

Rajasthan Dramatic Performance & Entertainments Rules, 1955

RAJASTHAN

India

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Rule

RAJASTHAN-DRAMATIC-PERFORMANCE-ENTERTAINMENTS-RULES of 1955

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Rajasthan Dramatic Performance & Entertainments Rules, 1955 Published vide Notification No. F.1(128) Police H/51 (A), Dated 11-6-1955 (Published in Rajasthan Gazetted, Part 4C, dated 23.5.1955).RJ61In exercise of the powers conferred by section 11 of the Rajasthan Dramatic performances and Entertainments Ordinance, 1949 (Rajasthan Ordinance No. XXIX of 1949) , the Government of Rajasthan is hereby pleased to make the following rules, namely-Chapter - I Preliminary

1. Short title etc

:- (1) These rules may be called the Rajasthan Dramatic Performances and Entertainments Rules, 1955.(2)They shall extend to the whole of Rajasthan but Chapter III of these rules shall apply only to the areas in respect of which an order under sub-section (1) of Section 10 of the Ordinance is for the time being in force.(2)They shall come into force on the date of their publication in the Rajasthan Gazette.

2. Definitions

:- In these rules, unless there is anything repugnant in the subject or context-(a)"Form" means a form appended to these rules.(b)"License" means a license issued with reference to an order under section 10 (1) of the Ordinance and "licensee" "licensed" and the like shall be construed accordingly.(c)"Licensing Authority" means the District Magistrate having jurisdiction over the place where the dramatic performance or entertainments is or is proposed to be held or such other officer as may be specially empowered by the Government under sub-section (1) of Section 10 of the Ordinance.(d)"Ordinance" means the Rajasthan Dramatic Performances and Entertainments

Ordinance 1949 (Rajasthan Ordinance No. XXIX of 1949), and (e) Words and expressions defined in the Ordinance and not defined in these rules shall have the meanings respectively assigned to them in the Ordinance.

Chapter II

Procedure Regarding Performances Sought to be Prohibited Under Section 3

3. Notice to be given before prohibiting a performance under section 3

:- (1) Except as otherwise provided in rule 6, the District Magistrate shall not issue a prohibitory order under section 3 of the Ordinances unless notice is given to the person against whom the order is to be made to show cause why such an order should not be made and a reasonable opportunity has been given to him of submitting his objections in respect thereof. (2) The notice shall state the grounds on which the District Magistrate regards the performance or entertainment as falling within the purview of clause (a), (b), (c) or (d) of section 3 of the Ordinance. (3) The notice shall state the time, place and date of hearing and the name of the person to be served and shall be issued in duplicate. It shall be served in the manner provided for the service of a summons under the Code of Criminal Procedure, 1898 (Act V of 1898).

4. Hearing and decision

:- After hearing the person against whom the notice has been issued or his authorised agent (if he appears) the District Magistrate shall pronounce his decision regarding the issue of a prohibitory order. Reason shall be recorded in the decision.

5. Adjournment

:- The District Magistrate may adjourn, from time to time a hearing under this Chapter, for sufficient cause and on such condition as he may think fit.

6. Emergency

:- (1) Where no immediate disturbance of the public peace is apprehended the District Magistrate may, after recording his reasons for doing so, issue a prohibitory order under section 3 of the Ordinance without the issue of a notice and without hearing the person concerned. (2) In such cases, the District Magistrate shall, as soon as may be after the issue of such prohibitory order under sub-rule (1) fix a date for hearing the person concerned and issue notice in the manner prescribed in rule 3 and thereafter the procedure prescribed in rules 3, 4 and 5 shall be followed. At the close of these proceedings, the District Magistrate may confirm, modify or cancel the prohibitory order. (3) Without prejudice to the generality of the provision of sub-rule (1) a prohibitory order under that sub-rule may be issued even when a notice is being or has been issued or at any time

during which the proceeding under rules 3, 4 and 5 are going on, or as a condition of an adjournment of such proceedings provided in the case that an immediate disturbance of the public peace is apprehended.

Chapter III

Licensing of Dramatic Performances and Entertainments

Procedure for obtaining Licenses

7. Applicatin of the Chapter

:- The provision of this Chapter shall apply in respect of licenses required by an order under section 10 (1) of the Ordinance for the holding of a dramatic performance or entertainment in a public place.

8. Application for license

:- (1) An application for a license shall be made to the Licensing Authority in form A, bearing the Court-fee prescribed by law and shall be accompanied by the fcc for license prescribed by these rules.(2)The application shall be made not less than fifteen days before the date on which the dramatic performance or entertainment for which the license applied for, is to be held.In suitable cases, the Licensing Authority may entertain an aplianion filed at any time before the said date or even on the date of performance before the time of performance, But where an order under sub-section (2) of Sec. 10 is for the time being in force, the application shall be filed at least three days before the said date.

9. Procedure on receipt of application

:- (1) On an application for license being received, the Licensing Authority shall unless it chooses to grant the license immediately fix a date for orders on the application, which shall be communicated there and then to the applicant.(2)The Licensing Authority may, whether it is the authority empowered to do so under section 7 of the Ordinance or not require the applicant to supply such information relating to the proposed performance or entertainment (including a copy in English or Hindi of the script or programme or demonstration thereof, as it may think fit. The applicant shall provide such information or demonstration and it if it is not provided the Licensing Authority shall not be bound to consider the application. The Licensing Authority may also inspect the premises if it thinks necessary(3)On the date fixed for orders under sub-rule (1) the Licensing Authority shall after hearing the applicant or his authorised agent (if he appears) and subject to the provisions of sub-rule (2) and to the other provisions of these rules, grant or reject the application recording its reasons for doing so.(4)Every license shall be in Form B.

10. License when to be refused

:- (1) No license shall be granted to an individual below the age of 21 years.(2)No license shall be granted unless the fee prescribed by these rules has been paid.(3)A license may be refused if the proposed performance or entertainment is likely to lead to a breach of the peace, or is of the nature prescribed in clause (e) or (a), (b), (c) or (d) of section 3 of the Ordinance or amounts to a contempt of any Court or increment to an offence or may prejudice the friendly relations of India with any Foreign State, or includes items in the nature of games of chance.(4)A license may be refused if the application is not in order, or if the information or demonstration referred to in rule 9(2) has not been provided, or if any information required to be furnished by virtue of an order under section 10 (2) has not been furnished to the proper authority, or if the licensee has failed to arrange for inspection of the premises when required.(5)A license shall not be refused in any other case.

11. License fees

:- (1) For every license a fee of rupees 10/- shall be charged for the first day and Rs. 5/- for every subsequent day for the number of days for which the license is issued.Note - For fees for alternation in a license see rule 20.(2)The duplicate of a license may be granted on payment of rupees 2/- only.(3)Notwithstanding anything in the foregoing sub-rules no license-fee shall be charged in respect of a dramatic performance or entertainment (a)If it is in aid of any philanthropic, religious, charitable, cultural, scientific or educational institution in the buildings occupied by such institution, or(b)if it is organised by or under the auspices of the Central Government or the Government of Rajasthan or any Department thereof or any local body, or(c)if it is organised by any institution or association not established for profit and meant solely for the purpose of promoting the public health or the interests of agriculture or of a manufacturing industry and consists solely of an exhibition of articles of interest connected with the aforesaid purpose.Conditions of a License and Obligations of a Licensee

12. Implied conditions

:- Every license shall be deemed to be subject to the following conditions namely (a)that the provisions of the Ordinance and of these rules are complied with.(b)that the licensee shall not allow on the stage any words, gestures, representations or things that might (i)lead to a breach of the public peace, or(ii)fall within the purview of clause (a), (b), (c) or (d) of section 3 of the Ordinance, or(iii)amount to a contempt of court or incitement to an offence, or(iv)prejudice the friendly relations of India with any foreign State;(c)that no performance or entertainment will beheld after 1 a.m. unless special permitted by the Licensing Authority.

13. Special. conditions

(1)The Licensing Authority may impose such other special conditions as it may think fit, in the interests of public order or decency, including conditions limiting admission to the performance on entertainment to adults only.(2)No special condition shall be imposed after the grant of a license,

except by way of modification under the subsequent provisions of these rules.(3)No special conditions shall be imposed unless the applicant for licensee has been heard with respect thereto.

14. Access to be allowed to certain officers

- The licensee shall allow free access to the Licensing Authority or officers empowered by it or to police officers not below the rank of sub-Inspector, for the purpose of seeing that the provisions of the Ordinance and these rules, and the conditions of the license are complied with, such access to be allowed to the performance or entertainment and the place where it is or is to be held.

15. Reasonable directions to be obeyed

- The licensee shall obey all reasonable directions that may be issued by the Authority or officers mentioned in rule 14 for the maintenance of orders at the performance or entertainment.

16. License to be produced

- The licensee shall produce the license wherever required by an Authority or Officer mentioned in rule 14.

17. Defaults by Manager servants, etc

(1)Every Manager, servant or other agent of the licensee, employed in connection with the performance or entertainment shall, be bound by these rules and the conditions of the license in the same manner as the licensee is bound, so far as the functions assigned to him by the licensee are concerned.(2)Without prejudicial to the provisions of -sub-rule (1) a default of any person mentioned in that sub-rule shall be regarded as a default on the part of the licensee also unless he proves that he had taken sufficient precautions to prevent it.Cancellation, Modification, etc. of Licenses

18. Ground for cancellation, or suspension etc.

- The Licensing Authority may, after giving the licensee a reasonable opportunity of being heard, suspend or modify the license, recording its reasons for doing so on any of the following grounds :(a)that the licensee has violated the provisions of the Ordinance or of these rules (including rules 14 to 17) or the conditions of his license; or(b)that the license has been obtained by fraud or misrepresentation in any material particular; or(c)that the information or demonstration provided by the licensee under rule 9(2) was materially false or defective and that the performance or entertainment actually held, being held or about to be held is not in accordance therewith.

19. Cancellation, etc. no bar to other penalty

- The fact that a license has been cancelled, modified or suspended shall not bar the enforcement of any other penalty that the licensee may have incurred under the law.

20. Alteration regarding place or timing

- Licensing Authority may on the request of the licensee alter the place or timings or performance, if it thinks fit, and if a fee of Rs.1/- is paid.

21. Issues of license no bar to action under section 3

- The fact that a license has been issued in respect of a performance or entertainment shall not bar the taking of action under section 3 of the Ordinance, provided the procedure prescribed by Chapter II of these rules is observed.

22. Issue of license not to excuse compliance with other Law

- The fact that a licensee has obtained a license under these rules shall not excuse any non-compliance with any other law, or order, notification, rule, or bye law having the effect of law, for the time being in force.

23. Renewal

- A license shall be valid only for the period for which and for the performance or entertainment in respect of which it is granted but its duration or scope may from time to time be extended by the Licensing Authority at its discretion by endorsement thereon, subject to the other provisions of these rules. A fresh formal application shall not be necessary in such cases. The fee prescribed by rule 11 shall be charged the mode of calculation being the same as would apply if the original license were for the period or performance or entertainment sought to be added by the renewal.

24. Associations and Institutions

- In the case of an association of persons or institution not incorporated by law, the application shall be signed by a responsible officer thereof who shall be regarded as a licensee for the purpose of compliance with the Ordinance and these rules and the conditions of the license.

25. Exempted performances

- Nothing in these rules apply to performances and entertainments exempt from the Ordinance under section 12 thereof. Form 'A' [See rule 8(1)] Application for holding a Dramatic Performance and Entertainment To The Licensing Authority, District. I/We hereby apply for the grant of a license to hold a dramatic performance entertainment as per details given below :-

1. Full name with parentage, caste, address of the applicant For individuals.
2. Full name and address with a copy of certificate of incorporation or statutory provision In the case of corporate bodies.
In the case of an association of persons institution not incorporated by law.
 Full name and address of the association or institution.
- And
 Full name, parentage caste and address of a responsible officer of the association or institution who has signed this application and who shall be regarded as a licensee for the purposes of the Rajasthan Dramatic Performances and Entertainments Ordinance, 1949, and rules made thereunder (see rule 24 of the said rules).
3. Date of birth and age of the applicant For individuals.
 Or
 Date of the birth and age of the officer of the institution or association named in item No. 1 above. For associations or institution not incorporated by law.
4. Details of the place where the performance of entertainment will be held (address, village, town or city, tehsil and district).
5. Date or dates on which the performance or entertainment will be held.
6. Number of times performances will be held on each day, time of commencement and end.
7. Nature of the performance or entertainment to be held (viz. drama, music concert, circus, variety show, etc.)
- And
 A brief description (e.g. in the case of dramas state the title, name of author and subject-matter in the case of variety shows or circus, a rough enumeration of items; in the case of exhibition, the kind of articles exhibited).
8. Name and address of the Manager in charge of the performance or entertainment (if other than the licensee).
9. Name and address of the owner of the premises where the performance or entertainment will be held.
10. Fee, deposited or accompanying the application or, if exemption is claimed, ground of exemption.
11. Any other information that the applicant may desire to enter.

Place Date Signature Form "B" (See rule 9(4)) Licenses for holding a Dramatic Performance or Entertainment. Issued under 2nd subject to the Rajasthan Dramatic Performances and Entertainments Ordinance, 1949 (Rajasthan Ordinance No. XXIX of 1949) and

rules made thereunder. Shri is hereby licensed to hold a dramatic performance as per details and subject to the conditions given/entertainment below :-

1. Name and address of the licensee.

And

- (In the case of associations or institutions not incorporated by law) name and address of the
2. responsible officer who shall be regarded as the licensee as provided in rule 24 of the Rajasthan Dramatic Performance and Entertainment Rules, 1954.
3. Details of the place where the performance or entertainment shall be held.
4. Date or dates on which the performance or entertainment is licensed to be held.
5. Number of times performance can be held each day, with times of commencement and end.
6. Nature of the performance or entertainment authorised to hold (with brief description)
7. Fees paid.
8. Special conditions of the license, if any :-
 - (1)
 - (2)
 - (3)
 - (4)
9. If the licensee is authorised to hold performance after 1 P.M. a note to that effect.
10. Remarks.

Notes:- (1) This license is issued subject to the provisions of the Rajasthan Dramatic Performances and Entertainments Ordinance, 1949, and rules made thereunder. (2) In particular, the attention of the licensee is invited to the conditions implied by and the obligations imposed under the said rules regarding production of this license on demand, free access to certain officers and obeying reasonable directions issued by them for maintaining order, and not allowing objectionable speeches, gestures, representations, etc. on the stage. These conditions and obligations are in addition to the special conditions, if any, incorporated in this license. (3) This license is issued only for the purposes of the aforesaid Ordinance, and does not relieve the licensee of his duty to obtain any license or permission required by any other law or order, rule or bye-law having the force of law. Licensing Authority (District Magistrate or other officer (specially empowered by the Government)). Date