

Rajasthan Dramatic Performances and Entertainments Ordinance, 1949

RAJASTHAN

India

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Act 29 of 1949

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Rajasthan Dramatic Performances and Entertainments Ordinance, 1949(Ordinance No. 29 of 1949)RJ60(Promulgated by His Highness the Rajpramukh on the 15th day of September, 1949)An Ordinance to provide for the control of dramatic performances and entertainments in public places. Whereas it is expedient to make provision for the regulation of dramatic performances and other entertainments in public places and for the prohibition of such of them as are scandalous, defamatory, seditious, obscene or dangerous. Now, therefore, in exercise of the powers conferred by paragraph (3) of Article X of the Covenant, His Highness the Rajpramukh is pleased to make and promulgate the following Ordinance

1. Short title, extent and commencement

(1) This Ordinance may be called the Rajasthan Dramatic Performances and Entertainments Ordinance, 1949. (2) [it extends to the whole of the State of Rajasthan.] [Substituted & omitted vide item No. 2 of the Sch. to the Rajasthan Act No. 27 of 1957 published in Rajasthan Gazette, Part 4-A, Extraordinary, dated 13.8.1957. This Act now extends to the whole of the State of Rajasthan including the Abu, Ajmer and Sunel areas, with effect from 1.9.1957 i.e. the date of enforcement of Rajasthan Act No. 27 of 1957] (3) It shall come into force at once.

2. Definitions

- In this Ordinance, unless there is anything repugnant in the subject or context -(i)'entertainment' includes circus, carnival, variety show, wrestling match, animal or bird fighting and kite-flying competition; (ii) [.....] [Substituted & omitted vide item No. 2 of the Sch. to the Rajasthan Act No. 27 of 1957 published in Rajasthan Gazette, Part 4-A, Extraordinary., dated 13.8.1957. This Act now extends to the whole of the State of Rajasthan including the Abu, Ajmer and Sunel areas, with effect

from 1.9.1957 i.e. the date of enforcement of Rajasthan Act No. 27 of 1957](iii)'public place' means any building or enclosure to which the public are admitted to witness a dramatic performances or entertainment on payment of money.

3. Power to prohibit certain dramatic performances and entertainment

- Whenever the District Magistrate is of opinion that any play, pantomime, or other drama or entertainment or any part thereof performed or held about to be performed or held in a public place is -(a)of a scandalous or defamatory nature; or(b)likely to excite feelings or disaffection to the [State Government] [Substuted by section 4 of Rajasthan Act No. 27 of 1957 (Published in Rajasthan Gazette Part 4-A Extraordinary dated 13.4.1957.)]; or(c)likely to deprave and corrupt persons present at the performance or entertainment; or(d)of a dangerous character, likely to danger human life or to cause injury to any person present thereat; such Magistrate may be order prohibit the performance or entertainment or any part thereof.

4. Power to serve order of prohibition

- A copy of any such order may be served on any person about to take part in the performance or entertainment so prohibited, or on the owner or occupier of any house, room or place in which such performance or entertainment is intended to take place; and any person on whom such copy is served and who does or willingly permits any act in disobedience to such order shall be punished with imprisonment for a term which may extend to three months, or with fine, or with both.

5. Power to notify order

- Any such order may be notified by proclamation and a written or printed notice thereof may be stuck up at any place or places adopted for giving information of the order the persons intending to take part in or to witness the performance or entertainment so prohibited.

6. Penalty for disobeying prohibition

- Whoever, after the notification of any such order -(a)takes part in the performance or entertainment prohibited thereby, or in any performance or entertainment substantially the same as the performance or entertainment so prohibited; or(b)in any manner assists in conducting any such performance or entertainment, Or(c)is in wilful disobedience to such order present as a spectator during the whole or any part of any such performance or entertainment; or(d)being the owner or occupier, or having the use of, any house, room or place, opens, keeps or uses the same for any such performance or entertainment or permits the same to be opened, kept or used for any such performance or entertainment shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

7. Power to call for information

- For the purpose of ascertaining the character of any intended dramatic performance or entertainment in a public place, the District Magistrate or such officer as may specially be empowered by the [State Government] [Substituted by section 4 of Rajasthan Act No. 27 of 1957 (Published in Rajasthan Gazette Part 4-A Extraordinary dated 13.4.1957.)] in this behalf, may require the author, proprietor or printer of the drama about to be performed, or the proprietor, manager or promoter of the entertainment about to be held, or the owner or occupier of the place in which such drama or entertainment is intended to be performed or held, to furnish such information as the District Magistrate or such officer thinks necessary. Every person so required shall be bound to furnish the same to the best of his ability and whoever contravenes this section shall be deemed to have committed an offence under Section 176 of the Indian Penal Code, [.....] [Omitted vide item No. 2 of the Schedule to Rajasthan Act (Act No. 27 of 1957).]

8. Power to grant warrant to police to enter and arrest and seize

- If any District Magistrate has reason to believe that any house, room or place is used, or is about to be used, for any performance or entertainment prohibited under this Ordinance, he may, by his warrant, authorise any officer of police to enter with such assistance as may be requisite, by night or by day, and by force if necessary, any such house, room or place, and to take into custody all persons, whom he finds therein, and to seize all scenery, dresses, animals and the like found therein and reasonably suspected to have been used, or to be intended to be used, for the purpose of such performance or entertainment.

9. Saving of prosecution under Penal Code Sections 124A and 294

- No conviction under this Act shall bar a prosecution under Section 124A or Section 294 of the Indian Penal Code [...] [Omitted vide item No. 2 of the Schedule to Rajasthan Act (Act No. 27 of 1957).]

10. Power to prohibit dramatic performance and entertainment except under licence

(1) The [State Government] [Substituted by Section 4 of Rajasthan Act No. 27 of 1957 (Published in Rajasthan Gazette, Part 4-A, Extraordinary, dated 13.4.1957).] may, if and when it considers necessary, order that no dramatic performance or entertainment nor any class of such performances or entertainments shall be held in any public places within any local area specified in the order except under a licence to be granted by the District Magistrate, or such officer as may specially be empowered by the [State Government] [Substituted by Section 4 of Rajasthan Act No. 27 of 1957 (Published in Rajasthan Gazette, Part 4-A, Extraordinary, dated 13.4.1957).], in this behalf. (2) The [State Government] [Substituted by Section 4 of Rajasthan Act No. 27 of 1957 (Published in Rajasthan Gazette, Part. IV-A, Extraordinary., dated 13.4.1957).] may also order that no dramatic performance or entertainment shall be held in any public place, unless a copy of the

piece, if and so far as it is written or some sufficient account of its purport, if and so far as it is in pantomime or otherwise has been furnished, not less than three days before the performance or entertainment to the District Magistrate, or such officer as may be named in the order.(3)A copy of any order under this section may be served on any keeper of the place where the performance or entertainment is to be held and if thereafter he does, or willingly permits, any act in disobedience to such order, he shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

11. Power to make rule

(1)The [State Government] [Substituted by Section 4 of Rajasthan Act No. 27 of 1957 (Published in Rajasthan Gazette, Part 4-A, Extraordinary, dated 13.4.1957).] may make rules for the purpose of carrying into effect the provisions of this Ordinance.(2)In particular and without prejudice to the generality of the foregoing power, the rules under this section may provide for (a)the regulation of all dramatic performances and entertainments in public places;(b)the forms of licence to be granted under this Ordinance;(c)the procedure for granting licences;(d)the fees to be levied for such licences;(e)the conditions and restrictions upon and subject to which licences are to be granted; and(f)any other matter ancillary or incidental to the provisions of this Ordinance.(3)All rules made under this Ordinance shall be published in the [Official Gazette] [Substituted by Section 4 of Rajasthan Act No. 27 of 1957 (Published, in Rajasthan Gazette, Part. IV-A, Extraordinary., dated 13.4.1957).].(4)Any person contravening any rule made under this section shall, if not otherwise provided for in this Ordinance, be punishable with fine which may extend to two hundred rupees.

12. Exclusion of certain performances and entertainments

- Nothing in this Ordinance applies to any; "Raslila" or performances and entertainments of a like kind held at religious festivals.

13. Power to delegate

- The [State Government] [Substituted by Section 4 of Rajasthan Act No. 27 of 1957 (Published, in Rajasthan Gazette, Part 4-A, Extraordinary, dated 13.4.1957).] may, by notification in the [Official Gazette] [Substituted by Section 4 of Rajasthan Act No. 27 of 1957 (Published, in Rajasthan Gazette, Part 4-A, Extraordinary, dated 13.4.1957).] delegate all or any of the powers conferred on State Government by this Ordinance, except that of making rules, to any authority to be exercised within such area and subject to such conditions, as may be specified in the notification.

14. [Appeal - Any person aggrieved-

(i)by an order made under Section 3, or(ii)by an order refusing to grant a licence under Section 10 may within 60 days of the date on which such order is made prefer on, a court fee of rupees two, an appeal to the Sessions Judge who may pass such order as he deems fit, confirming varying or reversing the order appealed from any may pass such consequential and incidental orders, as may

be necessary.][15.] [Omitted vide item No. 2 of the Schedule to Rajasthan Act (Act No. 27 of 1957).][Inserted vide Section 2 of Rajasthan Act No. 29 of 1961 (Published in Rajasthan Gazette, Extraordinary, Part 4-A, dated 24.10.1961).]