamil Nadu Entertainments Tax Act, 1939. The Government consider that the most effective way to curb commission of these offences is to revoke their licences under the Tamil Nadu Cinemas (Regulation) Act, 1955 (Tamil Nadu Act IX of 1955) who commit the offences referred to above for three times Of more.² The Bill seeks to

achieve the above object. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 4th May 1987. Statement of Objects and Reasons - Tamil Nadu Cinemas (Regulation) Amendment Act, 1994. - Under section 5-A of the Tamil Nadu Cinemas (Regulation) Act, 1955 (Tamil Nadu Act IX of 1955) as amended by the Tamil Nadu Cinemas (Regulation) Amendment Act, 1986 (Tamil Nadu Act 38 of 1986), among other Acts, the provisions of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) shall not apply to any construction or reconstruction of a building or installation of machinery for the purpose of cinematograph exhibition. It has now been brought to the notice of the Government that the grant of permission for construction or reconstruction of a building or installation of machinery for cinematograph exhibition without taking into consideration the provisions of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) creates problems in prime residential areas and such grant of permission is also detrimental to common weal. The Government have, therefore, decided to make the provisions of the said Tamil Nadu Act 35 of 1972 applicable to the construction or reconstruction of building or installation of machinery for cinematograph exhibition under Tamil Nadu Act IX of 1955.² The Bill seeks to give effect to the above decision. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 31st December 1993. Statement of Objects and Reasons - Tamil Nadu Cinemas (Regulation) Amendment) Act, 1997 (Tamil Nadu Act 30 of 1997). - Section 8 of the Tamil Nadu Cinemas (Regulation) Act, 1955 (Tamil Nadu Act IX of 1955) provides for the imposition of fine for contravention of the provisions of the said Act or of the rules or of the condition and restriction of licence, irrespective of the classifications of the theatres. Now, the Government have decided to prescribe different amount of fine for permanent theatres and for touring theatres.² Under section 9(2) (b) of the said Act, the Licensing Authority may, for contravention of the condition and restriction of a licence, revoke or suspend the licence after giving the licensees an opportunity to show cause. But, such order of suspension or revocation passed by the Licensing Authority could not be given effect to immediately, as the licensees prefer appeal and revision against the orders of the licensing authority. Hence, the entire penal action becomes unenforceable for a long time. In view of the above position, Government have decided to empower the Licensing Authorities to compound the offences under the said Act, empower the Licensing Authorities to compound the offences under the said Act, empower the Licensing Authorities to compound the offences under the said Act.³ The Bill seeks to give effect to the above decisions. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 17th April 1997. Statement of Objects and Reasons - Tamil Nadu Cinemas (Regulation) Amendment Act, 1998 (Tamil Nadu Act 3 of 1998). - Following complaints from the public that the licensees of cinema theatres are collecting exorbitant fees for parking vehicles like cycles, scooters and cars in the premises of the cinema theatre, the Government have decided to regulate the collection of fees for parking vehicles in the premises of cinema theatre. Accordingly, the Government have decided to amend the Tamil Nadu Cinemas (Regulation) Act, 1955 (Tamil Nadu Act IX of 1955), so as to make necessary provision for fixing the rates of fees to be collected by the licensees for the vehicles parked in the premises of cinema theatre.² The Bill seeks to give effect to the above decision. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 20th March 1998. Received the assent of the Governor on 19th April 1955 and first published in the Fort St. George Gazette, dated the 27th April 1955. An Act to provide for the regulation of exhibitions by means of cinematographs in the [State of Tamil Nadu] [Substituted for the word 'State of Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by

the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.].Whereas it is expedient to provide for the regulation of exhibitions by means of cinematographs in the [State of Tamil Nadu] [Substituted for the word 'State of Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.];Be it enacted in the Sixth Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1)This Act may be called the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Cinemas (Regulation) Act, 1955.(2)It extends to the whole of the State of Tamil Nadu.(3)It shall come into force on such date as the Government may, by notification, appoint.Note. - This Act came into force in the 30th May 1956, vide G. O. Ms. No. 1544, Home, dated 26th May, 1956. This Act was extended to the Kanyakumari district and Shenkottah taluk of the Tirunelveli District by section 3 of and the Schedule to, the Madras (Transferred Territory) Extension of Laws Act, 1957 (Tamil Nadu Act XXII of 1957) repealing the corresponding law in force in that territory.

2. Definitions.

- In this Act, unless the context otherwise requires,-(1)"cinematograph" includes any apparatus for the representation of moving pictures or series of pictures;(2)"District Collector" in relation to the Presidency-town means the Commissioner of Police, [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).];(3)"Government" means the State Government;(4)[* * *] [Omitted by Tamil Nadu Cinemas (Regulation) Amendment Act, 1987 (Tamil Nadu Act 48 of 1987).];(5)"place" includes a house, building, tent and any description of transport, whether by water, land or air;(6)"prescribed" means prescribed by rules made under this Act.

3. Cinematograph exhibitions to be licensed.

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

3A. [Disqualification for applying for grant or renewal of licence. [Substituted by the Tamil Nadu Cinemas (Regulation) Amendment Act, 1987 (Tamil Nadu Act 24 of 1987).]

- No person shall be eligible to apply for the grant or renewal of a licence,-(a)if he has been convicted of an offence under-(i)Clause (a), or sub-clause (i) of clause (b) or clause (c) of sub-section (1) of section 14 of the Tamil Nadu Entertainments Tax Act 1939 (Tamil Nadu Act X of 1939);(ii)Sub-clause (i) of clause (a) of sub-section (1) of section 7 of the Cinematograph Act, 1952

(Central Act XXXVII of 1952); or(b)if any of his licence under this Act has been revoked or suspended under clause (a) of sub-section (2) of section 9, unless a period of two years has elapsed since his conviction, or as the case may be, the revocation or suspension of his 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 Collector:Provided that the 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, in deciding whether to grant or refuse a licence, have regard to the following matters, namely:-(a)the interest of the [cinema going public and other sections of the public generally] [Substituted by Tamil Nadu Cinemas (Regulation) Second Amendment Act, 1987 (Tamil Nadu Act 48 of 1987).];(b)the status, [antecedents] [Inserted by section 3 of the Tamil Nadu Cinemas (Regulation) Amendment Act, 1964 (Tamil Nadu Act 20 of 1964).] and previous experience of the applicant.[Explanation. [Explanation was added by section 3(ii) by the Tamil Nadu Cinemas (Regulation) Amendment Act, 1964 (Tamil Nadu Act 20 of 1964).] - For the purpose of this clause, the expression "antecedents" means the conduct of the applicant in relation to the payment of any tax or dues payable by him to the Government;](c)the suitability of the place where the cinematograph exhibitions are proposed to be given;(d)the adequacy of existing places for the exhibition of cinematograph films in the locality;(e)the benefit to any particular locality or localities to be afforded by the opening of a new place of cinematograph exhibition;(f)the possession by the applicant, of other places, if any, licensed under this Act, whether in the same locality or elsewhere, and whether at the time of applying for the licence or at any previous time; and shall also take into consideration any representations made by persons already giving cinematograph exhibitions in or near the proposed locality or by any local authority or police authority within whose jurisdiction the place proposed to be licensed is situated or by any association interested in the giving of cinematograph exhibitions.(2)The licensing authority shall not grant a licence unless it is satisfied that-(a)the rules made under this 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 granted, to provide for the safety, convenience and comfort of the persons attending exhibitions, therein.(3)The licensing authority may, after consideration of the matters set forth in sub-section (1), limit the number of places in any area in respect of which licences under this Act may be granted.(4)The Government may issue such orders and directions of a general character as they may consider necessary, in respect of any matter relating to licences for the exhibition of cinematograph films, to licensing authorities: and every licensing authority shall give effect to such orders and directions.(5)Subject to the foregoing provisions of this section, the licensing authority may grant licences under this Act to such persons on payment of such fees as may be prescribed and on such terms and conditions and subject to such restrictions as it may determine. When the licensing authority refuses to grant any licence, it shall do so by an order communicated to the applicant, giving the reasons in writing for such refusal.(6)Every licence under this Act shall be personal to the

person to whom it is granted and no transfer or assignment thereof, whether absolute or by way of security or otherwise, shall be valid unless approved in writing by the licensing authority. [(6-A) (a) Whenever the licensee proposes to transfer or assign the licence, the licensee and the person to whom the licence is proposed to be transferred or assigned, as the case may be, shall, before such transfer or assignment apply jointly to the licensing authority for approval thereof.] [Inserted by Tamil Nadu Cinemas (Regulation) Second Amendment Act, 1987 (Tamil Nadu Act 48 of 1987).] (b) An application under clause (a) shall be in such form, contain such particulars and be accompanied by such fee as may be prescribed. (6-B) (a) Subject to clause (b), the licensing authority may on receipt of the application and the fee under sub-section (6-A) and after making such inquiry as it thinks fit either approve in writing the transfer or assignment, as the case may be, or refuse such approval. (b) Notwithstanding anything contained in clause (a)-(i) No transfer or assignment of a licence shall be approved under that clause unless the licensing authority is satisfied that the licensee has paid all amounts due under the Tamil Nadu Entertainments Tax Act, 1939 (Tamil Nadu Act X of 1939) on the date of such transfer or assignment: and (ii) such approval shall not be refused until the applicant has been given a reasonable opportunity of showing cause against such refusal. (7) Any person aggrieved by [the decision of the licensing authority [granting or] [These words were substituted for the words 'the decision of the licensing authority refusing to grant a licence under the Act or refusing to approve any transfer' by section 2(i) of the Tamil Nadu Cinemas (Regulation) Amendment Act, 1961 (Tamil Nadu Act 4 of 1961).] refusing to grant a licence under this Act or approving or refusing to approve any transfer] or assignment thereof may, within such time as may be prescribed, appeal to such authority as the Government may specify in this behalf and such authority may make such order in the case as it may think fit. (8) [The appellate authority referred to in sub-section (7) may stay the execution of any such decision pending the exercise of its powers under sub-section (1) in respect thereof.] [Sub-section (8) was added by section 2(ii) of the Tamil Nadu Cinemas (Regulation) Amendment Act, 1961 (Tamil Nadu Act 4 of 1961).]

5A. [Licensing authority to permit construction and re-construction of buildings, installation of machinery, etc. for cinematograph exhibitions. [Added by Tamil XXI of 1956), which came into force on the 30th day of January 1957.]

(1) Any person who intends-(a) to use any place for the exhibition of cinematograph films, or (b) to use any site for constructing a building thereon for the exhibition of cinematograph films, or (c) to construct or re-construct any building for such exhibition, or (d) to install any machinery in any place where cinematograph exhibitions are proposed to be given, shall make an application in writing to the licensing authority for permission thereof together with such particulars as may be prescribed, and any provision contained in the enactments specified below or in the rules made under any of them [or in any other law governing municipal or local bodies in the State or in the rules made under any such enactment or other law] in so far as it relates to any of the matters specified above shall not apply to any application made under this section:-(i) The Tamil Nadu Places of Public Resort Act, 1888 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act II of 1888); (ii) The [Chennai] [Substituted for the word 'Madras' by the City of Madras

(Alternation of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] City Police Act, 1888 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act III of 1888);(iii)The [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alternation of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919);(iv)The Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920);(v)[The Tamil Nadu Panchayat Act, 1958 (Tamil Nadu Act XXXV of 1958); and] [Substituted by Tamil Nadu Cinemas (Regulation) Second Amendment Act, 1987 (Tamil Nadu Act 48 of 1987).](vi)The Madurai City Municipal Corporation Act, 1971, (Tamil Nadu Act 15 of 1971); [* * *] [Omitted by Tamil Nadu Cinemas (Regulation) Amendment Act, 1994 (Tamil Nadu Act 11 of 1994).](vii)[* * *] [Added by Tamil Nadu Act 48 of 1987 and Omitted by Tamil Nadu Act 11 of 1994.](2)The licensing authority shall thereupon, after consulting such authority or officer as may be prescribed, grant or refuse permission and the provision of sections [5, 8, 9] [These words figures and letter were substituted for the words and figures 'sections 5, 8 and 9' by section 3 of the Tamil Nadu Cinemas (Regulation) Amendment Act, 1961 (Tamil Nadu Act 4 of 1961).] [9-A and 9-B)] [Substituted for 'and 9-A' by section 2 of the Tamil Nadu Cinemas (Regulation) Amendment Act, 1979 (Tamil Nadu Act 50 of 1979), which was deemed to have come into force on the 22nd August 1979.] relating to licences shall, so far as may be, apply to permission under this section.]

6. Power of Government to issue directions.

- [(1)] [Renumbered by Tamil Nadu Cinemas (Regulation) Amendment Act, 1984 (Tamil Nadu Act 12 of 1984).] The Government may, from time to time, issue directions to any licensee or to licensees generally, requiring the licensee or licensees to exhibit such film or class of films having a scientific or educative value, such films dealing with news and current events, such documentary films, indigenous films, or such other films having special value to the public, as may have been approved by the Government in that behalf, from time to time; 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:]Provided that no direction issued under this [sub-section] [Substituted by Tamil Nadu Cinemas (Regulation) Amendment Act, 1984 (Tamil Nadu Act 12 of 1984).] shall require the licensee to exhibit any such film or films exceeding [six hundred metres] [Substituted by Tamil Nadu Cinemas (Regulation) Second Amendment Act, 1987 (Tamil Nadu Act 48 of 1987).] at, or for more than one-fifth of the entire time taken for any one show.(2)[The Government may, in the interest of the general public in the State of Tamil Nadu who speak mainly Tamil which is the official language of the State, issue directions, from time to time, to any class of licensee or to licensees generally to exhibit Tamil films for a period of not more than 9 months in a year; and where any such directions have been issued, such directions shall be deemed to be additional conditions and restrictions subject to which the licences have been granted.] [Added by Tamil Nadu Cinemas (Regulation) Amendment Act, 1984 (Tamil Nadu Act 12 of 1984).]

6A. [Power of licensing authority to issue directions. [Inserted by section 3 of the Tamil Nadu Cinemas (Regulation Amendment Act, 1956 (Tamil Nadu Act XXI of 1956), which came into force on the 30th day of January 1957.]

- The licensing authority may, from time to time, issue directions to any licensee or licensees generally, requiring the licensee or licensees to exhibit in each show such slides of public interest as may be supplied by that authority: Provided that no direction issued under this section shall require the licensee to exhibit more than three such slides at, or for more than four minutes in, any one show.]

7. Power of Government or District Collector to suspend exhibition of films in certain cases.

(1) The Government in respect of the whole of the State or any part thereof, and the District Collector within his jurisdiction, may, if they or he are or is of opinion that any film which is being or is about to be publicly exhibited is likely to cause a breach of the peace, by order, suspend the exhibition of the film; and during such suspension, no person shall exhibit such film or permit it to be exhibited in any place in the State or any part or district thereof, as the case may be. (2) No order shall be issued under sub-section (1) until the person concerned has been given a reasonable opportunity of showing cause against the order proposed to be issued in regard to him: Provided that this sub-section shall not apply where the Government or the District collector proposing to issue the order are or is satisfied that, owing to any emergency or for some other reason, to be recorded by them or him in writing, it is not reasonably practicable to give to that person an opportunity of showing cause: Provided further that a copy of the reasons recorded by the Government or the District Collector for issuing the order shall be communicated to the person concerned as soon as it becomes reasonably practicable to communicate the reasons to him. (3) If any question arises whether it is reasonably practicable to give to any person an opportunity of showing cause under sub-section (2), the decision thereon of the Government or the District Collector, as the case may be, shall be final. (4) Where an order under sub-section (1) has been issued by the District Collector, a copy thereof, together with a statement of the reasons therefor shall forthwith be forwarded by him to the Government and the Government may, on a consideration of all the facts of the case, either confirm or vary or discharge the order. (5) An order issued under sub-section (1) shall remain in force for a period of two weeks from the date thereof, but the Government may, if they are of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period as they think fit: Provided that the Government or the District Collector may review their [or his] [Inserted by Tamil Nadu Cinemas (Regulation) Second Amendment Act, 1987 (Tamil Nadu Act 48 of 1987).] own order.

8. 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 and restrictions upon or subject to which any licence has been granted under this Act, [he shall be punishable-(i) in case of permanent theatre, for the offence with fine which may extend to two thousand rupees and for second or subsequent offence with fine which may extend to four thousands rupees; and (ii) in case of touring theatre, for the offence with fine which may extend to one thousand rupees and for the second or subsequent offence with fine which may extend to two thousands rupees.]

8A. [Power to compound offence. [Inserted by Tamil Nadu Cinemas (Regulation) Amendment Act, 1997 (Tamil Nadu Act 30 of 1997).]

(1)The licensing authority may accept, from any person who has committed or is reasonably suspected of having committed an offence against this Act or the rules made thereunder or the condition and restriction upon or subject to which any licence has been granted under this Act may be specified by rules by way of compensation of such offence a sum of money,-(i)not exceeding one thousand rupees in case of permanent theatre; and(ii)not exceeding six hundred rupees in the case of touring theatre.(2)Where an offence has been compounded under sub-section (1), the offender if in custody shall be discharged and no further proceeding shall be taken against him in respect of such offence.] [Substituted by Tamil Nadu Cinemas (Regulation) Amendment Act, 1997 (Tamil Nadu Act 30 of 1997).]

9. Power to revoke or suspend licensee.

- [(1)] [Section 9 was renumbered as sub-section (1) of that section and these words were inserted in the marginal heading by section 4(1) of the Tamil Nadu Cinemas (Regulation) Amendment Act, 1961 (Tamil Nadu Act 4 of 1961) and the present sub-section (1) was substituted by section 4 of the Tamil Nadu Cinemas (Regulation) Amendment Act, 1964 (Tamil Nadu Act 20 of 1964).] [where the holder of a licence or any person employed by him has been convicted of an offence under clause (a) or; sub-clause (i) of clause (b) or clause (c) of sub-section (1) of section 14 of the Tamil Nadu Entertainments Tax Act, 1939 ([Tamil Nadu] [Substituted by Tamil Nadu Cinemas (Regulation) Second Amendment Act, 1987 (Tamil Nadu Act 48 of 1987).] Act X of 1939), or has been permitted to compound such offence under section 15 of the said Act, or has been convicted of an offence under section 7 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952), or section 8 of this Act, the license may be revoked or suspended by the licensing authority by an order in writing.][(1-A) Where the holder of a licence has been convicted for three times in the aggregate under any one or more of the following provisions, namely:-] [Substituted by Tamil Nadu Cinemas (Regulation) Second Amendment Act, 1987 (Tamil Nadu Act 48 of 1987).](a)section 8 of this Act, for contravention of the condition and restriction of a licence. [* * *] [The expression 'relating to the number of persons to be admitted in any place where given' were omitted by Tamil Nadu Cinemas (Regulation) Amendment Act, 1997 (Tamil Nadu Act 30 of 1997) dated the 10th May 1997.](b)sub-clause (i) of clause (b) of sub-section (1) of section 14 of the Tamil Nadu Entertainments Tax Act, 1939 (Tamil Nadu Act X of 1939).[The licensing authority shall, by an order in writing, revoke the licence.](2)If the licensing authority is satisfied, either on a reference made to it in this behalf or otherwise, that-(a)a licence granted under this Act has been obtained by misrepresentation or fraud as to an essential fact, or(aa)[the licensee has failed to pay any amount due under the Tamil Nadu Entertainments Tax Act, 1939 (Tamil Nadu Act X of 1939), or] [Inserted by Tamil Nadu Cinemas (Regulation) Second Amendment Act, 1987 (Tamil Nadu Act 48 of 1987).](b)the licensee has, without reasonable cause, failed to comply with any of the provisions of this Act or of the rules made thereunder, or any of the conditions or restrictions upon or subject to which the licence has been granted.then without prejudice to any other penalty to which the [licensee may be] [Added by Tamil Nadu Cinemas (Regulation) Second Amendment Act, 1987 (Tamil Nadu Act 48 of 1987).] liable under this Act, the licensing authority may [* * *] [Omitted by

Tamil Nadu Cinemas (Regulation) Second Amendment Act, 1987 (Tamil Nadu Act 48 of 1987).] revoke or suspend the licence.(c)[taking into account the matters mentioned in clauses (a) to (f) of subsection (1) of section 5, the licence should be revoked or suspended.] [Added by Tamil Nadu Cinemas (Regulation) Second Amendment Act, 1987 (Tamil Nadu Act 48 of 1987).][Provided that the licensing authority shall not revoke or suspend the licence under clause (aa) unless an officer of the Commercial Tax Department not below the rank of an Assistant Commissioner of Commercial Taxes certifies that the licensee has failed to pay the amount referred to in that clause.] [Inserted by Tamil Nadu Cinemas (Regulation) Second Amendment Act, 1987 (Tamil Nadu Act 48 of 1987).][[(2-A) No licence shall be revoked or suspended under sub-section (1) or subsection (2) unless the licensee has been given a reason able opportunity of showing cause against such revocation or suspension.] [Add by Tamil Nadu Cinemas (Regulation) Second Amendment Act, 1987 (Tamil Nadu Act 48 of 1987).](3)Where the licensing authority revokes or suspends any licence under subsection (2), it shall do so by an order communicated to the licensee giving the reasons in writing for such revocation or suspension.

9A. [Appeal against revocation or suspension of licence. [Inserted by section 5 of the Tamil Nadu Cinemas (Regulation) Amendment Act, 1961 (Tamil Nadu Act 4 of 1961).]

(1)Any person aggrieved by the decision of the licensing authority revoking or suspending a licence under sub-section (2) of section 9 may, within such time as may be prescribed, appeal to such authority as the Government may specify in this behalf and such authority may make such order in the case as it may think fit.(2)The appellate authority referred to in sub-section (1) may stay the execution of any such decision, pending the exercise of its powers under sub-section (1) in respect thereof.]

9B. [Powers of revision by Government. [Inserted by section 3 of the Tamil Nadu Cinemas (Regulation) Amendment Act, 1979 (Tamil Nadu Act 50 of 1979), which was deemed to have come into force on the 22nd August 1979.]

(1)The Government may, on their own motion or on application, call for and examine the record of the appellate authority in respect of any proceeding under section 5(7) or section 9-A(1) to satisfy themselves as to the legality of such proceedings or the correctness, legality or propriety of any decision passed or order made therein; and, if in any case, it appears to the Government that any such proceedings, decision or order should be modified, annulled, reversed or remitted for re-consideration, they may pass orders accordingly:Provided that every application to the Government for the exercise of the powers under this section shall be preferred within such time as may be prescribed and shall be accompanied by such fee as may be prescribed.(2)No order prejudicial to any person shall be passed under sub-section (1) unless such person has been given an opportunity of making his representations.(3)The Government may stay the execution of the decision or order pending the exercise of their power under sub-section (1) in respect thereof.]

10. Power to make rules.

(1)The Government may [* * *] [Omitted by Tamil Nadu Cinemas (Regulation) Second Amendment Act, 1987 (Tamil Nadu Act 48 of 1987).] make rules to carry out the purposes of this Act.(2)Without prejudice to the generality of the foregoing power, such rules may provide for-(a)the terms, conditions and restrictions, subject to which licence may be granted under this Act and the fees to be paid in respect of such licence;(b)the regulation of cinematograph exhibitions for securing the public safety;(c)the time within which and the conditions subject to which an appeal under sub-section (7) of section 5 may be preferred, and the fees to be paid in respect of such appeal;(d)the procedure for approval of films for the purposes of section 6;(e)[the procedure to be followed by persons submitting applications [for transfer or assignment of licence under sub-section (6-A) of section 5 or] [Section 4 of the Tamil Nadu Cinemas (Regulation) Amendment Act, 1956 (Tamil Nadu Act XXI of 1956), which came into force on the 30th January 1957.] for permission under section 5-A;](f)the documents and plans to be submitted together with such applications, and the fees to be paid on such applications;(g)the matters to be taken into consideration by the licensing authority before approving site for the construction of the building, or the plans for the construction or re-construction of the building or the installation of machinery;(h)the terms, conditions and restrictions subject to which the licensing authority may accord approval in respect of the matters referred to in clause (g);(i)the action to be taken in cases of contravention of the terms, conditions and restrictions subject to which such approval was accorded;(j)the procedure to be followed by the licensing authority before granting or refusing permission under section 5-A and any other matter incidental thereto;(k)[the time within which and the condition subject to which an appeal under section 9-A or a revision under section 9-B may be preferred and the fees to be paid in respect of such appeal or revision, as the case may be;] [[Substituted by section 4 of the Tamil Nadu Cinemas (Regulation) Amendment Act, 1979 (Tamil Nadu Act 50 of 1979), which was deemed to have come into force on the 22nd August, 1979, for the following clause, which was added by section 6 of the Tamil Nadu Cinemas (Regulation) Amendment Act, 1961 (Tamil Nadu Act 6 of 1961).'(k) the time within which and the conditions subject to which an appeal under section 9-A may be preferred and the fees to be paid in respect of such appeal.']](l)[The fee to be collected by the licensees, for parking vehicle in the premises of cinema theatre.] [Added by Tamil Nadu Cinemas (Regulation) Amendment Act, 1998 (Tamil Nadu Act 3 of 1998).](3)[(a) All rules made under this Act shall be published in the Tamil Nadu Government Gazette and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.(b)Every rule made under this Act shall, as soon as possible, after it is made, be placed or. the table of the Legislative Assembly and if, before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such rule or the Assembly decides 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 such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

11. Power to exempt.

- The Government may, by order in writing, exempt, subject to such conditions and restrictions as they may impose any cinematograph exhibitions or class of cinematograph exhibitions or any place

where a cinematograph exhibitions is given from any of the provisions of this Act or of any rules made thereunder.

12. Repeal.

- In relation to this State, the Cinematograph Act, 1918, (Central Act II of 1918), in so far as it has not been repealed by the Cinematograph Act, 1952 (Central Act XXXVII of 1952) is hereby repealed: Provided that any appointment, notification, order, scheme, rule, form or bylaw 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 and until it is superseded by any appointment, notification, order, scheme, rule, form or by-law made or issued under this Act.[Substituted by Tamil Nadu Cinemas (Regulation) Second Amendment Act, 1987 (Tamil Nadu Act 48 of 1987).]