

The M.P. Dramatic Performances Act, 1961

MADHYA PRADESH

India

The M.P. Dramatic Performances Act, 1961

Act 11 of 1961

- Published on 15 March 1961
- Commenced on 15 March 1961
- [This is the version of this document from 15 March 1961.]
- [Note: The original publication document is not available and this content could not be verified.]

The M.P. Dramatic Performances Act, 1961 Act No. 11 of 1961 Statement of Objects and Reasons. - Different laws regarding dramatic performances are at present in force in the various integrating unite of the new State. In the Mahakoshal, Vindhya Pradesh and Bhopal regions of the State, the Dramatic Performances Act, 1876 (XIX of 1876) is in force, while in the Madhya Bharat and Sironj regions, the Madhya Bharat Public Amusements Act, 1951 (16 of 1961) and Rajasthan Dramatic Performances and Entertainment Ordinance, 1949 (XXIX of 1949), respectively, are in force. The latter Act and the Ordinance are almost identical with the Central Act in force in the Mahakoshal, Vidhya Pradesh and Bhopai regions. In the year 1954, Section 6 of the Central Act was declared by the Madras High Court to be repugnant to the Constitution on the ground that it infringed the fundamental right of the freedom of speech and expression guaranteed by Article 19 thereof and therefrom the Madras Legislature enacted the Madras Dramatic Performances Act, 1954 (XXXIII of 1954) repealing the Central law. In the year 1956, the Allahabad High Court declared the whole of the Central Act ultra vires of the Constitution and this decision has been followed by the Punjab High Court in a later case in the year 1958.² In view of the aforesaid judicial pronouncements it is necessary to recast the existing provisions and to enact a unified law relating to dramatic performances which may be consistent with the provisions of the Constitution. The Bill is designed to achieve this object. [Dated 15th March, 1961] Received the assent of the Governor on the 15th March, 1961 : Published in the Madhya Pradesh Gazette, on the 31st March, 1961. For Statement of Objects and Reasons, see Bill No. 24 of 1960, published in the Madhya Pradesh Gazette, dated the 5th October, 1960. An Act to provide for the better control of public dramatic performances in the State of Madhya Pradesh. Be it enacted in the Twelfth Year of the Republic of India as follows:

1. Short title and extent.

(1) This Act may be called the Madhya Pradesh Dramatic Performances Act, 1961. (2) It extends to the whole of Madhya Pradesh.

2. Definitions.

- In this Act, unless the context otherwise requires, -(1)"objectionable dramatic performance" means any play, pantomime or other drama which is likely to-(i)incite any person to commit any act calculated to undermine the security of the State.(ii)incite 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 recruiting of persons to serve in any such force or prejudice the discipline of any such force; or(iv)incite any section of the citizens of India to acts of violence against any other section of the citizens- of India;or which-(v)is deliberately intended to outrage the religious feelings of any class of the citizens of India by insulting or blaspheming or profaning the religion or the religious beliefs of that class and is likely to undermine public order; or(vi)is grossly indecent, or is scurrilous or obscene or intended for blackmail;Explanation I. - A dramatic performance shall not be deemed to be objectionable merely because in the course thereof words are uttered, or signs or visible representations are made, expressing disapprobation or criticism of any law or of any policy of administrative action of the Government with a view to obtain its alteration or redress by lawful means.Explanation II. - In judging whether any dramatic performance is an objectionable dramatic performance, the play, pantomime or other drama shall be considered as a whole;(2)"public place" means any building or enclosure, or any place in the open air or any pandal where the sides are not enclosed, to which the public are admitted to witness a dramatic performance or which is in full view of the public or to which public have access.

3. Power to prohibit objectionable dramatic performances.

(1)Whenever the State Government is satisfied that any play, pantomime or other drama which is being performed or is about to be performed in a public place, is an objectionable dramatic performance, it may, by order stating the grounds on which it considers the performance objectionable, prohibit the whole or any part of the performance.(2)No order under sub-section (1) shall be passed without giving a reasonable opportunity to the organizer or other principal persons responsible for the conduct of the performance and to the owner or occupier of the public place in which such performance is going on or is intended to take place to show cause why the performance should not be prohibited :Provided that this sub-section shall not apply where the State Government is satisfied that for some reason to be recorded in writing it is not reasonably practicable to give to the persons concerned an opportunity of showing cause.(3)Every order made under sub-section (1) shall be published in the Official Gazette.(4)Any order made under sub-section (1) may also be notified by proclamation and a written or printed notice thereof may be affixed at any place or places adapted for giving information of the order to the persons intending to take part in the performance so prohibited.(5)The State Government may, on its own motion or on an application made by any person or party affected by the order under sub-section (1), review such order.

4. Power to prohibit objectionable dramatic performances temporarily.

(1)The Collector or any other officer authorised by the State Government in this behalf may, if he is of opinion that any play, pantomime or other drama which is being performed or is about to be

performed, is an objectionable dramatic performance and is likely to lead to a breach of the peace, by order stating the grounds for such opinion prohibit its performance in whole or part thereof :Provided that the officer who passes such order may review it on his own motion or on an application made by the person or party affected by such order.(2)Subject to any order made by the Court on appeal under Section 9, an order under this section shall remain in force for two months from the making thereof :Provided that if the officer who passes the order under sub-section (1) is of the opinion that the order should continue in force, he may extend the period aforesaid by such further period not exceeding two months at a time as may be specified in such order.(3)Every order made under sub-section (1) or sub-section (2) shall be published in such manner as may be prescribed.

5. Service of order of prohibition.

- A copy of the order made under sub-section (1) or sub-section (2) of Section 4, or under sub-section (1) of Section 7, may be served personally or in such other manner as may be prescribed on the organizers or other principal persons responsible for the conduct of, or any person about to take part in, the performance so prohibited.

6. Penalty for disobedience of order made under Section 3 or Section 4.

(1)Any person who, after the publication of an order under sub-section (3) of Section 3 or sub-section (3) of Section 4 or after an order under sub-section (1) or sub-section (2) of Section 4 is served on him, and during the period such order remains in force-(a)organises or is responsible for the conduct of the performance prohibited thereby or any performance substantially the same as the performance so prohibited; or(b)does or permits any act in disobedience of such order; or(c)being the owner or occupier, or having the use of any public place, opens, keeps or uses or permits the same to be opened, kept or used for any such performance;shall be punished 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 with the knowledge that 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 performance so prohibited shall 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. Power to call for information.

(1)For the purpose of ascertaining the character of any intended play, pantomime or other drama, the State Government, or such officer as it may empower in this behalf, may, by order, require the organizers or other principal persons responsible for the conduct of, or other persons about to take part in such play, pantomime or other drama or the author, proprietor or printer of the play, pantomime or other drama about to be performed, or the owner or occupier of the place in which it is intended to be performed, to furnish such information as the State Government or such officer may think necessary.(2)Every person so required shall be bound to furnish the information to the best of his ability within the time specified in such order and in case of contravention shall be deemed to have committed an offence under Section 176 of the Indian Penal Code, 1860 (XLV of

1860).

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

(1) If the State Government or the Collector, has reasons to believe that an objectionable dramatic performance is about to take place, it or he, as the case may be, may, by order, direct that a copy of the piece, if and so far as it is written, or sufficient account of its purport, if and so far as it is in pantomime, be furnished, not less than seven days before the performance to the State Government, or the Collector. (2) A copy of any order made under sub-section (1) shall be served on the organisers or other principal persons responsible for the conduct of such performance or on the owner or occupier of the public place in which such performance is intended to take place, and if thereafter any such person contravenes such order, he shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

9. Appeal to High Court.

- Any person aggrieved by an order under sub-section (1) of Section 3 or under sub-section (1) or sub-section (2) of Section 4, may, within sixty days 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 sub-section (1) or sub-section (2) of Section 4, is made, prefer an appeal to the High Court; and upon such appeal, the High Court may pass such orders as it deems fit confirming, varying or reversing the order appealed from, and may pass such consequential or incidental orders as may be necessary.

10. Protection for acts done in good faith.

- No suit, prosecution or other legal proceeding 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 made thereunder.

11. Powers to make rules.

(1) The State Government may, after previous publication, make rules to carry out the purposes of this Act. (2) All rules made under this Section shall be laid on the table of the State Legislative Assembly.

12. Repeal.

- The Dramatic Performances Act, 1876 (No. XIX of 1876) in its application to Mahakoshal, Vindhya Pradesh and Bhopal regions, the Madhya Bharat Public Amusements Act, 1951 (No. XVI of 1951), and the Rajasthan Dramatic Performances and Entertainments Ordinance, 1949 (XXIX of 1949), in so far as it relates to Sironj region, are hereby repealed.