

# Punjab Cinemas (Regulation) Act, 1952

HARYANA

India

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### Act 11 of 1952

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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 - (1) "The Cinematograph Act, 1918 (Central Act) which is applicable to this State has been repealed by the Central Government by the Cinematograph Act, 1952, which was passed at the last session of the Parliament.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 29th 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; 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 and certification of 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 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. Statement of Objects and Reasons - Punjab Act 6 of 1955. - According to existing law governing cinemas in this State, a licence can be revoked by a competent authority only if a licensee has been convicted under an offence under Section 7 of the Cinematograph Act, 1952 (XXXVII of 1952) or under Section 7 of the Punjab Cinemas (Regulation) Act, 1952 (XI of 1952). The licensing authority or the Government, are thus

not competent to cancel a licence once granted without conviction of the licensee even though serious irregularities contravening the Punjab Cinemas (Regulation) Rules, 1952, are committed by the licensee, e.g., parading of dancing girls in the auditorium or the like, failure to exhibit films of educational or cultural value, etc. Government consider that the existing procedure of securing prior conviction for the revocation of the cinema licence of an undesirable licensee is rather dilatory. It is, therefore, necessary that the Punjab Cinemas (Regulation) Act, 1952, is suitable amended to ensure the speedy cancellation, suspension or revocation of the licensee of such a licensee. This Bill seeks to do so. Published vide Punjab Government Gazette (Extraordinary) March 11, 1955, p. 145. Statement of Object and Reasons - Haryana Act 13 of 1985. - In clauses (e), (f) and (g) of section 8 of the Punjab Cinemas (Regulation) Act, 1952, it has been provided that the licensing authority may suspend, cancelled or revoke the licence, inter alia, on the grounds of (i) conviction of the licences, (ii) his compounding the official and (iii) imposition upon him of the penalty under sections 15, 16 and 14-A of the Punjab Entertainments Duty Act, 1955. The latter Act was amended in the year 1973 so as to omit sections 14-A and 16 therefrom and substitute another fresh Section 15 therein in place of the original. Consequently the provisions of Section 8 of the Punjab Cinemas (Regulation) Act, 1952, are also required to be amended on identical lines so as to bring its provisions at par with similar provisions in relevant sections or the Punjab Entertainments Duty Act, 1955. Published vide Haryana Government Gazetted (Extra.) dated 26.9.1985 (Asvn. 4, 1907 Saka) page 1620. Received the assent of the Governor of Punjab on the 16th of August, 1952, and was first published in the Punjab Government Gazette (Extraordinary) of the 19th August, 1952. An Act to make provision for regulating exhibitions by means of cinematographs in the [Haryana] [Substituted for the word, 'Punjab' by the Haryana Adaptations of Laws Order, 1968.], 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 extends to the whole of the State of [Haryana] [Substituted for the word, 'Punjab' by the Haryana Adaptations of Laws Order, 1968.]. (3) It shall be deemed to have come into force on 28th of July, 1952 [in the principal territories and on the 3rd April, 1957, in the transferred territories] [Added by *ibid.*].

## **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 Haryana] [Substituted for the words 'State of Punjab' by *ibid.*]. (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.

## **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 condition and restriction imposed 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 licence 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.[Provided that it shall be deemed to be a condition of every licence whether granted before or after the commencement of the Punjab Cinemas (Regulation) Haryana Amendment Act, 1968, that if a licensee fails, without sufficient cause, to give exhibition, by means of a cinematograph, for a period of fifteen days in a month, whether consecutively otherwise, his licence shall be liable to cancellation under clause (b) of sub-section (1) of section 8] [Proviso to sub-section (2) of section 5 inserted by Haryana Act 5 of 1968.](3)Any person aggrieved by the decision of the licensing authority refusing to grant a licence 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 Government or the officer, as the case may be, may make such order in the case as it or he 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 Haryana] [Substituted for the words 'State of Punjab' by the Haryana Adaptation of Laws Order, 1968.] 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 the peace, by order, suspend the exhibition of the film and during such suspension of the film shall be

deemed to be uncertified film in the State, part of the State or district, as the case may be.(2)Where an order under sub-section (1) has been issued by a District Magistrate, a copy thereof, together with a statement of reasons therefore 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.

## **7. [ Penalty. [Substituted by Haryana Act No. 12 of 1982.]**

(1)If the owner or person incharge 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, the licensing authority may, after affording such owner or person, as the case may be, an opportunity of being heard, direct him to pay by way of penalty sum not exceeding one thousand rupees and, if the breach is a continuing one, to pay a further penalty not exceeding one hundred rupees for every day after the first during watch the breach continues.(2)Any person aggrieved be an order passed by the licensing authority under sub-section (1) may, within a period of thirty days from the date of communication to him of such order prefer an appeal to the Government and the Government shall, thereupon, pass such order as it may think fit after affording a reasonable opportunity to the parties affected thereby of being heard.]

## **7A. [ Amendment or alteration in classification of seats and rates for admission by the licences. - (1) The licensee shall adhere to classification of seats and the rates for admission to the cinematograph exhibition as approved by the licensing authority and shall not amend or alter the same without the written approval of the licensing authority.**

(2)If the licensee intends to increase the rates for admission to cinematograph exhibition, he shall make an application in writing to the licensing authority stating the reasons therefor, at least seven days before the date on which it is proposed to give effect to the increase in such rates.(3)If the licensing authority is satisfied that the increase in the rates for admission to the cinematograph exhibition will not unreasonably affect the purchaser of the cinematograph exhibition tickets, it may, for reasons to be recorded in writing grant the approval for such increase :Provided that such approval shall not be granted by the licensing authority more than twice a year.(4)Any person aggrieved by the decision of the licensing authority under sub-section (3) may, within such time as may be prescribed, appeal to the Government and the Government may make such order in the case as it thinks fit.

## **7B. Power of Government to award or alter rates for admission to cinematograph exhibition.**

- If the Government is of opinion that it is necessary or expedient so to do in the public interest, it may, by order, for reasons to be recorded in writing, amend or alter the rates for admission to the cinematograph exhibition and the licensee shall comply with such order accordingly.

## **7C. Penalty for resale of tickets and cognizance of offences.**

(1)Notwithstanding anything contained in section 56 of the Indian Easements Act, 1882, a ticket for admission to a cinematograph exhibition shall not be re- sold for profit by the purchaser thereof.(2)Whoever re-sells any ticket for admission to a cinematograph exhibition for profit shall be punishable with fine which may extend to two hundred rupees.(3)Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence under this section shall be deemed to be cognizable within the meaning of that Code.] [Sub-section (7A), (7B), (7C), inserted by Haryana Act 21 of 1969.]

## **8. [ Power to suspend, cancel or revoke licence. - (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 :-**

(a)the licence was obtained through fraud or mis-representation;(b)the licensee has committed a breach of any of the provisions of this Act or rules made thereunder or of any condition or restriction contained 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;(d)the licensee has been convicted of an offence under Section 7 of this Act or section 7 of the Cinematograph Act, 1952 (37 of 1952).(e)[ the licensee has been penalised for not less than three times under section 15 of the Punjab Entertainments Duty Act, 1955; and].(f)[ a penalty under section 14A of the Act referred to in clause (e) has been imposed for not less than three times on the licensee; or] [Omitted by Haryana Act 13 of 1985.](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).] [Clauses (e), (f) and (g) inserted by Punjab Act 4 of 1963 and further rule by Haryana Act No. 13 of 1985.](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 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 thinks fit.(5)The order of the Government shall be final.] [Substituted for section 8 by Punjab Act 6 of 1955, Section 2.]

**8A. [ Restoration of certain cancelled licences on payment of penalty. - Where a licence is cancelled under clause (b) of sub-section (1) of section 8 for a breach of the condition of the licence specified in the proviso to sub-section (2) of section 5, the licensing authority may, on an application made to it by the person whose licence is cancelled, restore the licence if such a person pays to the licensing authority, for each day on which the licensee failed to give exhibition by means of a cinematograph, including the days referred to in the said proviso, such penalty, which may extend to twice the amount of the daily average, as may be determined by the licensing authority.**

Explanation :- For the purposes of this section, the expression "the amount of the daily average" means the amount which is arrived at after dividing the aggregate amount of entertainment duty and entertainment tax per show paid or payable by the person whose licence is cancelled for a period of fifteen days next preceding the date on which such person first failed to give exhibition by means of a cinematograph, by the number fifteen.] [Section 8A inserted by Haryana Act 5 of 1968.]

## **9. Power to make rules.**

- The Government may, by notification in the official Gazette, make rules -(a)prescribing the terms, conditions and restriction, 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 [and sub-section (4) of section 7A] [The words 'and sub-section 4 of section 7A' inserted by Haryana Act 21 of 1969.] may be preferred.

**10. [ Power to exempt. - The Government may, be 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 for cinematograph exhibition from any of the provisions of this Act or of any rules made thereunder.] [Substituted for section 10 by Punjab Act 28 of 1957.].**

## **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 and until it is superseded by any appointment, notification, order, scheme, rule, form or by-law made or issued

under this Act.