



The Orissa Cinemas (Regulation) Act, 1954

Act 2 of 1954

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The Orissa Cinemas (Regulation) Act, 1954

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AN ACT TO MAKE PROVISION FOR REGULATING EXHIBITION BY MEANS OF CINEMAS

Whereas it is expedient to make provisions for regulating exhibition by means of cinemas in the State of Orissa.

It is hereby enacted as follows:

[For Statement of Objects &: Reasons see Orissa Gazette Ext. No. 30/18.2. 1954.]
Statement of Objects and Reasons- In Cinematograph Act, 1918 (Central) there was no clear demarcation of the subjects which can be dealt by the .Central or State Governments. With a view to separate the provisions which concern the Central Government from those which relate to the State Governments the Cinematograph Act of 1952 was passed by the Parliament. In this new Act Central Government in Part III of the Act has made provisions in respect of Part ‘C’ States only which are directly under their administration. They directed the State Government to have similar legislation for regulation of cinemas in the State. The main purpose of the Act is to introduce a licensing system for exhibition of films. This necessitated the introduction of the Bill.

1. Short title, extent and commencement- (1) This Act may be called the Orissa Cinemas (Regulation) Act. 1954.

(2) It extends to the whole of the State of Orissa.

(3) It shall come in to force at once.

Notes-The general power To legislate with regard to cinemas is in the State Legislature and covered by Entry 33. Part II of Schedule VII or the Constitution. Only a particular power is reserved for the Union Legislature in Entry 60 of List 1. viz., the sanctioning of films/or exhibition.

2. Definitions- In this Act unless there is anything repugnant in the subject or context-

(a) “Cinema” includes any apparatus for the representation of moving pictures or series of pictures:

(b) “Place” includes also a house, building, tent and any description of transport whether by water, lard or air; and.

(c) “Prescribed” means prescribed by rules made under this Act.

CASE LAWS-(i) Section 2-The opinion of the Local Officers necessary for carrying out any particular trade or business, specially when it is based on local inspection-AIR 1960 Ori. 88 (93).

(ii) REFERRED TO:1989 (1) OLR 318 : 67 (1989) CLT 596: (1989) 2 OCR 212: 1989 Cri. L.J. 1960.

3. Cinematograph exhibitions to be licensed-Save as other wise provided in that Act, no person shall give an exhibition by means of a cinema elsewhere than in a place licensed under this Act or otherwise than in compliance with any conditions and restrictions imposed by such licence.

CASE LAW-Section 3-Licence for cinematograph exhibition under-The licensing authority to consider either to grant or reject a licence-The State Govt. should not assume powers which are conferred upon the licensing authority-Action of State Govt. is not justified- AIR 1966 SC 1081.

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 State Government may, by notification, constitute for the whole or any part of the State of Orissa such other authority as it may specify in the notification to be the licensing authority for the purpose of this Act.

5. Restrictions on powers of licensing authority- (I) 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 substantially 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 persons attending exhibitions therein.

(2) Subject to the foregoing provisions of this section and to the control of the State Government, the licensing authority may grant licences under this Act to such person as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may determine,

CASE LAWS-(i) Section 5 (1) and (2)-Restrictions on powers of licensing authority-The order of refusing temporary licence on the ground of economic distress prevailing in the concerned area-It is not violative of Article 19 (1) (g) of Constitution of India-ILR 1972 Cutt. 1058.

(ii) Section 5 (I) and (2) -Petitioner was refused temporary licence by the R. D. C. - Ground of refusal was that the area for which licence was to be granted was not suitable for the purpose-On the other hand, petitioner was asked to choose another place for which temporary licence could be granted-Not bad in law-AIR 1960 Ori. 88 (93).

(3) Any person aggrieved by the decision of a licensing authority refusing to grant a licence under this Act may within such time as may be prescribed, appeal to the State Government or to such officer as the State Government may specify in this behalf and the State Government or the Officer, as the case may be, may make such order in the case as they or he thinks fit.

(4) The State 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 and restrictions subject to which the licence has been granted.

[Inserted vide Act No. 26 of 1978, w.e.f., 6. 10. 1978.][Explanation-For the purposes of this sub-section “indigenous films” include films in Oriya language produced outside the State of Orissa but do not include films in language produced outside the State of Orissa but do not include films in languages other than Oriya and films dubbed in Oriya language whether produced inside or outside the State of Orissa.]

CASE LAW-Section 5 (4). Explanation-Distance of The cinema hall from the School-The cinema house situated a far long away from School-This is sufficient compliance of Rule 19 (a) (2) of the Orissa Cinemas (Regulation) Rules, 1964 - ILR (1979) 1 Cutt. 224.

6. Power of State Government or the District Magistrate to suspend exhibition of films in certain cases- (1) The State Government in respect of the whole of the State of Orissa or any part thereof and the District Magistrate in respect of the district within his jurisdiction may, if they or he be of opinion that any film which is being publicly, exhibited is likely to cause breach of the peace, by order suspend the exhibition of the film and the film shall not be exhibited in the whole or part of the State or district, as the case may be;

Provided that the District Magistrate hereinbefore specified may in respect of any subdivision within the district, empower any Sub-divisional Magistrate having jurisdiction to exercise such powers of the District Magistrate under this section.

(2) Where an order under Sub-section (I) has been issued by the District Magistrate a copy thereof together with a statement of reasons therefor shall forthwith be forwarded by the person making the same to the State Government which may either confirm or discharge the order.

(4) An order made under this section shall remain in force for a period of two months from the date thereof, but the State Government may, if they are of opinion that the order should continue in force direct that the period of suspension shall be extended by such further period as they think fit. .

[Re-numbered vide Orissa Gazette Ext. No. 1453/20. 10. 1986-Notfn. No. 15112/Legis./ 20. 10.1986.][1] If the owner or person in charge of a cinema 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 and restrictions 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.

[Inserted *ibid.*][2] Notwithstanding anything contained in the Code or Criminal Procedure. 1973 (2 of 1974), offence punishable under Sub-section (I) shall be cognizable.]

8. Power to revoke licence-Where the holder of a licence has been convicted of an offence under section 7 of the Cinematograph Act, 1952 (XXXVI of 195-2) or under Section 7 of this Act the licence may be revoked by the licensing authority.

9. Power to make rules- (1) The State Government may, by notification make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power rules under this section may provide for

- (a) the terms, conditions and restrictions if any, subject to which licences may be granted under this Act;
- (b) the regulation of the cinema exhibitions for securing the public safety;
- (c) the fees to be levied for licensing places for cinema exhibition; and
- (d) the time within which and conditions subject to which an appeal under Sub-section (3) of Section 3 may be preferred.

10. Power to exempt- The State Government may by order in writing exempt subject to such conditions and restrictions as they may impose any cinema exhibition or class of cinema exhibitions from any of the provisions of this Act or of any rules made thereunder.

CASE LAW-Section 10-Power of exemption-Locus standi of rival exhibitor to question the legality of granting exemption-There was only commercial interest of the petitioner claiming to be person aggrieved Provisions discussed-ILR 1979 1 Cutt. 224 (DB).

11. Repeal-The Cinematograph Act, 1918 (II of 1918) in so far as the provisions contained therein relate to matters with respect to which the Legislature of the State of Orissa has power to make laws, is hereby repealed.