

THE PUNJAB CINEMAS (REGULATION) ACT, 1952.**ARRANGEMENT OF SECTIONS.****SECTIONS.**

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¹THE PUNJAB CINEMAS (REGULATION)**ACT, 1952.****Punjab Act No. XI of 1952.**

[Received the assent of the Governor of Punjab on the 16th August, 1952, and first published in the Punjab Government Gazette (Extraordinary) of August 19, 1952].

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by later Legislation
1952	XI	The Punjab Cinemas (Regulation) Act, 1952	<p>Amended by Punjab Act No. VI of 1955²</p> <p>Affected by Punjab Act No. 5 of 1957³</p> <p>Amended by Punjab Act No. 28 of 1957⁴</p> <p>Amended by Punjab Act No. 4 of 1963⁵</p> <p>Amended by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968</p> <p>Amended by Government of India Notification No. G.S.R. 132, dated the 13th January, 1970</p>

¹For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, dated the 22nd July, 1952, pages 659-60. For proceedings in the Assembly, see *Punjab Legislative Assembly Debates*, 1952, Volume II, pages (30)8—(30)28.

This Act has been extended with effect from the 3rd April, 1957, to the territories which immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union, by the Punjab Laws (Extension No. 1) Act, 1957 (Punjab Act No. 5 of 1957), section 4, Schedule I.

²For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, dated the 11th March, 1955, page 145.

³For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, dated the 14th March, 1957, and also see footnote No. 1 above, regarding extension of the Act to erstwhile Pepsu territories.

⁴For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, dated the 23rd October, 1957, page 1969.

⁵For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, 1963, page 208.

An Act to make provision for regulating exhibitions by means of cinematographs in the Punjab.

It is hereby enacted as follows:—

Short title, extent
and commence-
ment.

1. (1) This Act may be called the Punjab Cinemas (Regulation) Act, 1952.

(2) It extends to the whole of the ¹[Union territory of Chandigarh].

(3) It shall be deemed to have come into force on 28th of July, 1952.

Definitions.

2. 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 ²[Central Government] ;

(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.

Cinematograph
exhibition be licen-
sed.

3. 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.

Licensing autho-
rity.

4. 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.

¹Substituted for the words "State of Punjab" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

²Substituted for the words "Government of the State of Punjab" by *ibid.*

5. (1) The licensing authority shall not grant a licence under this Act unless it is satisfied that—

a Restrictions on powers of licensing authority.

(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.

(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, 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. (1) The Government in respect of the whole of the [Union Territory of Chandigarh] 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 the film shall be deemed to be uncertified film in the State, part of the State or district, as the case may be.

Power of Government or local authority to suspend exhibition of films in certain cases.

¹Substituted for the words "State of Punjab" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

(2) Where an order under sub-section (1) has been issued by a District Magistrate, a copy thereof, together with a statement of reasons therefor 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.

Penalties.

7. If the owner or person in charge 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, he shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues.

Amendment or alteration in classification of seats and rates for admission by the licensee.

¹[7-A. (1) The licensee shall adhere to the classification of seats and the rates of 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 the 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 of admission to the cinematograph exhibition will not unreasonably affect the purchaser of the cinematograph tickets, it may, for reasons to be recorded in writing, grant the approval for such increase:

¹Inserted by the Government of India notification No. G.S.R. 132, dated the 13th January, 1970.

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.

7-B. 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.

Power of Government to amend or alter rates for admission to cinematograph exhibition.

7-C. (1) Notwithstanding anything contained in section 56 of the Indian Easements Act, 1882, a ticket for admission to a cinematograph exhibition shall not be resold for profit by the purchaser thereof.

Penalty for resale of tickets and cognizance of offences.

(2) Whoever resells 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.]

¹[8. (1) Notwithstanding anything contained in this Act, the ²[Central 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 :—

Power to suspend, cancel or revoke licence.

(a) the licence was obtained through fraud or misrepresentation ;

(b) the licensee has committed a breach of any of the provisions of this Act or the 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 ;

¹Substituted by Punjab Act No. VI of 1955, section 2.

²Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order,

- (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 : ¹[***]
- (d) the licensee has been convicted of an offence under section 7 of this Act or section 7 of the Cinematograph Act, 1952 (XXXVII of 1952);
- ²[(e) the licensee has been convicted for not less than three times of an offence punishable under clause (a) of sub-section (1) of section 15 of the Punjab Entertainments Duty Act, 1955, or has compounded such offence for not less than three times under section 16 of that Act ;
- (f) a penalty under section 14-A of the Act referred to in clause (e) has been imposed for not less than three times on the licensee ; or
- (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).]

(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 the 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.

¹The word "or" omitted by Punjab Act No. 4 of 1963, section 2.

²Clauses (e), (f) and (g), added by Punjab Act No. 4 of 1963, section 2.

(5) The order of the Government shall be final.]

9. The Government may, by notification in the Official Gazette, make ¹rules— Power to 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 ²[and sub-section (4) of section 7] may be preferred.

³[10. The Government may, by 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.] Power to exempt.

11. 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 : Repeal of the Cinematograph Act, 1918.

Provided that any appointment, notification, order, scheme, rule, form or by-law, made or issued under the repealed Act, shall, so far 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.

¹The rules have been framed,—vide Punjab Government notification No. 8279-H-52/12053, dated the 14th October, 1952.

²Inserted by Government of India notification No. G.S.R. 132, dated the 13th January, 1970.

³Section 10 substituted by Punjab Act No. 28 of 1957, section 2.

