

The Andhra Pradesh Objectionable Performances Prohibition Act, 1956

ANDHRA PRADESH

India

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Act 8 of 1956

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The Andhra Pradesh Objectionable Performances Prohibition Act, 1956 Act No. 8 of 1956 [30th March, 1956] An Act to provide for the prohibition of public dramatic and certain other performances of an objectionable character in the State of Andhra Pradesh. Whereas it is expedient to provide for the prohibition of public dramatic and certain other performances of an objectionable character in the State of Andhra Pradesh; Be it enacted in the Seventh Year of the Republic of India as follows:

1. Short title and extent

(1) This Act may be called the Andhra Pradesh Objectionable Performances Prohibition Act, 1956. (2) It extends to the whole of the State of Andhra Pradesh.

2. Definitions

In this Act, unless the context otherwise requires—(1) "District Collector" in relation to the cities of Hyderabad and Secunderabad means the Commissioner of Police; (1-A) "Government" means the State Government; (2) "objectionable performance" means any performance which is likely to—(i) incite or encourage 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 or encourage any person to commit murder, sabotage or any offence involving violence; or (iii) seduce any member of any of the Armed Forces of the Union or of the Police Forces from his allegiance or his duty, or prejudice the recruitment of persons to, or the discipline of, any such force; or (iv) promote feelings of enmity or hatred between different sections of the people of India; or, which—(v) is deliberately intended to outrage the religious feelings of any

class of the citizens of India by insulting, blaspheming or profaning the religion or the religious beliefs of that class; or (vi) is grossly indecent, scurrilous or obscene or intended for blackmail.

Explanation 1.--A performance shall not be deemed to be an objectionable performance on the ground only that in the course thereof words are uttered or signs or visible representations are made, expressing disapprobation 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 and performance in which words are uttered or signs or visible representations are made, pointing out, with a view to their removal, matters which are producing, or have a tendency to produce, feelings of enmity or hatred between different sections of the people of India, shall not be deemed to be an objectionable performance with the meaning of this clause.

Explanation II.-In judging whether any performance is an objectionable performance, the performance shall be considered as a whole.

Explanation III.-'Sabotage' means the act of causing damage to any plant, stocks, bridges, roads or the like with intent to destroy or injuriously affect the utility of any plant, service or means of communication.

Explanation IV.-In this clause 'Government' shall include both the Central Government and any State Government; (3) "preference" means any play, Pantomime or other drama or any burrakatha, and includes the singing of any ballad or the holding of any dialogue.

3. Power to prohibit objectionable performances

(1) Whenever the Government is satisfied that any performance conducted or about to be conducted is an objectionable performance, they may, by order, stating the grounds on which they consider the performance objectionable, prohibit the performance.

(2) No order under sub-section (1) shall be passed without giving a reasonable opportunity to the organizers of other principal persons responsible for the conduct of the performance or to the principal persons taking part in such performance or to the owner or occupier or any person having the use of the place in which such performance is intended to be conducted, show cause why the performance should not be prohibited.

(3) Every order under sub-section (1) shall be published in the Andhra Pradesh Gazette.

(4) Any order under sub-section (1) may also be published in such other manner as may be prescribed by rules made under Section 14 and a written or printed notice thereof may be affixed at any place adopted for giving information of the order to the persons intending to conduct or take part in performance so prohibited or to the owner or occupier or any person having the use of the place in which such performance is intended to be conducted.

4. Power to prohibit objectionable performances temporarily

(1) The District Collector may, if he is satisfied that any performance conducted or about to be conducted is an objectionable performance likely to lead to breach of peace; by order, stating the grounds on which he considers the performance objectionable, prohibit the performance.

(2) An order under sub-section (1) shall remain in force for a period of two months from the date thereof.

(3) The District Collector may, if he is satisfied that an order under sub-section (1) should continue in force beyond the period specified in sub-section (2), by such further order or orders as he may deem fit, extend the period aforesaid by such further period or periods not exceeding two months at a time, as may be specified in such order or orders.

(4) The District Collector may review any order under subsection (1) or sub-section (3) on an application made by the person affected

thereby.

5. Service of order of prohibition

A copy of the order under sub-section (1) of Section 3, or under sub-section (1) or sub-section (3) of Section 4, may be served personally or in such other manner as may be prescribed by rules made under Section 14, on the organizers or other principal persons responsible for the conduct of, or any person about to take part in, the performance so prohibited, or on the owner or occupier or any person having the use of the place, in which such performance is intended to be conducted.

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 knowingly 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 conducting prohibited performances

(1) Any person who, after the publication of an order under sub-section (3) of Section 3, or during the period when an order under sub-section (1) or sub-section (3) of Sec. 4, is in force, 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 one 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 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 grant warrant to police to enter, search, arrest and seize

If any Magistrate has reason to believe that any house, room or place is used or about to be used for any performance prohibited under this Act, he may by his warrant authorise any police officer not below the rank of an Inspector to enter with such assistance as may be required by night or by day, and by force, if necessary, such house, room or place, to search the same in the manner specified in the warrant and to take into custody any person found therein and to seize all scenery, dresses and other articles found therein and reasonably suspected to have been used, or intended to be used, for the purpose of such performance.

9. Power to call for information

(1) For the purpose of ascertaining the character of any performance conducted or about to be conducted, the Government, or such officer as they may empower in this behalf, may, by order, require the organizers or other principal persons responsible for the conduct of, or the persons who took part in or are about to take part in, such performance, or the owner or occupier or any person having the use of the place in which it was conducted or is about to be conducted, to furnish such information as may be specified in such order. (2) Every person so required shall be bound to furnish the information to the best of his knowledge and ability within the time specified in such order and in case of failure to comply with such order shall be deemed to have committed an offence under Section 176 of the Indian Penal Code (Central Act 45 of 1860).

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

(1) If the Government or the District Collector have or has reason to believe that an objectionable performance is intended to be conducted, they or he, as the case may be, may by order, direct that no such performance shall be conducted within such area, as may be specified in the order, unless a copy of the piece, if and so far as it is written, or a substantial account of its purport, if and so far as it is not written, has been furnished, not less than seven days before the performance, to the Government or the District Collector. (2) A copy of the order under sub-section (1) may be served on the organizers or other principal persons responsible for the conduct of, or any person about to take part in, such performance, or on the owner or occupier or any person having the use of the place in which such performance is intended to be conducted and if thereafter any person on whom a copy of the order under sub-section (1) is served, does or knowingly 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.

11. Appeal to High Court

(1) Any person aggrieved by an order under sub-section (1) of Section 3 or under sub-section (3) of Section 4, may, within sixty days of the date of the publication of such order under sub-section (3) of Section 3, or, as the case may be, within sixty days of the date on which an order under or sub-section (1) sub-section (3) of Section 4 is made, prefer an appeal to the High Court and upon such appeal, the High Court may pass such order as it deems fit confirming, varying or reversing the order appealed for, and may pass such consequential or incidental orders as may be necessary. (2) Every such appeal shall be heard by a Bench of not less than two Judges.

12. 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 45 of 1860), or any other law.

13. Protection for acts done in good faith

No suit, prosecution or other legal proceedings 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 or order made thereunder.

14. Power to make rules

(1)The Government may, by notification in the Andhra Pradesh Gazette, make rules for carrying out the purposes of this Act.(2)Every rule made under this section shall, immediately after it is made, be laid before each House of the State Legislature if it is in session and if it is not in session immediately following, for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, 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.Section 15. Other laws not affectedThe provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

16. Repeal of Central Act 19 of 1876

The Dramatic Performances Act. 1976 (Central Act 19 of 1876), in so far as it applies to the State of Andhra Pradesh is hereby repealed.