

**THE PUNJAB CINEMAS (REGULATION)  
ACT, 1952  
(Punjab Act 11 of 1952)  
CONTENTS**

**Sections**

- 1 . Short title, extent and commencement.
2. Definitions.
3. Cinematograph exhibition to be licensed.
4. Licensing authority.
5. Restrictions on powers of licensing authority,
6. Power of Government or local authority to suspend exhibition of films in certain cases.
7. Penalties.
- 7A, Amendment or alteration in classification of seats and rates by the Licensee.
- 7B. Power of Government to amend or alter rates for admission to cinematograph exhibition.
8. Power to suspend, cancel or revoke license.
- 8A. Restoration of certain cancelled licenses on payment of penalty.
9. Power to make rules.
- 10, Power to exempt.
11. Repeal of the Cinematograph Act, 1918,

Received the assent of the Governor of Punjab on the 16th of August, 1952 , and was first published in the Punjab Government Gazette Extra ordinary, dated 19th August, 1 952.

**LEGISLATIVE AMENDMENTS**

Amended in part by Punjab Act 6 of 1955.  
Amended in part by Punjab Act 28 of 1957.  
Amended in part by Punjab Act 4 of 1963.  
Amended in part by Haryana Adaptation of Laws Order, 1968.  
Amended in part by Haryana Act 5 of 1968.  
Amended in part by Haryana Act of 21 of 1969.

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

It is hereby enacted as follows:-

**NOTE**

Statement of Objects and Reasons:- (1) " The Cinematograph Act, 1918 (Central Act) which applicable to this State has been repealed by the Central Government by the Cinematograph Act, 1952, which was passed at the last session of the Parliament. It received the assent of the President on the 21st March, 1952. It will be brought into force from the 28th July, 1952.

---

*\*For 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.*

(2) The Cinematograph Act, 1918, is of mixed contents, dealing with two separate matters, viz (a) examination and certification of films as suitable for public exhibition and (b) regulation of cinemas including of licensing. In the Seventh Schedule of the constitution "sanctioning of cinematograph films for exhibition" has been included in entry 60 of the Union List and 'Cinemas subject to the provisions of entry 60 of list I' in entry 33 of the State list. Some of the section of the cinematograph Act 1918, therefore, concern the Central Government; some the State Government and others both Central and State Government. In the absence of a clear demarcation of the respective provisions of the Act with which the Central and state Government are concerned, various difficulties have been arising in the administration of the Act. The provisions of the cinematograph Act 1918, have, therefore, been re-enacted by the Government of India, separating those relating to examination and certification of films as suitable for public exhibition (A Union subject) from those relating to "regulation of cinemas including their licensing" (a State subject). The cinematograph Act, 1952, consists of four parts - Part I consisting of definition, Part IV dealing with repeal and parts II and III relating respectively to (a) examination and certification of film as suitable for public exhibition and (b) regulation of cinemas, including their licensing. Part II will extend to the whole of India (except the state of Jammu and Kashmir); Part III will extend to Part C state only. Accordingly Government of India, Ministry of Information and Broadcasting, have suggested that Part 'A' States. and part 'B' states should undertake legislation on the lines of part III of the New Act.

(3) This Bill is Designed to give effect to the instructions of the Government of India. (Punjab Gazette Extraordinary, dated the 22nd July, 1952.)

### **1. Short title, extent and commencement:-**

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

(2) It extends to the whole of the\*( State of Haryana.)

(3) It shall be deemed to have come into force on 28<sup>th</sup> of July, 1952\*( in the principal territories and on the 3<sup>rd</sup> April, 1957, in the transferred territories.)

### **COMMENTRY**

**1. Purpose of the Act:-** The Purpose of the Act is to regulate exhibition by means of Cinematograph and the purpose is largely recreative or educational. New Ram B. State AIR 1955 Cal. 609.

The main object of statutory interference in the business of exhibition of Cinematograph, as can be seen from the Central and Punjab Acts and the Rules is to safeguard the interests of health and public safety. Any rules framed by the appropriate authorities for the attaining of above mentioned or other ancillary objects of this case of legislation would be reasonable even if they impose restrictions on the normal fundamental right guaranteed under Article 19(1) (g) of the constitution to carry on any occupation trade or business. But a rule having no rational connection with the objects of the Central and State Cinematograph Act but prohibiting issue of a license to a touring cinema owner on the

---

*\*See Haryana Adaption of Laws order, 1968.*

more ground that there is a permanent cinema house at that place cannot be viewed as reasonable restriction. It is more so if the permanent cinema owner is in no way economically affected by the issue of license to the touring cinema. *Rasdeep Touring Talkies v. District Magistrate Karnal*, AIR 1967 Pb. 219

**2. Validity of provisions:** - Treatment of motion pictures on different footings from other forms of art and expression is valid classification. The provision is not unconstitutional. AIR 1971 S.C. 481.

Rule 3 framed under the Punjab Cinemas (Regulation) Act, 1952 was held to be valid and it was held that the rule cannot be questioned on the ground of discrimination as permanent cinema owner and touring cinema owners are two distinct classes, *Rasdeep Touring Talkies v. District Magistrate*, AIR 1967 Pb. 219. However, it was held that this rule in so far as imposed unreasonable restriction on the right of the petitioners to have a touring talkie at a place where permanent cinema also existed was held to be bad.

**3. Classifications as to seats:-** The questions as to whether the licensing authority can make classes of cinema hall seats and prescribes the rates therefore was raised in *State of Punjab v. Deepak Theater L.P.A* no. 913 of 1980 decided on 3rd day of April, 1981. It was held that the licensing authority has got the power to do so. It was held that the power to regulate and license a trade, business or calling would enable the authorities to make classes of cinema hall seats and to prescribe the rates therefore. See also *Gobind Ram v. State of U.P.* AIR 1961 All 600, wherein somewhat similar question arose and validity of rules was upheld.

**4. General principles of interpretation:-** If two constructions are possible upon the language of the statute, the court must choose the one which is consistent with good sense and fairness, and eschew the other which makes its operation unduly oppressive, unjust or unreasonable, or which would lead to strange, inconsistent results or otherwise introduce an element of bewildering uncertainty and practical inconvenience in the working of the statute. *Dalip Kumar Sharma v. State of Madhya Pradesh*, AIR 1976 SC 133.

An interpretation which would render a provision nugatory is to be avoided. *Charan Singh v. Mayo*, AIR 1976 Pb. 310.

Simply because unjust results would ensue is no ground to refuse the relief or to give a different interpretation. *Nasiruddin v. State Transport Appellate Tribunal*, AIR 1976 SC. 331.

**5. Intention of Legislature :-** The primary duty of the courts is to give effect to the intention of the legislature as expressed in the words used by it and no outside consideration can be called in aid to find that intention. *Pritam Singh v. State*, AIR 1950 SC 169; 1950 SCR: 453. 1950 SC 437.

It is no doubt true that if on its true construction a statute leads to anomalous results, courts have no option but to give effect to it and leave

it is the legislature to amend the law . But when on a construction of a statute two views are possible, one which results in anomaly and the other not, it is the duty of the courts to adopt the one which does not lead to anomaly and seek consolation in the thought that the law bristles with anomalies. *Veluswami v. Raja Narain* , ( 1955) Supp (1) SCR 623.

The expression of well known legal significance and connotations used by the legislature should be interpreted in the sense in which they are normally understood . *R.S. Bhatia v. state* , AIR 1981 SC 1275 (July). it was further observed in this case the same words used in the same expression should be given same meaning.

The decision of other countries are not relevant when the language of the statute is clear. *CIT Bombay v. Bar Council of India*, AIR 1981 SC 1462 Aug.

**6. Hardship cannot alter the meaning:-** If certain meaning is clear on the face of a particular provision , the question of hardship or inconvenience is irrelevant and these factors cannot be used to give different meanings to the plain language. *Commissioner of agricultural income Tax v. keshav Chandra*. AIR 1950 SC 65; 1950 SCR 435. The argument about the inconvenience and hardship is dangerous one and is only admissible in construction where the meaning of the statute is obscure and the consequences of the provision may cause good deal of hardship to many persons. But this is not a proper matter to influence the court unless in a doubtful case affording foothold on balanced speculation as to the probable intention of the legislature . The proper forum for getting the hardship removed is the legislature and not the courts. *Morvi Bank v. Union*, AIR 1965 SC 1954.

**7. Interpretation defeating the object:-** It is trite saying that the object of interpreting a statute is to ascertain the intention of the legislature enacting it. An interpretation which would defeat the object of the legislature is not to be allowed. *Asia Industries v. Syrup Singh*, AIR 1966 SC, 346. Words in a statute which are clear and precise are to be given their natural meaning. *Nagapur Corporation v. Its Employees*, AIR 1960 SC 675: (1960) 2SCR 492. Limited interpretation is to be placed in spite of generality of language where liberal interpretation in the general sense would be unreasonable or absurd or would defeat the object of the legislation. *Shadadra S. light Rly. v. V.B.S Mills*. 1960 (2) SCR 926.

**8. Preamble not be used when words clear:-** A preamble is a key to the interpretation of a statute but is not ordinarily an independent enactment conferring rights or taking them away and cannot restrict or widen the enacting part which is clear and unambiguous. The motive for legislation is often reflected in the preamble but the remedy may extend beyond the evil intended to be removed . *R Venkat Swamy Naidu. v Nawasrem Naraindas* , AIR 1966 SC 361.

**9. Court Cannot usurp the functions of the legislature:-** It is not open to the court to usurp the function of the legislature. Nor is it open to the courts to place an unnatural interpretation on the language used by the legislature and impute to it an intention which cannot be inferred

form the language used by it, basing itself on ideas derived from other laws *mangi Lal v. Sugam Chand*, AIR 1965 SC 10. Intention of the legislature is to be gathered from the language used in the act. *M.S.M Sharma v. Sri. Krishna Sinha* AIR 1959 SC 395.

**10. Referenced to existing laws.-** It is legitimate to take into account existing laws, and the manner in which they were passed, acted upon and enforced. This applies with equal force to Constitution as well because Constitution itself continues in force all laws which were in existence at the date when it came into being except those which are inconsistent with itself. *State of Bombay v. United Motors Ltd.* 1953 SCR 1069 : 1953 SC 252.

It is legitimate to look at the state of law prevailing and which led to the legislation to see as to what was the mischief at which the act was directed. *Addl. I.T.C v. Murel Art cloth mfg.* AIR 1980 SC 387.

**11. Legislative intent how to be determined:-** It is almost settled rule of construction that to ascertain legislative intent all the constituent parts of a statute are to be taken together and each word phrase or sentence is to be considered in the light of general purpose and object of the Act itself. The title and preamble whatever the value might be as aids for the construction of statute undoubtedly throw light on the intent and design of legislature and indicate the course and purpose of the legislation itself. *Popat Lal Singh v. State of Madras*, 1953 SCR 677, AIR 1953 SC 274, *Ashwani Kumar v. Arambinda B se.* 1953 SCR 1 : AIR 1952 SC 69; *MSM Sharma v. Shri Krishan Sinha*, (1959) (Supp) (1) SCR 806: AIR 1959 SC 395.

**12. Grammatical and ordinary sense can be modified:-** It is duty of the Courts to give effect to the meanings of an Act when the meaning can be fairly gathered from the words used, that is to say, if one construction will lead to an absurdity while another will give effect to what common sense would show was obviously intended, the construction which would defeat the ends of the Act must be rejected even if some words used in the same section and even in the same sentence, have to be construed differently. *Sharmrao v. District Magistrate*, 1952 SCR 683 SCR : AIR 1952 SC 324. see also *Hindustan Aluminum Corporation v. State*, A.I.R 1981 S.C 1659 (Sep.)

It is the duty of the court in construing statutes to give effect to the intention of the legislature. *Kanwar Singh v. Delhi Administration*. AIR 1966 SC 87.

**13. Duty of the Court:-** The duty of the Court is to see that the purpose of the Act is carried out and a construction which will defeat the purpose of the act or which will travel beyond it has to be avoided. *Bishamber Singh v. State of Orissa*, AIR 1955 SC 1939. The Court should try to harmonise the conflicting provisions. *Raj Krishan Bose v. Binod Kannngoo*, AIR 1954 SC 202. A construction which is logical should be placed upon a statute. *Kalidas v. State of Bombay*, 1955 SCR 887, AIR 1955 SC 62. *Assessing Authority v. East India Cotton Mfg. Co.*, A.I.R. 1981 S.C. 1610 (Sep.)

Where a particular word has not been defined in the Act then it should be given its ordinary meaning. *State of Mysore v. Sundram Motors*, AIR 1980 SC 148.

Where the dominant purpose of the act is to achieve not only speedy determination but a determination with utmost despatch then the provisions of the Act must be interpreted so as to eliminate all possible avenues of delay or means of adopting dilatory tactics. *V.C Shukla v. State*, AIR 1980 SC 962.

**14. Same meaning to be given to the same word:-** The same word appearing in the same section of the same Act or rules must be given the same meaning unless there is anything to indicate to the contrary. *Guruswamy v. State of Mysore*, AIR 1954 SC 592. Intention should be primarily gathered from the Act. Unless there is any ambiguity, surrounding circumstances and constitutional principles and practice are not to be examined. Where meaning of the words is clear it is unnecessary to search for and select a particular meaning out of many given in dictionary. *Mangoo Singh v. Election Tribunal*, 1957 SC 871 : 1958 SCR 418.

**15. Four principles to be considered:-** For the sure and true interpretation of all statutes in general (be they penal or beneficial, restrictive or enlarging of the common law) for things are to be discerned and considered-

- (i) What was the common law before the making of the Act.
- (ii) What was the mischief and the defect for which the common law did not provide.
- (iii) What remedy the Parliament has resolved and appointed to cure the mischief.
- (iv) The true reason of the remedy.

The duty of judges is always to make such construction as shall suffer subtle invasions and evasions for continuance of the mischief and which will help to remove the defect for which the legislation was made. It is not only legitimate but highly convenient to refer both to the former Act and to the ascertained evils to which the former Act had given rise and to the later Act which provided the remedy. *Bengal Immunity Co. v State of Bihar*, 1955 (2) SCR 603 ; AIR 1955 SC 661.

**16. Ambiguity cannot be created artificially:-** If there is ambiguity in the terms of the statute, recourse must naturally be had to the well established principles of construction but it is not permissible first to create an artificial ambiguity and then try to resolve the ambiguity and resort to some general or special principle of construction. *I.T. Commr. v. Indo Bank*, AIR 1959 SC 713. The court cannot add words to a section unless the section as it stands is meaningless or of doubtful meaning. *British India General Insurance v. Capt Itbar Singh*, AIR 1959 SC 133.

**17. Later Act when to be used to interpret an earlier:-** Except as a parliamentary exposition, subsequent Acts are not to be relied on as an aid to the construction of prior unambiguous Acts. A later statute may not be referred to, to interpret the clear terms of an earlier Act, which the later Act does not amend even though both Acts are to be construed as one, unless the later Act expressly interprets the earlier Act, but if

the earlier Act is ambiguous, the later Act may throw light on it, as where a particular construction of the earlier Act will render the later incorporated Act ineffectual. An Act of parliament does not alter the law by merely, betraying an erroneous opinion of it. *Nalanikani v. I.T Commissioner Bombay*, AIR 1967 SC 193 L (1966) SCJ 41. To the same effect are the observations made earlier by the Supreme Court of India in *Shiv Shankar Shukla v. A.D. Divekar*, 1957 SCR 121 at p. 140.

**18. Construction leading to absurdity and hardship to be avoided:-** If a statute leads to absurdity and hardship or injustice, presumably not intended, a construction may be put upon it which modifies the meaning of the words and even the structure of the sentence. *Ram Parsad v. Vijay Kumar*, AIR 1967 SC 278. A construction which is more beneficial to persons in whose interests the Act is passed and furthers the policy of the Act is to be preferred. *Alembic Chemical Works v. Workmen* (1961) 3 SCR 276.

**19. Interpretation defeating the object:-** It is trite saying that the object of interpreting a statute is to ascertain the intention of the legislature enacting it. An interpretation which would defeat the object of the legislature is not to be allowed. *Asia Industries v. Sarup Singh*, AIR 1966 SC 346. Words in a statute which are clear and precise are to be given their natural meaning. *Nagpur Corporation v. its Employees*, AIR 1960 SC 675: (1960) 2 SCR 492. Limited interpretation is to be placed in spite of generality of language where liberal interpretation in the general sense would be unreasonable or absurd or would defeat the object of the legislation. *Shaharda S. Rly, v. V B.S Mills*, 1960 (2) SCR 926.

**20. Preamble not to be used when words clear:-** A preamble is a key to the interpretation of a statute but is not or ordinarily an independent enactment conferring rights or taking them away and cannot restrict or widen the enacting part which is clear and unambiguous. The motive for legislation is often reflected in the preamble but the remedy may extend beyond the cure of the evil intended to be removed. *R. Venkat Swamy Naidu v. Nawasram Naraindas*, AIR 1966 SC 361.

**21. Court cannot usurp the function of the legislature:-** It is not open to the court to usurp the functions of the legislature. Nor is it open to the courts to place unnatural interpretation on the language used by the legislature and impute to it an intention which cannot be inferred from the language used by it, by basing itself on ideas derived from other laws. *Mangi Lal v. Sugam Chand*, AIR 196 SC 101. Intention of the legislature is to be gathered from the language used in the Act. *M.S.M. Sharma v. Sri Krishana Sinha*, AIR 1959 SC 395.

**22. Later Act when to be used to interpret an earlier:-** Except as a parliamentary exposition, subsequent Acts are not to be relied on as aid to the construction of prior unambiguous Act. A later statute may not be referred to, to interpret the clear terms of an earlier Act, which the later Act does not amend even though both Acts are to be construed as one, unless the later Act expressly interprets the earlier Act, but if the earlier Act is ambiguous, the later Act may throw light on it, as where a particular construction of the earlier Act will render

the later incorporated act ineffectual. An Act of Parliament does not alter the law by merely betraying an erroneous opinion of it. *Nalnikant Mody v. I.T Commissioner Bombay*, AIR 1967 SC 193; (1966) SCR 401. To the same effect the observations made earlier by the Supreme Court of India in *Shiv Shankar Shukla v. A.D Divekar*, 1957 SCR 121 at p. 140.

**23. Construction leading to absurdity and hardship to be avoided:-** If a statute leads to absurdity and hardship of injustice, presumably not intend, a construction may be per upon it which modifies the meaning of the words and even the structure of the sentence. *Ram parsad v. Vijay Kuamr*, AIR 1967 SC 278. A construction which is more beneficial to persons in whose interests the act is passed and furthers the policy of the Act is to be preferred. *Alembic Chemical Works v. workmen* (1961) 3 SCR 276.

**24. Legislature not amending the interpretation given by courts:-** Legislature inference is that the interpretation is in accord with the intention of legislature where the language used in a particular statutory provision is obscure and the court places upon that particular provision a construction which is not interfered with or amended by the legislature. *Ram Nand Prasad Naryan Singh v. Kapul Deo Ranjee*, AIR 1951 SC 155.

**25. Court is not to lay down standard for legislature :-** The court is only concerned with the interpretation of a statute and while doing so it should not lay down any standard which the legislature is to follow. The court is only concerned to interpret the law and if it is valid to apply the law as it find it and not to enter upon a discussion as to what the law should be. *Purshotam v. B.M. Desai*, AIR 1956, SC 20; 1955 (2) SCR 887.

**26. Defect in phraseology, courts cannot remedy the defect:-** The courts are not competent to proceed upon the assumption that the legislature has committed mistakes. The court must proceed on the footing that the phraseology intended what it has said. Even if there is some defect in the phraseology the court cannot aid the legislature defective phrasing of an Act or add, amend or by construction make up deficiencies which are left in the Act. Even where there is *casus omissus* it is for other than the courts to remedy the defect. *nalinkhya v. Sham sunder*, 1953 SCR 533; AIR 1953 SC 148.

The court cannot supply *casus omissus*, except in the case of clear necessity and when the reasons for it are found in the four corners of the statute self. At the same time *casus omissus* should not be readily inferred. *Income. Tax v National Taj Traders*, AIR 1980 SC 487.

**27. Interpretation of a lease deed:-** Two rules must be remembered while interpreting deeds and statutes. The first one is; In drafting it is not enough to gain a degree of precision which a person reading in good faith can understand, but it is necessary to attain if possible a degree of precision which a person reading in bad faith cannot misunderstand. The second one is more important for the third world countries. Statutory Construction so long as law is at the service of life cannot be divorced from the social setting. This is welfare legislature like the Rent Control Acts must be interpreted in a third World perspective. *Sant Ram. v. Rajinder Lal*, AIR 1978 SC 1601.



**2. Definitions:-** 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 Government of the \*(State of Haryana);

(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.

### COMMENTARY

**1. Cinema:-** Cinema is a abbreviated from of Cinematograph which in its ordinary significance include a film exhibition theatre. AIR 1965 A.P 200.

**2. Exhibition:-** The word exhibition refers to display of pictures in places of public entertainment for profits. A.G.v. Vitagraph Co. ltd, 1915 (1) Ch. 206

### SECTION -3

**3. Cinematograph exhibitions to be licensed:-**

Save as otherwise provided in this Act, no person shall give an exhibition by means of a cinematograph, elsewhere then in a place licensed under this Act or otherwise than in compliance with any condition and restriction imposed by such license.

### COMMENTARY

**1. Provision is mandatory:-** The provision contained in this section that no person shall give an exhibition by means of cinematograph at any place other than a place licensed under this Act is absolute and imperative. The provision are mandatory and a person cannot be heard do say later on that he had no guilty mind and that even though he eas not having the necessary licence he may not be punished. Net Ram v. State AIR 1957 Cal. 609.

**2. Absence of renewal:-** The mere fact that a person was a licen see in respect of talkie house or the that he had applied for the renewal of the licence before its expiry is not valid deference to prosecution initiated under the Act . Net Ram v. State AIR 1955 Cal. 609.

### SECTION -4

**4.Licensing authority:-**The authority having power to grant licenses 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.

### COMMENTARY

**1. Power of State Government.-** Section 5 of the Cinematograph Act, 1918 choose the expression subject to the control of the state

---

\*See Haryana Adaption of Laws Order, 1968.

Government. This provision circumscribes the power of the licensing authority and lays down that the licensing authority is to exercise power subject to the control of the State Government. The control of the State Government is in regard with the grant of licences. *R.N. Seshadri v. Distt. Magistrate*, AIR 1952 Mad 120.

## SECTION -5

**5.Restrictions on power of licence authority:-** (1) The licensing authority shall not grant a license under this Act unless it is satisfied that-

(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 license 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 licenses under this Act to such persons as it think fit, on such terms and condition as it may determine.

\*[Provided that it shall be deemed to be a condition of every licence whether granted before or after the commencement of the Punjab Cinemas (Regulation) Haryana Amendment Act, 1968, that if a licensee fails, without sufficient cause, to give exhibition, by means of a cinematograph, for a period of fifteen days in a month whether consecutively or otherwise, his licence shall be liable to cancellation under clause(b) of sub-section(1) of section 8]

(3) Any person aggrieved by the decision of the licensing authority refusing to grant a license 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 license has been granted

## COMMENTARY

**1. Control:-** The power of control of the State Government is comprehensive and extends over the whole range of the power to grant licences. The word control has a very wide connotation. The Statute does not in any way delimit the ambit of the controlling power. *AIR 1957 A.P. 513.*

The word control is not confined to mere regulation. The control contemplated includes interference on the part of the State Government with the individual in a particular case by the District Magistrate. It is more comprehensive and includes domination or command over an inferior. *Bharat Bhushan v. city Magistrate*, AIR 1956 all 99.

Any thing ancillary to what has to be done by the licensing authority is also within the scope of the control vested in the State Government *AIR 1957 Mad. 684.*

---

\*Inserted by Haryana Act 5 of 1968.

Thus the State Government has the power to give directions to the licensing authority. These directions can be with regard to the person or to the terms and conditions and restrictions. AIR 1957 A.P. 513.

The control contemplated by section 5 is wide enough to empower the state Government to issue appropriate instruction to the licensing authority. It is however not within the competence of State Government to issue executive instruction which if these were issued as a statutory rule would be beyond the rule making power. AIR 1955. A.P 123.

**2. Control and issuance of directions:-** Thus if a rule cannot be framed then instructions cannot be issued on the same subject. However, the state Government has the power to interfere after the District Magistrate has himself exercised his discretion. AIR 1956 All 99.

The power of the licensing authority to issue licences is subject to the control of the State Government and the State has the power to direct the licensing authority to grant a license to a particular individual. the State Government may set aside the orders of the licensing authority and issue and direction in this respect which it may consider fit or proper. AIR 1955 ALL 82.

The State Government may issue directions at variance with their own prior orders when such orders have not assumed the shape of statutory rules. AIR 1957 A.P 513.

**3.Requirements as to building of a particular structure:-** The provisions requiring a theatre to be constructed in accordance with regulation made under the Act has to be complied with R.v Hannery, 1891 (2) Q.B.709 . It was held that such provision would apply to building which were erected or come into existence after the passing of the Act. London County council v. Hall of Arts. 1913 (110) LT. 28.

The requirement to keep gangways and passages is mandatory and its breach can be punished . Putters v. watt . 1914 (84) LJ KB 394.

The refusal of the Corporation to sanction the plan on the ground that the adjoining streets were narrow was quashed in Exparte Cambrige Picture Play House Ltd. 1922 (1) KB. 250.

The authorities are to grant licences on such terms and conditions and under such restrictions as the authority may by respective licenses determine . Such terms must be reasonable and may be formulated generally subject to the right of each applicant to contend when applying for licence that they should not be imposed in his case. A licence was issued subject to a condition that no film should be exhibited to which objection was taken by any three of the licensing justices, it was held that the condition was unreasonable and invalid . R. v. Burnley, 1916 (85) LJ KB . 1565. In this case however the condition that children attending the school are to be excluded in case the medical officer notifies the prevalence of any infectious disease was held to be valid.

where the licensing authority notifies that a particular films is not to be shown then a licensee or a cinema owner has got no locus standi to come to the court and challenge that the condition is unreasonable. Ex-parte Stort 1916 ( 1, KB 7.)

**4. Licensing authority and State Government are two distinct entities:-** Under section 5(2) of the Punjab Cinemas ( Regulation) Act, 1952 the licensing authority is to grant license subject to the provisions of section 5(1) and subject the control of the government . It is true that the control which the government exercises is very wide but this does not justify that the state Government can completely oust and

obliterate the licensing authority by usurping its functions. The legislature contemplates that the licensing authority would be a distinct entity from government. This view was expressed in *State of Punjab v. Hari Krishan*, AIR 1966 S.C 1081. The view to the contrary expressed by the Rajasthan High Court in *Vishan Takies v. State*, ILR 1962 (12) Raj 44 and *K. Rajgiah v. Sultan Mohidin & ors.* AIR 1957 A.P 513 and *Bharat Bhushan v. Cinema and City Magistrate*, AIR 1956 All. 99 was over-ruled.

**5. Appeal, who can file:-** Section 5(3) provides for an appeal at the instance of the party which is aggrieved by the rejection of its application for the grant of licence. No appeal is provided for against an order granting the license. But in case it appears to the government that an application has been granted erroneously or unfairly it can exercise its control specified under section (5) and set aside such an erroneous order. This view was expressed in *State of Punjab v Hari Krishan*, AIR 1966 S.C 1081.

**6. Power of State Government to order that a licence may be issued:-** State Government can grant of a licence in specific case ILR 1962 ( Raj 44. It may however be mentioned that the view expressed in this judgment of the Rajasthan was doubted in AIR 1966 S.C 1081.

**7. Cancellation when change in ownership-** Direction or condition was that the licence shall be terminated forthwith if the licensee ceases to own or hold on lease or to manage the licensed premises. The licence form prescribed these conditions. This condition was held to be valid in *ishar Dass and Bros. v. Distt. Magistrate*, AIR 1972 All 83.

**8. Notice before issuing direction-** The State government is not bound to issue notices to the parties before issuing directions. The directions are neither judicial nor quasi judicial. They are purely administrative directions. Unless the statute requires there is no necessity to give notice. AIR 1955 All 99. It may however be mentioned here that this may not be the correct position in law now because the latest trend of the judicial decisions is that opportunity has to be given whenever any civil right is sought to be interfered with. Thus in *S.L. Kapuri v. Jagmohan*, AIR 1981 SC 136 even though the statute did not embody in itself the rules of natural justice the court held that it was imperative to give hearing.

**9. Instruction to restrict number of talkies-** The instructions issued by the government to the licensing authority to restrict the number of touring in places where there were permanent cinemas in order to prevent unhealthy competition and to ensure public safety are not violative of article 19 of the Constitution. AIR 1952 Mad. 528.

**10. Direction to close cinema at a particular time-** A direction was given that the cinema should be closed at 12.3. A.M. and no show should be run beyond that hour. It was held that this direction is not unreasonable. 1955 (21) Cuttack Law Times 468.

**11. Compulsory exhibition:-** An order relating to compulsory exhibition of approved films of certain minimum length constitutes a serious encroachment on the right of an exhibitor. 1955 (21) Cuttack Law Times 468.

**12. Power of state government to assume jurisdiction of licensing authority:-** The state government is not justified in assuming jurisdiction which has been conferred on the licensing authority under section 5 of the Punjab Cinemas ( Regulation ) Act, 1952. The scheme of the statute is that when an application for licences is made it has to be considered by the licensing authority and dealt with under section 5 of the Act. If therefore the state government requires all applications for licences to be forwarded to it really converts itself to be the real authority itself. This is not permissible because State Government has been given the right to hear an appeal against the order of rejection of the applications for licence. This view was expressed in *State of Pb. v. Hari Krishan* , AIR 1966 SC 1081 affirming the view expressed by Punjab High Court in ILR 1961 (2) Pb. 831.

**13 Authority which is to grant licences acting on the direction of higher authorities:-** In a case arising under the Punjab excise Act, it was held that if any authority has been vested with the power to grant a licence it is that authority which must exercise that power and if power is exercised by some other authority , the exercise of that power would be showy void. *Kans Raj v. Dy. E.T.O.*, AIR 1965 Pb. 284 . The Division Bench of the High Court placed reliance on the decision given by the Supreme Court in *Commissioner of Police v. Goverdhan Dass* , AIR 1952 SC 16.

It may be mentioned here that the decision given in *Hari Krishan Shasrma v. Pb. State* ILR 1961 (2) Pb. 831 was also relied upon. This decision in *Hari Krishan Sharma* case has since been approved by the Supreme Court in AIR 1966 SC 1081. see also *Novelty Talkies. v. Pb. State*, ILR 1960 (2) Pb. 276 and *Pb. State v. Mehar Chand* , AIR 1959 Pb. 222.

In cases where a licence is granted under the instructions of the State Government , it mattaer very little as to who signed the order or the licence. The authority granting the licence in such a case is really the State Government and the function of the licensing authority becomes merely an ministerial function. AIR 1955 All. 82.

**14. Notice before grant of licence:-** There is no statutory provision for a notice before the grant of a licence to a new entrant. There is also no reason that the state Government or the District Magistrate can not exercise the power to grant licence to a new entrant without notice to the other licencees. AIR 1957 A.P. 513.

**15. Order is executive:-** The order of the Government granting a licence is executive. It is not incumbent on the State Government to afford hearing to persons who want licences for running cinema houses. AIR 1955 ALL 82.

**16. Locus standi:-** If a person has no right to obtain a licence in his favour it is not for him to question whether the licence granted to an another person is valid or invalid. AIR 1956 ALL 99. It may however be mentioned here that where permission was granted to effect a cinema in violation of the building rules it was held that the residents can compel the authorities to see that building is constructed in accordance with rules. *K.R Sheno v. Municipality*, AIR 1974 SC 2177.

**17. Requirement to show cultural film:-** While granting a licence a condition imposed was that the licensee shall exhibit an approved film.

and that only such films produced in India as are certified would be exhibited. It was held that the requirement was that the cultural films should have been produced in India was contemplated. AIR 1963 SC 408.

**18. Writ and appeal:-** During the pendency of an appeal writ petition is maintainable. AIR 1967 Goa. 158 . It may however be mentioned that this may not be good law in view of AIR 1970. SC 1302 where an appeal was filed against the order of District Magistrate refusing to issue licence to run cinema. It was held that while disposing appeal the authorities are bound to comply with provisions of natural justice. AIR 1970 SC 1302 See also AIR 1971 Goa. 27.

**19. Amplifiers out side cinema house:-** The operators of cinema houses used sound amplifiers outside the cinema houses. It was held that the proper authority to punish them was the District Magistrate and not eh Municipal authority. 1978 Crl. L. J. 1467

**20. Touring talkies and permanent cinemas:-** The act is meant for regulating exhibition by means of cinematograph. Permanent cinema owners and touring cinema owners are two distinct classes and in regulating them there can be no discrimination. A touring cinema owner cannot claim equality in all respects with a permanent cinema owner. However, prohibiting a touring cinema on the ground that there is a permanent cinema in the place is unreasonable. AIR 1967 Pb. 219.

**21. Censorship:-** Censorship is justified under the constitution. AIR 1971 SC 481.

**22. Partition between owners:-** There was a suit for partition against a licensee by other co-owners of land on which cinema house was built by the licensee . This suit was decreed. The term of the licence was that in case the licensee ceases to own or hold on lease or to manage the cinema then the licence shall be terminated. It was held that licensee could not be said to have ceased to own the site till such time as partition by metes and bounds has been effected. AIR 1975 All. 456.

**23. No objection certificate:-** A person who has obtained a no objection certificate for locating either a permanent or touring cinema in respect of a particular site need not make another application for taking no objection certificate for the same site during the pendency of the first no objection certificate . It is only when a no objection certificate expires either by efflux of time or by surrender of the same to the concerned authority that an application is to be filed for the grant of no objection certificate of the same site 1975 (2) Mad L.J. 367.

**24. Reasonableness of conditions:-** A licence was granted subject to the condition that children under 14 years of age shall not be allowed to enter into or be in the licenced premises after 9 P.M unless accompanied by parent or guardian. The further condition attached was that no child under the age of 10 years shall be permitted in the premises under any

circumstances after 9 P.M It was held that the condition was ultravires inasmuch as there was no connection between the ground upon which the condition was imposed namely regard for the health and welfare of the young children. Theater Delux Healyfex Ltd. v. Gladhi, 1915 (2) K.B 49.

The conditions of licence should be reasonable . R.v Burnley, 1916 (85) L.J.K.B. 1565.

A condition that premises for cinematograph exhibition shall not be used on Sundays and other holidays was held to be valid in London County Council v. B.B Co., 1911 (1) K.B. 445.

### SECTION-6

#### **6..Power of Government or local authority to suspend exhibition of films in certain cases:-**

(1) The Government in respect of the whole of the \*[ State of Haryana] 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.

(2) Where an order under subsection (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.

### COMMENTARY

**1. Condition Order:-** A conditional order is not contemplated by section 6 of the act . AIR 1952 Cal. 653.

The purpose of the Act is to regulate exhibitors by means of cinematograph and the purpose is largely recreative or educational. Net Ram v. State. AIR 1955 Cal. 609.

The main object of statutory interference in the business of exhibition of cinematograph , as can be seen from the Central and Punjab Acts and the Rules is to safeguard the interests of health and public safety. Any rules framed by the appropriate authorities for the attaining of above mentioned or other ancillary objects of this case of legislation would be reasonable even if they impose restrictions on the normal fundamental right guaranteed under Article 19 (1) (g) of the Constitution to carry on any occupation trade or business. But a rule having no rational connection with objects of the Central and State Cinematograph Act

---

\* See Haryana Adaptation of Laws order 1968.

But prohibiting issue of a licence to a touring cinema owner on the mere ground that there is a permanent cinema house at that place cannot be viewed as a reasonable restriction. It is more so if the permanent cinema owner is in no way economically affected by issue of licence to the touring cinema. *Rasdeep Touring Talkies v. District Magistrate Karnal*, AIR 1967 Pb. 219.

**2. Requirement to show films of minimum length:-** The Condition was that the licensee should exhibit at each performance one or more approved film of such length and for such length of time as the State or Central Government may require. it was further stipulated that the length of such film is not to be less than 2000 feet. it was held by the Supreme Court that this was not a reasonable restriction. AIR 1954 SC. 747. The view expressed by the Madras High Court in AIR 1952 Mad. 120. was reserved.

**3. Power of State Government:-** Section 5 of the Cinematograph Act, 1918 Choose the expression subject to the control of the State Government. This provision circumscribes the power to the licensing authority and lays down that the licensing authority is to exercise power .subject to the control of the State Government . The control of the State Government is an regard with grant of license. *R.N Seshadri v. Distt. Magistrate*, AIR 1952 Mad. 120

### Section -7

**7. Penalties:-** 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 the place to be used in contravention of the provisions of this Act or of the rules made there under, 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 t one thousand rupees and in the case of continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues.

### COMMENTRAY

**1. Liability of proprietors for negligence:-** A person who causes a building to be erected for viewing a public exhibition and admits persons on payment of money to a seat in the building impliedly under takes that due can has been exercised in the election and that the building s reasonably fir for the purpose. *Franis v. Cockrell*, 1870 LR 5QB 501

**2. Prosecution and mensrea:-** Where a person permits the shows to be held and takes no steps to prevent such shows then it has to be presumed that the exhibition was with his knowledge . The owner cannot escape the consequences by pleading circumstances in exoneration which might suggest of guilty mind . The mere fact somebody else was in actual charge of the management is also not a ground. AIR 1955 Cal. 609

The term of a licence was that the talkie should not be assigned or transferred or sublet. It was held that a partnership entered into with reference to the subject matter of the licence is illegal and is punishable. AIR 1955 Mad. 536.

**3. Absence of renewal:-** The mere fact that person was licensee in respect of takie house or the fact that he had applied for the



renewal of the licence before its expiry is not valid defense to prosecution initiated under the Act. Net Ram v. state. AIR 1955 Cal 609.

**4. Provision is mandatory:-** The provision contained in this section that no person shall give an exhibition by means of cinematograph at any place other than a place licensed under this Act is absolute and imperative. The provisions are mandatory and a person cannot be heard to say late on that had no guilty mind and that even though he was not having the necessary licence he may not be punished. Net Ram v. state. AIR 1955 Cal 609

### SECTIONS 7A, B & C

#### **7A. Amendment or alteration in classification of seats and rates for admission by the licensees:-**

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

#### **7B. Power of Government to award or alter rates for admission to cinematograph exhibition:-**

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.

#### **7C. Penalty for resale of tickets and cognizance of offences:-**

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

(2) Whoever re-sells 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.]

---

\* See Haryana Act 21 of 1969.

### COMMENTARY

**1 Right of ticket holder:-** The purchaser of a ticket for a seat at a theatre or other similar entertainment has a right to stay and witness the whole of the performance. *Hust v. Picture Theatre Ltd.*, 1915. (1) KB 1.

**2. Validity of provisions:-** Treatment of motion pictures on different footings from other forms of art and expression is valid classification. The provision is not unconstitutional. AIR 1971 S.C 481

Rule 3 framed under the Punjab Cinemas (Regulation) Act, 1952 was held to be valid and it was held that the rule cannot be questioned on the ground of discrimination as permanent cinema owners and touring cinema owners are two distinct classes. *Rasdip Touring Talkies v. Distt. Magistrate*, AIR 1967 Pb. 219. However, it was held that this rule in so far as imposed unreasonable restriction on the right of the petitioners to have a touring talkie at place where permanent cinema also existed was held to be bad.

A booth theatre which is taken to pieces and carried from place to place for theatrical performances is not a house or other place of public resort for the public performance of stage plays. *Days v. Douglas*, 1859 (4) H&M 180. However a booth consisting of two caravans or wagons on the drawn from place to place by horses and when supported by poles resting on the ground formed a temporary booth with a stage there on in which certain stage plays were acted was covered by the term theatre *fedricks v. pine*, 1862 (1) H & C 584.

**3. Classifications as to seats:-** The question as to whether the licensing authority can make classes of cinema hall seats and prescribe the rates therefore was raised in *State of Punjab v. Deepak Theatre L.P.A* no. 913 of 1980 decided on 3rd day of April, 1981. It was held that the licensing authority has got the power to do so. It was held that the power to regulate and licence a trade, business or calling would enable the authorities to make classes of cinema hall seats and to prescribe the rates there for. See also *Gobind Ram v. state of U.P* AIR 1961 All. 600, wherein somewhat similar question arose and validity of rules was upheld.

### SECTION 8

**\*[8. Power to suspend, cancel or revoke licence:-** (1) Notwithstanding anything contained in this Act, the State Government or the licensing authority may at any time suspend, cancel or revoke a license granted under section 5 on one or more of the following grounds namely:-

(a) The license was obtained through fraud or misrepresentation;

(b.) the licensee has committed a breach of any of the provision of this Act or the rules made there under or of any condition or restriction in the license, or of any direction issued under sub-section(4) of section 5;

---

\*Substituted by Punjab Act of 1955.

(c) on account of any changes occurring in the locality of the place licensed, the continuance of the license is considered prejudicial to decency or morality; or

(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).

\*[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 license 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 license 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 license under subsection (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.

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

## SECTION 8A

**[8A. Restoration of certain cancelled licences on payment of penalty.]** Where a licence is cancelled under clause (b) of sub-section (1) of section 8 for a breach of the condition of the licence specified in the proviso to sub-section (2) of section 5, the licensing authority may, on an application made to it by the person whose licence is cancelled, restore the licence if such a person pays to the licensing authority, for each day on which the licensee failed to give exhibition by means of a cinematograph, including the days referred to in the said proviso, such penalty, which may extend to twice the amount of the daily average, as may be determined by the licensing authority.

---

*\*Clauses (e) to (g) inserted of Punjab Act 4 of 1963.*

*\* Inserted by Haryana Act 5 of 1968.*

**Explanation:-** For the purposes of this section, the expression "the amount of the daily average" means the amount which is arrived at after dividing the aggregate amount of entertainment duty and entertainment tax per show paid or payable by the person whose licence is cancelled for period of fifteen days next preceding the date on which such person first failed to give exhibition by means of a cinematograph, by the number fifteen.]

### COMMENTARY

**1. Requirements as to building of a particular structure:-** The provision requiring a theatre to be constructed in accordance with regulation made under the Act has to be complied with *R.v Hanney*, 1891 (2) Q.B 709. It was held that such provision would apply to building which were erected or come into existence after the passing of the Act. *London Country Council v. Hall of Arts*, 1913 (110) LT .28

The requirement to keep gangways and passages is mandatory and its breach can be punished. *Potters v. Watt*. 1914 (84) LJ KB 394.

The refusal of the Corporation to sanction the plan on the ground that the adjoining streets were narrow was quashed in *Exparte Cambrige Picture Play House Ltd.* 1922 (1) KB 250.

The authorities are to grant licences on such terms and conditions and under such restrictions as the authority may by respective licences determine. Such terms must be reasonable and may be formulated generally subject to the right of each applicant to contend when applying for a license that they should not be imposed in his case. A licence was issued subject to a condition that no film should be exhibited to which objection was taken by any three of the licensing justices. It was held that the condition was unreasonable and invalid. *R.v Burnley*, 1916 (85) LJ KB 1565. In this case however the condition that children attending the School are to be excluded in case the medical officer notifies the prevalence of any infectious disease was held to be valid.

Where the licensing authority notifies that a particular film is not to be shown then a licensee or a cinema owner has got no locus standi to come to the court, and challenge that the condition is unreasonable: *Ex parte Strot* 1916 (1) KB 7.

**2. Cancellation when change in ownership-** Direction or condition was that the licence shall be terminated forthwith if the licensee ceases to own or hold on lease or to manage the licence form prescribed these conditions. This condition was held to be valid in *Ishar Dass and Bros v. Distt. Magistrate*, AIR 1972 AIL 83.

**3. Order of revocation should given reasons.-** A licence for showing cinema films was revoked on the ground of breach of conditions of licence but the conditions of which breach was complained was not stated. Nor was there any indication as to how the officer was satisfied that the breach had been committed and the licensee was not given any opportunity to be heard. It was held that the order revoking the licence was without jurisdiction. AIR 1957 Assam. 47.

### SECTION-9

**9.Power to make rules:-**The Government may, by notification in the official Gazette, make rules:-

(a) prescribing the terms, condition and restriction, if any, subject to which licenses 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 subsection (3) of section 5 (and such section (4) of section 7A) may be preferred.

### COMMENTARY

**1. Rules framed under the Central Act:-** The State of Bihar had enacted Bihar Cinemas Regulation Act. 1954. and repeated the Cinematograph Act, 1918 in its application to the State of Bihar. It was held that the Rules made under the Central Act continue to have legal validity because of the provisions contained in section 27 of the Bihar and Orissa General Clauses Act. AIR 1957 Pat. 665.

**2. Rules and instructions:-** Instructions issued by the government to licensing authorities to restrict the number of touring cinemas do not fall within the ambit of statutory rules and therefore the questions whether they go beyond the rule making power or not does not arise. AIR 1952 Mad. 528.

**3. Control and issuance of directions:-** If a rule cannot be framed then instruction cannot be issued on the same subject. However, the State Government has the power to interfere after the District Magistrate has himself exercised his discretion. AIR 1956 All. 99.

The power of the licensing authority to issue licences is subject to the control of the State Government and the State has the power to direct the licensing authority to grant a licence to a particular individual. The State Government may set aside the orders of the licensing authority and issue any directions in this respect which it may consider fit or proper. AIR 1955 All 82.

The State Government may issue direction at variance with their own prior order when such orders have not assumed the shape of statutory rules. AIR 1957 A.P 513.

Thus the State government has the power to give directions to the licensing authority. These directions can be with regard to the person or to terms and conditions and restrictions. AIR 1957 A.P 513.

The control contemplated by section 5 is wide enough to empower the State Government to issue appropriate instructions to the licensing authority. It is however not within the competence of state Government to issue executive instructions which if these were issued as a statutory rule would be beyond the rule making power. AIR 1955 A.P 123.

**4. Notice before issuing direction:-** The State Government is not bound to issue notices to the parties before issuing directions. The directions are neither judicial nor quasi judicial. They are purely administrative.

---

\* See Haryana Act 21 of 1969.

directions. Unless the statute requires there is no necessity to give notice. AIR 1955 All. 99. It may however be mentioned here that this may not be the correct position in law now because the latest trend of the judicial decisions is that opportunity has to be given whenever any civil right is thought to be interfered with. Thus in *S.L. Kapur v. Jagmohan*, AIR 1981 SC 136 even though the statute did not embody in itself the rules of natural justice the court held that it was imperative to give hearing.

**5. Instruction to restrict number of talkies:-** The instructions issued by the government to the licensing authority to restrict the number of touring cinemas in places where there were permanent cinemas in order to prevent unhealthy competition and to ensure public safety are not violative of article 19 of the Constitution. AIR 1952 Mad. 528

**6. Direction to close cinemas at a particular time:-** A direction was given that the cinemas should be closed at 12:30 A.M. and no show should be run beyond that hour. It was held that this direction is not unreasonable. 1955 (21) Cuttack Law Times 408.

**7. Compulsory exhibition:-** An order relating to compulsory exhibition of approved films of certain minimum length constitutes a serious encroachment on the right of an exhibitor. 1955 (21). Cuttack Law Times 468.

## SECTION 10

**10.Power to exempt:-**The Government may, by order in writing exempt, subject to such condition 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 provision of this Act or of any rules made there under.]

### COMMENTRY

**1. Authority of relax:-** Power to relax and give exemption under section 10 is not violative of article 14 of the Constitution merely because. It does not indicate the circumstances or the manner in which the power to exempt is to be exercised by the government. *Rudra Talkies v. Prem Sagar and Co.* AIR 1967 Pb. 348.

In a case where lakhs of people used to assemble at one place in connection with some fair and previously there used to be at least half a dozen cinema houses, each one of them having several times more seating capacity than the permanent cinema, which came later and there had been no complaint against such arrangement the refusal to grant a temporary licence to a touring cinema exhibition on the mere ground that there remained at such place a permanent cinema house of seating capacity of about 470 persons was held to be extremely unreasonable and in the nature of the warranting the objects of the Acts. *Rasdeep Touring Talkies v. District Magistrate Karnal*, AIR 1967 Pb.219

## SECTION 11

**11.Repeal of the Cinematograph Act, 1918:-**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:

---

*\*Subs.by punjab Act 28 of 1957, section, 2.*

provided that any appointment notification, order, scheme, rule, from 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 or until it is superseded by any appointment, notification, order, scheme rule, form or by- law made or issued under this Act.

#### COMMENTRY

**1. Requirement to lay down the Rules before the Legislature is not mandatory:-** The question arose as to whether the failure to lay the rules before the legislature would invalidate the rules or not. It was held by a full Bench in *Megha Singh & Co. v. State*, AIR 1977 P & H 297 that this infirmity will not invalidate the rules. Reliance was placed on a Supreme Court decision in *Jag Mohd. v. State of Gujarat*, AIR 1966 SC 385, where in the Supreme Court did not pronounce the rules to be ineffective simply because there was failure to place the rules before the House of the State Legislature. In this connection reference may also be made to *Krishan v. R.N.O.*, AIR 1956 Andhra 129 and *Madhav Rao v. State of A.P.*, 1967 (2) And. W.R. 366 Where similar view was expressed by the Andhra Pradesh High court.

In this connection reference may be made to the case reported as *Regin v. Immigration Appeals Tribunal*, which was quoted by the Full Bench in *Mehga Singh Con v. State*, AIR 1977 P & H at page 30 (para No. 16) Mr. Justice O Chinnapa Reddy ( now Judge , Supreme Court of India ) who delivered the judgment of the Full Bench observed as under,-

"Recently, in *Regin v. Immigration Appeal Tribunal* the question arose whether certain immigration rules had been laid before Parliament as required by the Immigration Appeals Act. The Lord Chief Justice of England and two of his companion judges. went into the matter and, on the evidence held that there was compliance with the requirement regarding laying. The question was not brushed aside on the ground that non-laying was of no consequence. In a case which came before the Court of Error of Barbados, *Collymore, C.J.* was reported by Megarry have said:-

"Where the Legislature delegates its law- making power to a subordinate authority and reserves the right to review the regulation made by such subordinate body, and if necessary to disallow them, and attaches conditions to secure that it shall have the opportunity to exercises its power of review as the supreme legislative authority such condition are mandatory".

It was further observed.-

" Academic Lawyers like sir C.K Allen, Barnard Schwartz, R.R. Megarry (now Justice Megarry) and Prof. Kersell have all been greatly agitated about the problem of non-laying and very rightly too. One of the major problems of any liberal democracy, particularly a modern welfare State is that of controlling excessive executive action. The desire to attain the objection of securing 'social economic and political justice' necessarily results in intense activity in the legislative and the executive fields.

Unable to deal with matters of detail the legislature is too often content to lay down the guidelines and leave the details to be worked out by expert executives. It may perhaps be said that in recent years subordinate legislature has grown in geometrical progression to legislation as such. With the growth of subordinate legislation has grown the possibility of abuse in the making of such subordinate legislation, not because of any evil design on the part of the executive but because of the well known tendency on the part of the executive to get on with the job with out any possible interference. In fact a well inmentioned executive armed with power may turnout to be the most arbitrary of men. There is thus a danger of the expert executives becoming masters of the people they are employed to serve. There is an even greater danger of indifferently made delegated legislation wrecking parent legislation as effectively as by design. We are quite familiar with such delegated legislation . So it is necessary for the legislature to control the executive and laying before the Legislatures is one of the devices by which such control is exercised. But then is it for the Courts to declare delegated legislation as invalid on the ground of non-laying when the legislature itself attached or prescribe no consequence to non-laying" .



**\*The Punjab Cinemas (Regulation) Rules, 1952**

**Part I**

**Introductory**

**1. Title:--** (i) These rules may be cited as the Punjab Cinemas (Regulation) Rules, 1952.

(ii) They shall come into force on the first day of November, 1952.

**2. Definitions:--** In these rules, unless there is anything repugnant in the context:-

(i) the 'Act' means that Punjab Cinemas (Regulation) Act, 1952;

(ii) 'auditorium' means that portion of the building occupied by the audience or spectators during a cinematograph exhibition;

(iii) 'Electric Inspector' means an inspector appointed by the [Haryana] Government under section 36 of the Indian Electricity Act, 1910;

(iv) 'enclosure' means that portion of a place licensed under section 5 of the Act in which the cinematograph apparatus is erected;

(v) 'Executive Engineer' in relation to the licensing of any place for cinematograph exhibitions, means the officer holding charge of that division of the Public Works Department (Buildings and Roads Branch) in which the place is situated;

(vi) 'exit' includes an emergency exit and any entrance usable by the public as an exit;

(vii) 'fire-resisting material' means :-

(a) burnt brickwork, cement concrete and reinforced brickwork or cement concrete having a minimum cover of one inch;

(b) terra cotta blocks securely, bounded, provided that no side or web thereof is less than one and a half inches in thickness;

(c) stone, tiles, solid gypsum blocks, marble, iron, steel, copper, asbestos or zine;  
or

(d) such other material as the Executive Engineer may approve;

(viii) 'Government' means the Government of the State of [Haryana];

(ix) 'touring cinematograph' means a cinematograph apparatus which is so adopted and constructed so that it can be taken from place to place for the purpose of giving cinematograph exhibitions;

(x) 'touring cinematograph of the safety class' means a touring cinematograph in which an incandescent lamp is used for the projector;

(xi) 'Adult' means a person who has completed his eighteenth year.

---

*\*See Pb. Govt. Notification No. 8279-H-52 12052, dated 14-10 1952*

*\*See Haryana Govt. Notification publishd in Pb. Govt. Gaz legislative Supplement Part III , dated 15-4-69.*

**Part II*****Procedure in granting Licences***

3. (i) Licences granted under section 5 of the Act shall be either [for a period of three years] or temporary.

(ii) [A three years] licence shall only be granted subject to the provisions of section 5 of the Act and in accordance with the provisions of the rules in Part III in respect of a building permanently equipped for cinematograph exhibitions. It shall be valid for [three years] from the date of issue and shall be renewable on the application of the licensee.

[Provided that in the case of a three year's licence the place licensed under the Act shall be inspected annually by the Executive Engineer as well as by the Electrical Inspector to Government, [Haryana] on the payment of the fees as prescribed in schedule to rule 16.].

[(iii) Subject to the provisions of sub-rule (iv) and the rules in Part IV, a temporary licence may be granted in any town or village for exhibition by means of a touring cinematograph for an aggregate period not exceeding six months in one calendar year:

Provided that for a town to village [----] with a population of more than [five] thousand according to the latest official cons in any other district the aggregate period may be extended by another six months in the same calendar year :

Provided further that in calculating the aggregate period in respect of any town or village the period for which a licence to the same or other touring cinematograph has been granted within five miles of the outer limits of such town or village shall be taken into account.

[(iv) No licence to touring cinematograph shall be granted for such a place where there is a permanent cinema;

Provided that such a licence may be granted for such a place for a period not exceeding in the aggregate three months on special occasions such as fair and religious gatherings or to meet a particular temporary need.]

---

*\*See Pb. Govt. Notification published in Pb.Govt. Gaz Legislative Supplement Part III , dated 28-11-1961*

*\*See Pb. Govt. Notification published in Pb.Govt. Gaz Legislative Supplement Part III , dated 24-1-1964.*

*\*See Pb. Govt. Notification published in Pb.Govt. Gaz Legislative Supplement Part III , dated 16-7-1958.*

*\*See Haryana Govt. Notification published in Hr.Govt. Gaz Legislative Supplement Part III , dated 15-4-69.*

*\*See Haryana Govt. Notification published in Hr.Govt. Gaz Legislative Supplement Part III , dated 13-12-68.*

*\*See Pb. Govt. Notification published in Pb.Govt. Gaz Legislative Supplement Part III , dated 17-7-1966.*

4. Licences, whether [for a period of three years] or temporary, shall be in form A annexed to these Rules and shall be subject to the conditions and restrictions set forth therein and to the provisions of these rules.

5. (i) Every application for the grant or renewal of a licence shall be in writing and shall be signed by the applicant.

(ii) Applications for the grant as distinct from the renewal of [a three years] licence shall be accompanied by:-

(a) full particulars regarding the ownership of, and all rights in, the premises and in the cinematograph apparatus to be used therein;

(b) complete plans, elevations and sections in duplicate, of the premises and all erections or buildings thereon drawn correctly to the scale of one-eighth of an inch to one foot and showing the width of all stairways and the number of steps in each, the width of corridors, gangway and doorways, the height of the cinematograph and of the plant for the generation or conversion of electrical energy;

(c) a site plan in duplicate a separate sheet drawn to the scale of one-fortieth of an inch to one foot showing the position of the premises in relation to any adjacent premises and to the public thorough-fares upon which the site of the premises abuts, and the arrangements proposed for the parking of motor cars and others vehicles;

(d) specifications of the various materials proposed to be used in the construction of the buildings.

(iii) The cardinal points of the compass shall be shown on the plans and the plans shall be so coloured as to distinguish the materials used in the construction of the buildings.

(iv) Application under sub-section (ii) of this rule [shall subject to the condition mentioned in Rule 31A be submitted] to the licensing authority before any alteration necessary for the adaptation of the premises for cinematographic exhibition are taken in hand, or in the case of a new building, before its construction is begun.

[The work shall not be commenced unless the Executive Engineer certifies that the proposed construction, addition or alteration of the premises is in accordance with these rules and the buildings bye-laws of the local authority, if any].

(v) The licensing authority may require an applicant for a temporary licence to furnish such plans of the premises and such specifications as he may consider necessary.

6. An application for the renewal of [a three years] licence shall be made at least [three months] before the date of the expiry of the old licence :

Provided that if the application for renewal is made after the prescribed date the licensing authority may nevertheless renew the licence on payment of the fee chargeable for a new licence.

*\*See Pb. Govt. Notification published in Pb.Govt. Gaz Legislative Supplement Part III , dated 28-11-1961.*

*\*See Pb. Govt. Notification published in Pb.Govt. Gaz Legislative Supplement Part III , dated 1-6-1953.*

*\*See Pb. Govt. Notification published in Pb.Govt. Gaz Legislative Supplement Part III , dated 22-4-1963.*

*\*See Haryana Govt. Notification published in Hr.Govt. Gaz Legislative Supplement Part III , dated 7-4-81.*

7. (i) If on an application for renewal of a license the licensing authority does not for any reason, before the date of the expiry of licence, either renew and return the licence or refuse to renew the same, he may grant a temporary permit in Form B annexed to these rules.

(ii) Such temporary permit shall be subject to the conditions of the licence sought to be renewed and shall be valid for such period not exceeding two months as the licensing authority may direct.

Provided that the temporary permit shall cease to be valid and shall be surrendered to the licensing authority on the applicant receiving his duly renewed, or on his receiving an order refusing to renew the licence.

(iii) The temporary permit shall during the period of its validity be deemed to be a licence for the purposes of these rules.

(iv) A fee of ten rupees shall be levied for the grant of such temporary permit, provided that if in the opinion of the licensing authority the grant of this permit has not been necessitated by the negligence of the licensee, the fee or a portion of it may be remitted.

8. (i) The licensee shall be responsible for compliance with the provisions of these rules and with conditions of his licence, for the maintenance of the licensed premises at all times and in all respects conformity with the standards prescribed by these rules, and for taking all necessary measures, before any cinematograph exhibition is commenced, to ensure the safety of the public and his employees against fire and other accidents.

(ii) The licensee or some responsible person nominated by him in writing for the purpose shall be in general charge of the licensed premises and cinematograph during the whole time that any exhibition is in progress.

### ***Inspections***

9. (i) Before granting or renewing [a three years] licence [the licensing authority shall within a period of seven days of the receipt of the application of the licensee],-

(a) call upon the Executive Engineer to examine the structural features of the building and report [within a period of one month] whether the rules relating thereto have been duly complied with.

(b) call upon the Electric Inspector to examine the cinematograph and the electrical equipment to be used in the building and to report [within a period of one month] whether they comply with the requirements both of these rules and of the Indian Electricity Act, 1910, and

---

*\*See Pb. Govt. Notification published in Pb.Govt. Gaz Legislative Supplement Part III , dated 28-11-1961*

*\*See Pb. Govt. Notification published in Pb.Govt. Gaz Legislative Supplement Part III , dated 22-4-1963.*

*See Pb. Govt. Notification published in Pb.Govt. Gaz Legislative Supplement Part III , dated 22-4-1963.*

of such of the rules made thereunder as are applicable, whether all reasonable precautions have been taken to protect spectators and employees from electric shock and to prevent the introduction of fire into the building through the use of electrical equipment, and whether the prescribed fire-extinguishing appliances have been provided, are in working order and suitable for the purpose for which they are intended.

(ii) Defects revealed by such inspections shall be brought to the notice of the applicant or licensee and of the licensing authority, who may refuse to grant or renew the licence unless and until they are remedied to his satisfaction.

**10.** The licensing authority or any officer [authorised by him in writing] in this behalf may at any time enter a place which he has reason to believe is being used or is, intended to be used for the purpose of cinematograph exhibitions, in order to satisfy himself that all the provisions of the Act, the rules framed thereunder and the conditions of the licence are being complied with.

**11.** (i) The Electric Inspector or any officer specially appointed to assist him in this behalf may at any time enter and inspect any place licensed under section 5 of the Act.

(ii) Defects revealed by such inspections shall be brought to the notice of the licensee and shall also be reported to the licensing authority.

**12.** (i) The licensing authority may, if he considers necessary by general or special order, authorise a medical officer to inspect the sanitary condition of any of the places which have been licensed by him under section 5 of the Act and such officers may visit all parts of the premises for purposes of inspection at any time.

(ii) Defects revealed by such inspection shall be brought to the notice of the licensee and also be reported to the licensing authority.

**13.** The licence and the plan and description, if any, attached thereto shall be produced on demand by the licensing authority or by any officer authorised by him or by these rules to enter a place licensed under section 5 of the Act.

### ***Alterations and Repairs***

**14.** (i) No addition to or alteration of any portion of any premises licensed under section 5 of the Act, necessitated by fire, any other calamity or any other cause shall be made without the sanction of the licensing authority.

(ii) The licensee shall give notice in writing to the licensing authority of his intention to make any such addition or alteration, and such notice shall be accompanied by complete plans, elevations and sections and specifications of the work proposed to be executed, drawn up in duplicate in the manner prescribed in rule 5, provided that in the case of premises for which a temporary licence has been granted such plans and specifications shall be furnished as the licensing authority may consider necessary.

(ii) The work shall not be commenced until the consent of the licensing authority has been obtained, and the licensing authority shall not give his consent unless the Executive Engineer certifies that the proposed addition or alteration is in accordance with these rules.

---

*\*See Haryana Govt. Notification published in Haryana .Govt. Gaz Legislative Supplement Part III , dated 24-3-1972.*

- (iv) No addition to or alteration of any part of the cinematograph and its appurtenances or of the lighting or other electric arrangements shall be made without the sanction of the licensing authority.

The licensee shall give notice in writing to the licensing authority of his intention to make any such addition or alteration, and the licensing authority shall not give sanction thereto unless the Electric Inspector or an officer deputed by him certifies that the addition or alteration is in accordance with the provisions of these rules.

**15.** Notice in writing shall be given to the licensing authority of intention to carry out repairs or re-decorations necessitating the use of scaffolding cradles or plant giving full details of the position thereof, if it is intended that the public shall be admitted while such scaffolding, cradles or plant are in position or in use. If the licensing authority shall so require, the premises shall be closed to the public until the work has been completed and the scaffolding, cradles and plant removed.

### ***Fees***

**16. (1)** The fees shown in the Schedule to these rules shall be charged for the grant and renewal of licences and for inspections.

[These fees shall be deposited in a Government treasury before applying for the grant and renewal of licences and for inspections.].

### **[Schedule]**

(See Rule 16)

### ***Table of Fees***

- |  |                    |
|--|--------------------|
| 1. For the grant of a three years licence  | 1350 Rupees        |
| 2. For renewal of a three years licence  | 900 Rupees         |
| 3. For a temporary licence for each week or part of a week   | 15 Rupees          |
| Provided that in the case of commercial firms, concerns and institutions, for exhibiting films of propagate sale of their products, a fee of 150 Rupees per week or 30 Rupees per day, as the case may be, shall be charged. |                    |
| 4. For the grant of a duplicate of a three years licence   | ... 30 Rupees      |
| 5. For an inspection by the Executive Engineer for the grant or renewal of a licence-  |                    |
| (i) For the First inspection   | ... 75 Rupees and; |
| (ii) For any subsequent inspection that may be necessary, such sum not exceeding 150 Rupees as the licensing authority may determine.  |                    |
| 6. For an inspection by the Electric Inspector for the grant or renewal of a three years licence :-  |                    |

---

*\*See Pb. Govt. Notification published in Pb.Govt. Gaz Legislative Supplement Part III , dated 27-3-1956.*

*See Haryana Govt. Notification published in Haryana Govt. Gaz Legislative Supplement Part III , dated 9-4-1969.*

(i) For the first inspection. 75 Rupees and;

(ii) For any subsequent inspection that may be necessary, such sum not exceeding 150 Rupees as the licensing authority may determine.

7. For an inspection by the Electric Inspector of a touring cinematograph :-

(i) For the first inspection. 45 Rupees

(ii) For any subsequent inspection that may be necessary, such sum not exceeding 45 Rupees as the licensing authority may determine.

(iii) For supplying duplicate copies of fitness certificates to touring talkies 3 Rupees

8. For an inspection made by the Executive Engineer or the Electric Inspector during the currency of a licence under the written orders of the licensing authority such sum not exceeding 150 Rupees as the licensing authority may determine.

[(2) An application for the annual inspection referred to in the proviso the sub-rule (ii) of rule 3 shall be made by the licensee at least one month before the date of inspection becomes due, after depositing the prescribed fee in a government treasury.]

[Explanation. - For the purpose of sub-rule (2) the expression 'the date the inception becomes due' shall mean. -

(a) in relation to the first annual inspection, the date next after the expiry of one year; and

(b) in relation to the second annual inspection, the date next after the expiry of two years :

of the grant of renewal of a licence, as the case may be;]

### **Part III**

#### **Rules regarding buildings licensed [for a period of three years] for cinematograph exhibitions**

17. In this part the term "the building" means a building in respect of which [a three years] licence has been or may be granted as provided in rule 18.

18. (i) [A three years] licence shall only be granted or renewed in respect of building which as regards its location structure, fittings, electrical and other equipment complies with the provisions of the rules in this part.

---

\*Sub-rule (2) added vide Pb. Govt. Notification pushed in Leg Supple. Part III dated 24th January 1964.

\*See Hr. Govt. Notification published in Hr. Govt. Gaz Legislative Supplement Part III, dated 28-3-1967.

\*See Pb. Govt. Notification published in Pb. Govt. Gaz Legislative Supplement Part III, dated 28.11.1961..

- (ii) Notwithstanding anything in the preceding sub-rule [a three years] licence may be granted or renewed for such period as Government may determine in any particular building already licensed for cinematograph exhibition on 1st November, 1941, relaxing provisions of rules 19(i) 22, 26(i), 27, 28(iii), (iv) and (v), 31(ii) and (iii), 36(i), 37 and 48 to such extent and subject to such condition as it deems necessary.

**19. Site:--** (i) The building :-

[(a) Shall not be within a radius of -

- (i) 75 metres from a place of worship, a cremation ground, a graveyard a cemetery, or
- (i) 200 metres from a recognised educational institution such as a College, a High School or girls school or any residential institution attached to such educational institution; or
- (iii) 75 meters from a public hospital with a large patient ward; or
- (iv) 75 metres from an orphanage containing one hundred or more inmates; or
- (v) 75 metres from a thickly populated residential area which is either exclusively residential or reserved or used generally for residential as distinguished from the business purposes.

**Note:-** The distance shall be measured from the exit of the auditorium of the cinema building to the entrance of any of such place of institution.]

(b) shall in no way offend against traffic laws and either

(c) shall be detached building :

Provided that the minimum distance it stands apart from other buildings shall not be less than 20 feet, and the surrounding space shall be unobstructed and shall be such as will enable the persons who are to be accommodated to disperse rapidly in the event of fire or panic and as will permit of the approach of fire-engines and fire appliances :

Provided further that in the case of the building which accommodates more than one thousand persons the distance it stands apart from other buildings shall be such as the licensing authority may require by special order in writing.

Or

- (d) shall abut upon and have frontage of adequate length to two or more public ways or open spaces from which there are at all times free means of exit. The public ways or open spaces shall be of such width as will enable the persons who are to be accommodated to disperse rapidly in the event of fire and as will permit of the approach of fire engines and fire appliances ;

---

*\*See Pb. Govt. Notification published in Pb.Govt. Gaz Legislative Supplement Part III , dated 28-11-1961.*

*\*See Hr. Govt. Notification published in Hr.Govt. Gaz Legislative Supplement Part III , dated 4.2.70.*



Provided that one of them shall have a clear width of at least 35 feet including footpaths and shall be a through road :

Provided further that in the case of buildings which accommodated more than one thousand persons, the public ways or open spaces shall be of such width and the frontage thereto of such length as the licensing authority may require by special order in writing.

- (ii) The frontages shall be considered of adequate length if they form about half of the total boundaries of the site of the building excluding recesses and projections :

Provided that if they are less than half, a licence shall not be granted without the previous sanction of Government.

- (iii) The building shall not constructed underneath or on top of any part of any other building without the special consent in writing of the licensing authority.

**20.** No portion of the building shall be occupied or used as a factory, workshop or for storage purposes or as a hotel or for residential purposes or for the preparation or sale of food or drink, except as the licensing authority may by written order permit.

**21. External walls:-** (i) The building shall have external or party walls of brick, mud, stone, corrugated iron or concrete.

- (ii) Where the building is in close proximity to another building, it shall be separated therefrom by walls and structures of fire-resisting materials in a manner to be approved by the licensing authority and no openings in the walls or in any part of building such as may be liable to communicate fire shall overlook the neighbouring building.

- (iii) Any opening in the building overlooking an adjacent site upon which an inflammable structure is erected or upon which inflammable material is stored shall be protected to the satisfaction of the licensing authority.

**22. Structural requirements:-** (i) All floors, galleries, tiers, posts, columns, joints, trusses, stairways and landings in the building shall be of fire-resisting material.

- (ii) Partition shall be made of fire-resisting material or of wood not less than 1¾ inch thick and certified by the Executive Engineer to be hard wood.

- [(iii) The building shall have a roof. All ceilings and panelling shall be made of fire-resisting material or from compressed or synthetic material treated against flaming which has been certified by the Executive Engineer to be suitable for the purpose intended.].

- (iv) All floors including galleries, landings and corridors with their supports shall be capable of supporting a static load of one hundred pounds per square foot and, as in alternative loading, every step or landing shall be strong enough to support a point load of three hundred pounds placed in any position.

*\*See Pb. Govt. Notification published in Pb. Govt. Gaz Legislative Supplement Part III , dated 16-9-1956.*

- (v) Where the first tier or gallery extends over the stalls, the height between the floor of the stalls and such tier or gallery shall not in any part be less than 10 feet; the height between the floor of the highest part of the gallery and the lowest part of the ceiling over the same shall not in any part be less than 12 feet, the height between any tier and the tier ceiling above it shall, in no case, be less than 8 feet.

#### COMMENTARY

The requirement to keep gangways and passages is mandatory and its breach can be punished . *Potters v. Watt*, 1914 (84) LJ KB 394.

#### Rules 23-25

**23. Drainage:-** (i) The building and the compound, if any, shall be adequately drained to the satisfaction of the licensing authority.

- (ii) Except with the written consent of the licensing authority the lowest floor of the building shall not be constructed at a lower level than that at which it can be effectively drained by gravity.

**24. Accommodation:-** (i) The total number of spectators accommodated in the building shall not exceed 20 per hundred square feet of the area available for sitting and standing or 20 per 133 ½ square feet of the overall area of the floor space in the auditorium.

- (ii) A notice showing the number off spectators permitted by the conditions of the licence to be admitted to any one part of the buildings shall be exhibited at a prominent place either at the entrance of the building or in the auditorium.

**25. Seating:-** (i) The seating in the building shall be arranged so that there is free access to exits.

[ [(*Explanation 1*)]. - The seats in each alternate row shall be staggered in a manner that the line or vision is not obstructed and that the angle of vision does not exceed 35 degree.]

[ (*Explanation 2.*) - The step of the floor of the auditorium shall have average gradient of 1" in 18" except in case of cinemas built before 1st February, 1958.]

[ (*Explanation 3.*) - In the case of cinemas with dual inclined slopes in the floors of the auditorium, the rear stop shall be 1" in 18" while the front incline shall be 1" in 24.]

- (iii) The rows of seats shall be so arranged that there is a clear space of not less than 12" between the back of one seat and the foremost portion of the seat arm or frame behind, measured between perpendiculars.

---

*\*See Hr. Govt. Notification published in Hr. Govt. Gaz Legislative Supplement Part III , dated 24-3-1972.*

*\*See Pb. Govt. Notification published in Pb. Govt. Gaz Legislative Supplement Part III , dated 15.2.1958.*

(iv) All seats, except those in private boxes, shall be securely fixed to the floor, and if battened together or made in links, the complete link shall be firmly attached to the floor,

(v) [The minimum distance between the cinematograph screen and the front row of seats shall be;

(i) equal to the width of the screen subject to a minimum of 25 feet in case of cinemas equipped with screens up to 30 feet wide; and

(ii) equal to  $\frac{3}{4}$  th of the width of the screens subject to a minimum of 30 feet in case of cinemas fitted with screens exceeding 30 feet in width.

**Note:-** The space between the screen and the front row of seats shall be left vacant according to the width of the screen installed irrespective of the consideration whether the whole or only a part of the screen is made use of.]

(vi) [The lower edge of the picture as a projected on the cinematograph screen shall be at a height varying from 5'-6" to 7' above the level of the floor of the auditorium at the front row of seats depending upon the length of the auditorium.]

(vii) [(a) Every row of seats in the auditorium shall be assigned a specific distinguishing mark such as 'A', 'B', 'C' and so on and every seat in each row shall be serially numbered. The serial number shall be inscribed at a prominent place on the seat in such a manner that the seat can be easily located.

(b) The Licensee shall ensure that on every ticket which any booking clerk issues for any cinematograph exhibition a separate seat number is marked.

The Purchaser of the ticket shall be entitled to occupy the seat bearing the serial number marked on the ticket. The serial number of the seat shall be marked on that portion of the ticket which is to be retained by the purchaser so that it can be produced for inspection in case of any doubt or one demand.]

**[25A. (1)** The licensee or his agent shall not sell to a purchaser more than eight tickets for the same show.

(2) In addition to the opening of the booking office for the sale of tickets at least half an hour before the start of each show the licensee shall make adequate arrangements for advance booking of seats in the auditorium for all shows and for that purpose keep the booking office

---

*\*See Pb. Govt. Notification published in Pb.Govt. Gaz Legislative Supplement Part III , dated 21-12-1955.*

*\*See Pb. Govt. Notification published in Pb.Govt. Gaz Legislative Supplement Part III , dated 15-2-1958.*

*\*See Pb. Govt. Notification published in Pb.Govt. Gaz Legislative Supplement Part III , dated 1-6-1963.*

*\*See Hr. Govt. Notification published in Hr.Govt. Gaz Legislative Supplement Part III , dated 6-6-1967.*

open from 10 A.M. to 1.30 P.M. and again from 4 P.M. to 5.30 P.M. daily.

**Explanation:-** For the purposes of this rule, the expression 'show' means a cinematograph exhibition.]

**26. Gangway:-** (i) Gangway not less than 44 inches wide shall be provided in the building as follows :-

- (a) Down each side of the auditorium.
  - (b) Down the centre of the seating accommodation at intervals of not more than 25 feet.
  - (c) Parallel to the line of the seating so as to provided direct access to exists :  
Provided that not more than one gangway for every 10 rows shall be required.
- (ii) All gangway, exits and the treads of steps and stairways shall be maintained with non-slippery surfaces.
- (iii) Druggets, matting and floor covering if provided in gangways, shall be securely fastened to the floors.
- (iv) The exits and the gangways, and passages leading to exits shall be kept clear of all obstructions other than rope barriers provided in accordance with sub-rule (vi). On no account shall extra seats be placed in the gangways or spectators be allowed to stand in the gangways at the time of performances in such a way as to block or effectively reduce their width.
- (v) If steps have to be inserted in a gangway or passages there shall be not less than 3 steps at any one place. The treads shall not be less than 15" wide and shall be uniform width and height.
- (vi) Rope barriers in gangways or elsewhere shall be fitted with clips or fastenings which will part in the centre on slight pressure and shall not trial on the floor.
- (vii) Guards rails not less than 3 feet 6 inches above floor level shall be provided on the parapet at the foot of gangways in galleries where the incline of the gangway exceeds 15 degrees.

**27. Stairways:-** (i) There shall be at least 2 stairways each not less than 4 feet wide to provide access to any gallery or upper floor in the building which is intended for use by the public.

- (ii) The treads and risers on each flight of stairs shall be of uniform width and height. The treads shall not be less than 11 inches wide and the risers shall not be more than 7 inches high.
- (iii) There shall be no winders.
- (iv) A continuous hand rail shall be fitted to each side of stairways.
- (v) No stairways shall discharge into a passage or corridor against or across the direction of exit.

**28. Exits. -** (i) Every public portion of the building shall be provided with an adequate number of clearly indicated exits placed in such positions and so maintained as to afford the audience ample means of safe and speedy egress.

- (ii) In the auditorium there shall be at least one exit from every tier, floor or gallery for every 100 persons accommodated or part thereof :

Provided that from every upper floor or gallery these shall be not less than two exits:

Provided further that an exit on or by way of a stage or platform shall not be reckoned as one of the exits required by this rule.

- (ii) Every exit from the auditorium shall provide a clear opening space of not less than 7 feet high and 5 feet wide.
- (iv) Exits from the auditorium shall be suitably spaced along with both sides and along the back thereof, and shall deliver into two or more different thoroughfares or open spaces from which there are at all times free means of rapid dispersal.
- (v) Every passage or corridor leading from an exit in the auditorium to a final space of exit from the building shall be of such width as will in the opinion of the licensing authority, enable two persons who are likely to use it in an emergency to leave the building without danger of crowding or congestion. At no point shall any such passage or corridor be less than 5 feet wide, and it shall not diminish in width in the direction of the final place of exit.
- (vi) The combined width of the final place of exits from the building shall be such that there are at least 5 feet of exit width for every 100 persons that can be accommodated in the building.
- (vii) All exit doors shall open outwards and shall be so fitted that when opened they do not obstruct any gangway, passage, corridor, stairway or landing.
- (viii) All exit doors through which the public have to pass on the way to the open air shall be available for exit during the whole time that the public are in the building and during such time shall not be locked or bolted.
- (ix) All exits from the auditorium and all doors or openings (other than the main entrance) intended for egress from the building shall be clearly indicated by the word "EXIT" in block letters, which shall not be less than seven inches high and shall be so displayed as to be clearly visible in the light as well as in the dark.
- (x) All other doors or opening shall be so constructed as to be clearly distinguishable from exits. They may be indicated by the words "No thoroughfare" arranged as illustrated in figure below, but notices bearing the words "No Exit" shall not be used in any part of the building.

#### ***NO THOROUGHFARE***

**29. Pay boxes, Check boxes, etc:-** Pay boxes, check boxes and attendants' seats shall be fixed in such positions in the building that they will not obstruct means of exit and any mirror, pictures notices or advertisements shall be attached to or hung upon the walls in position in which they will not be likely to cause obstruction to exits and shall be

fixed flat against the wall or kept clear of the headline, i.e., 7 feet above the floor.

**30. Cloak room accommodation:-** (i) Provision shall not be made in the corridors, passages and stairways of the building for hanging hats and cloaks.

(ii) Where cloak rooms are provided they shall be so situated that the persons using them will not interfere with the free use of any exit.

**31. Ventilation:-** (i) The building shall be provided with efficient means of ventilation direct to the open air.

(ii) Unless the auditorium is air-conditioned the means of ventilation shall take the form of natural ventilation and power-driven exhaust fans suitably located and of adequate size for the purposes intended.

(iii) Where natural ventilation is provided by windows of skylights which have to be darkened or obscured, free permanent top ventilation shall be arranged by means of ridge or ceiling ventilators. The clear opening of such ventilators shall not be less than 1 square foot for every 10 persons that can be accommodated.

[(iv) There shall be a time gap of not less than twenty minutes between two cinematograph shows. The duration of an interval in a cinematograph show shall be not less than ten minutes. During the gap between two shows and the interval in a show all doors and ventilators shall be kept wide open and all exhaust and other fans will be worked at top speed so that the whole of the auditorium shall be flushed with air completely].

**[31A. Air conditioning and air cooling:-** (1) In town having a population of more than fifty thousands, the auditorium shall be air-conditioned within a period of six months:

Provided that when the air-conditioning system is not working in the summer the auditorium shall be provided with the air cooling system;

(2) In towns having a population of more than ten thousand but less than fifty thousand, the auditorium shall be air cooled, within a period of three months, provided that the licensing authority may, keeping in view the seating capacity of the auditorium and climatic conditions, require the auditorium to be air conditioned within a period of six months from the date of receipt of notice by the licensing authority.

(3) A new license shall not be granted unless the auditorium is air conditioned or air cooled as the case may be.]

**32. Sanitary provisions:-** (i) The building and compound, if any, shall be kept free from effluvia arising from drain, privy or other nuisance.

---

*\*See Pb. Govt. Notification published in Pb. Govt. Gaz Legislative Supplement Part III, dated 24.7.1956.*

*Hr. 7-4-1981.*

(ii) Separate latrines and urinals shall be provided for each sex. The latrines shall be cleaned or flushed immediately before and after each performance and shall be washed with phenyl or other sanitary fluid at least twice a day.

[(iii) The licensee shall also make arrangements to provide drinking water to the cinema goers.]

**33. Parking arrangements:-** (i) Such arrangements shall be made for the parking of motor cars and other vehicles in the vicinity of the buildings as the licensing authority may require.

(ii) No vehicle shall be parked or allowed to stand in such a way as to obstruct exits or impede the rapid dispersal of the persons accommodated in the building in the event of fire or panic.

**34. Fire precautions:-** (i) Fire-extinguishing appliances suitable to the character of the building and of a pattern, class and capacity approved by the licensing authority shall be provided as prescribed by him. These appliances shall be disposed to his satisfaction so as to be really available for use in case of fire in any part of the building.

(ii) There shall always be sufficient means of dealing with fire readily available within the enclosure, and these shall include a damp blanket, a portable chemical fire-extinguisher and two buckets of dry sand.

(iii) All fire-extinguishing appliances shall at all times be maintained in proper working order, and available for instant use, and all chemical fire-extinguishers shall be capable of withstanding a pressure of not less than 250 lb. per square inch.

(iv) During an exhibition all fire-extinguishing appliances shall be in charge of some person or persons specially nominated for this purpose. Such persons need not be employed exclusively in looking after the fire appliances, but they must not be given any other work during an exhibition which would take them away from the building or otherwise prevent them from being immediately available in case of danger or alarm of fire.

(v) The building shall be provided with an efficient lightning conductor.

*ENCLOSURE, CINEMATOGRAPH LIGHTING ETC.*

**35. Enclosure.** - The cinematograph apparatus shall be placed in an enclosure of substantial construction, the dimensions of which shall be such that when the cinematograph apparatus and other necessary fittings are installed therein there is sufficient space to allow the operator or operators to work freely.

**36.** (i) The enclosure shall be placed outside the auditorium.

---

*\*See Haryana Govt. Notification published in Hr. Govt. Gaz Legislative Supplement Part III, dated 24-3-1972.*

- (ii) It shall be entirely self-contained and shall house only the cinematograph apparatus, fire appliances and such controlling apparatus as must of necessity be placed therein.

[37. There shall be only one entrance to the enclosure which shall not communicate with any part of the building to which the public have access.]

[38. The enclosure and any fittings covering openings thereto shall be made of fire-resisting material.]

39. Proper and efficient means of ventilation shall be provided in the enclosure in such a manner that there shall be no communication with any part of the building to which the public is admitted through the medium of such means of ventilation.

40. The number of openings in the front of the enclosure shall not exceed two projection openings, each not more than [36] square inches in area and one inspection opening not more than 36 square inches in area for each cinematograph apparatus or projector. All such opening shall be equipped with screens so operated that only one projection opening and one inspection opening can remain open at any one time and that all opening can be automatically closed from convenient positions both from inside and outside the enclosure.

41. No non-synchronous machine shall be placed in or operated from the enclosure without the written permission of the licensing authority.

42. No person other than a qualified operator employed by the licensee and holding a certificate granted by the Electric Inspector or an apprentice duly authorised by the licensee under rule 89 shall be allowed to enter or be in the enclosure while an exhibition is in progress.

43. Where a manager or a proprietor holds an operator's certificate, a second qualified operator must be engaged who shall remain on duty in the enclosure during the whole period of exhibition.

44. No inflammable article shall unnecessarily be taken into or allowed to remain in the enclosure, no smoking shall at any time be permitted within the enclosure, and no naked light shall be used therein.

### ***PROJECTOR, APPARATUS AND FILMS***

45. Cinematograph projectors shall be placed on film supports constructed of fire-resisting material and shall be provided with a metal shutter which can be readily inserted between the source of light and the film gate. This shutter shall immediately be dropped in the event of an accident to the cinematograph apparatus or stoppage of the film and shall only be raised when the film is in motion for the purpose of projection.

---

*\*See Pb. Govt. Notification published in Pb. Govt. Gaz Legislative Supplement Part III, dated 14-5-1960.*

*\*See Pb. Govt. Notification published in Pb. Govt. Gaz Legislative Supplement Part III, dated 2-11-1951*

*\*See Pb. Govt. Notification published in Pb. Govt. Gaz Legislative Supplement Part III, dated 26-9-1957.*



**46.** The film gate shall be massive construction, and shall be provided with ample heat-radiating surface. The passage for the film shall be sufficiently narrow to prevent flame travelling up wards or down-ward from the light opening.

**47.** Cinematograph projectors shall be fitted with two metal film-boxes of substantial construction, to and from which the film shall be made to travel. The film boxes shall be made to close in such a manner, and shall be fitted with film-slots so constructed as to prevent the passage or flame into the interior of the box.

**48.** Film spools shall be driven by means of chains, a gears, or belts of fire resisting material and films shall be wound thereon so that the wound film shall not at any time reach or project beyond the edges of the flanges of the film spool.

**49.** The rewinding of films shall not be carried on in the enclosure while an exhibitions is in progress.

**50.** During an exhibition all films when not in use shall be kept in closed metal boxes.

**51.** Not more than 200 lb. of [inflammable] Cinematograph film shall be stored in the premises to which this licence relates, unless a specific licence has been obtained from the Chief Inspector of Explosives in India as required by the Cinematograph Film Rules, 1948.

### ***WINDING ROOM***

**52.** (i) A separate room shall be provided for the rewinding of films which shall be constructed throughout of fire-resisting materials.

(iii) All fittings and fixtures in the winding room shall be constructed of fire-resisting materials and the entrance shall be provided with self- closing close-fitting door and shall not communicate directly with the enclosure, the auditorium or any part of the building to which the public are admitted.

### ***LIGHTING AND ELECTRICAL INSTALLATION***

**53.** No illuminant other than-electric light shall be used in the building.

**54.** (i) Provision shall be made for adequate illumination of the auditorium and the exits therefrom to the outside of the building including passages, corridors landings and stairways, the notices indicating the position of exits, and all parts of the building to which the public are admitted.

(ii) During the whole time the public are present in the building the lighting for purposes other than the illumination of the auditorium shall be in operation sufficiently to enable the public to see clearly the way out.

---

*\*See Pb. Govt. Notification published in Pb.Govt. Gaz Legislative Supplement Part III , dated 2-11-1957.*

**55.** The auditorium shall be provided with two independent lighting circuits taken from two different and independent sources of supply in the building or place licensed for exhibition. One circuit (hereinafter referred to be the general lighting circuit) which must not enter the enclosure, may, include all exit signs and the lighting of all part of the building to which the public are admitted and shall be connected to the main source of supply in the building; and the other circuit (hereinafter referred to as the emergency lighting circuit) shall be used exclusively for the lighting of the auditorium and shall be controlled from a convenient position within the enclosure and shall be connected to the second independent source of supply, as distinct from that used for the general lighting circuit. Before the commencement of each exhibition, it shall be ascertained by the operator, that the independent source of supply provided for the emergency circuit is in satisfactory order and the supply from the same is available for immediate use in case of emergency.

**56. (i)** The emergency lighting circuit shall supply not less than three lamps arranged so as to avoid, as far as possible, a single fault extinguishing all the lamps.

(ii) Two way control from both within and without the enclosure may be adopted for the emergency lighting circuit provided that the control from outside the enclosure is suitably indicated, is not mounted on the same board as any of the general lighting circuits, and is placed in such a position as to be readily handled by a member of the Cinema Staff but inaccessible to the public.

**57. (i)** A separate and distinct circuit shall be provided for the supply to cinematograph lamps. Such circuit shall be controlled by a suitable main switch and fuses required in pursuance of rule 59; and there shall be in addition for each lamp a totally enclosed double pole iron clad switch and fuse placed in a convenient position within the enclosure.

(ii) When the cinematograph lamp is working the electrical pressure across the terminals of the double pole switch shall not exceed 110 v. lts.

**58.** A separate and distinct circuit shall be provided for the supply of energy to fans.

**59. (i)** Separate main switches and main cut-outs shall be provided as near as possible to the source of supply in the building for the general emergency, projector and enclosure circuits and for all fan circuits, provided that the emergency lighting main switch and cut-outs are suitably indicated and are not mounted on the same board as any other control.

(ii) All main switches, meters and other electrical apparatus installed near the source of supply in the building shall be housed in a separate enclosure used exclusively for the purpose and inaccessible to the public.

**60.** Except as otherwise specially provided in these rules, the electrical installation shall be in accordance with such specifications as may from time to time be prescribed by Government by notification in the official gazette.

**61.** (i) Writing within the enclosure and for the emergency lighting circuit shall be screwed piping except that where flexible cables are necessary the flexible portion shall be either steel armoured or enclosed in suitable flexible metallic steel tubing.

(ii) There shall be no unnecessary slack electric cable within the enclosure and all cables runs shall be as short and direct as possible.

**62.** All switches, cut-outs, resistances, lights, fans and all other electrical appliances in the enclosure shall be mounted on basis of fire resisting materials and where practicable shall have strong metallic covers enclosing all live parts. Switch covers shall be arranged in such a way that they cannot be opened unless the switch is in the "off" position.

**63.** All metal work supporting or protecting electric supply lines shall be efficiently earthed by two-separate and distinct connections with the earth. The resistance of the connection with the earth shall not exceed one ohm and all earthing leads shall run in such a manner that the course of each may be readily traced. Where earthing leads pass through walls or laid in floors they shall be suitably protected.

**64.** Resistances shall be made entirely of fire-resisting material and shall also be so constructed and maintained that no coil or other parts shall at any time become unduly heated, i.e., they shall not become so heated that a piece of paper placed in contact with any part of the resistance would readily ignite. All resistances, with the exception of a resistance for regulating purposes, shall be placed outside the enclosure and in a part of the building to which the public are not admitted.

**65.** All suspended fittings or apparatus other than small single lamp pendants fitted at a height of less than 10 feet above the floor levels of parts of building to which the public are admitted shall be provided with satisfactory means of suspension independent of the conductors.

**66.** Plant for the generation of electrical energy or for cooling purposes, oil engines or other prime movers, main circuit transformers, converters or rectifiers shall be placed in a compartment or compartments, the construction and location of which shall be subject to the approval of the licensing authority.

**67.** Electric accumulators, unless installed in rooms or compartments specially reserved therefor, shall be completely enclosed together with the terminals in substantial casings constructed of, or lined with insulating and fire-resisting material. Accumulators in cells or containers of celluloid shall not be installed, stored or used.

**68.** Electric heaters or radiators shall not be used in any part of the building to which the public are admitted except with the consent of the licensing authority and subject to such conditions as he may prescribe.

**69.** A framed diagram or schedule indicating clearly the arrangement of all circuits and sub-circuits of the electrical installation, the position of the distribution boards and the sizes of cables shall be displayed in the building and shall be kept up to date.

[70. After a period of two years of the publication of Punjab Government Home Department Notification No. GSR. 24/PA-II/52/S. 9/Amd., (2) 65 dated the 20th February, 1965 the electrical installation shall be in the charge of an electrician, possessing a certificate of an electrician issued by any Industrial Training Institute of the State Government or class 'A' Wire Man certificate issued by the Electrical Inspector, during whole of the time the public are in the building.]

71. Attendants and all members of the staff employed in the building during an exhibition shall carry electric torches for use in emergency in the event of failure of the lighting.

#### ***Part IV***

#### ***Special Rules for Exhibition by means of Touring Cinematograph in places licensed temporarily***

72. The rules in this part shall apply to exhibitions given by means of touring cinematographs in places licensed temporarily.

73. The cinematographs apparatus shall have been certified by the Electric Inspector, within a year of the date on which the exhibition is given to be usable without danger to the public.

74. (i) Touring cinematographs used for giving public exhibitions shall be brought for the purposes of annual inspection by the Electric Inspector to a town where a licence under the Indian Electricity Act, 1910, has been granted.

(ii) If after such inspection the Electric Inspector is satisfied that a touring cinematograph is usable without danger to the public he shall issue a certificate to this effect.

75. The Cinematographs apparatus shall be housed in a fire-proof enclosure; Provided that if the cinematograph apparatus is certified by the Electric Inspector to be a touring cinematograph of the safety class no fire- proof enclosure need be provided, but a clear space of six feet (hereinafter referred to as the "reserved space") shall be railed off all around the cinematograph apparatus.

76. In the case of exhibitions given in tent or booth or in any shelter or structure composed of, or covered with, combustible materials or of, moveable character, the cinematograph apparatus shall be operated from outside such tent, booth, shelter or structure and shall be placed, in accordance with the provisions of rule 75, at a distance of at least six feet there from.

77. No person other than a qualified operator, employed by the licensee and holding a certificate granted by the Electric Inspector or an

---

\*See Pb. Govt. Notification published in Pb. Govt. Gaz Legislative Supplement Part III, dated 26-2-1965.

apprentice duly authorized by the licensee under rule 89 shall be allowed to enter or to be in the enclosure or the "reserved space" while an exhibition is in progress.

**78.** No inflammable article shall unnecessarily be taken into, or allowed to remain in the enclosure or, "reserved space"; no smoking shall be permitted therein and no naked light shall be used therein.

**79.** No drapery and no unprotected combustible materials other than such materials as may compose the floor shall be within six feet of the cinematograph apparatus.

**80.** The following fire appliances shall be provided, viz., a bucket of sand, two buckets of water, a damp blanket and one portable chemical fire extinguisher of pattern, class and capacity approved by the licensing authority and such other appliances as the licensing authority may prescribe. They shall be so disposed as to be readily available for use in case of fire within the enclosure.

**81.** All films not in use shall be kept in securely closed fire-resisting receptacles.

**82.** Adequate means of exit shall be provided as prescribed by the licensing authority.

**83.** Without prejudice to the generality of the foregoing rule, no tent, booth or similar structure shall be used for the purpose of a cinematograph exhibition if it is enclosed by a wall or walls which do not permit of adequate means of egress and which are erected within 30 feet of such tent, booth or similar structure.

**84.** The seating shall be so arranged as not to interfere with free access to exits, and both the exits and passages and gangways leading to them shall throughout the performance be kept clear of all obstacles.

**[84A.** A place licensed temporarily for exhibitions by means of touring cinematographs -

(a) shall not be within a radius of [200] meters from :-

- (i) a place of worship, a cremation ground, a graveyard, a cementery; or
- (ii) a recognised educational institution, such as a college, a high school or girls school, or any residential institution attached to such educational institutions; or
- (iii) a public hospital with a large patient ward; or
- (iv) an orphanage containing one hundred or more inmates; or

---

*\*See Pb. Govt. Notification published in Pb.Govt. Gaz Legislative Supplement Part III , dated 4-12-1953.*

*\*See Haryana. Govt. Notification published in Hr.Govt. Gaz Legislative Supplement Part III , dated 24-3-72*

- (v) a thickly populated residential area which is either exclusively residential or reserved or used generally for residential as distinguished from business purposes; and
- (vi) shall in no way offend against traffic laws.]

### COMMENTARY

1. **Touring talkies and permanent cinemas.**-The Act is meant for regulating exhibitions by means of cinematograph. Permanent cinema owners and touring cinema owners are two distinct classes and in regulating them can be no discrimination. A touring cinema owner cannot claim equality in all respects with a permanent cinema owner. However, prohibiting a touring cinema on the ground that there is a permanent cinema in the place is unreasonable. AIR 1967 Pb. 219

The main object of statutory interference in the business of exhibition of cinematograph, as can be seen from the Central and Punjab Acts and the Rules is to safeguard the interests of health and public safety. Any rules framed by the appropriate authorities for the attaining of above mentioned or other ancillary objects of this case of legislation would be reasonable even if they impose restrictions on the normal fundamental right guaranteed under Article 19(1)(g) of the Constitution to carry on any occupation trade or business. But a rule having no rational connection with the objects of the Central and State Cinematograph Act but prohibiting issue of a licence to a touring cinema owner on the mere ground that there is a permanent cinema house at the place cannot be viewed as reasonable restriction. It is more so if the permanent cinema owner is in no way economically affected by the issue of licence to the touring cinema. *Rasdeep Touring Talkies v. District Magistrate Karnal*, AIR 1967 Pb. 219

2. **No objection Certificate.**- A person who has obtained a no objection certificate for locating either a permanent or a touring cinema in respect of a particular site need not make another application for taking no objection certificate for the same site during the pendency of the first no objection certificate. It is only when a no objection certificate expires either by efflux of time or by surrender of the same to the concerned authority that an application is to be filed for the grant of no objection certificate of the same site. 1975 (2) Mad. L.J. 367.

In a case where lakhs of people used to assemble at one place in connection with some fair and previously there used to be at least half a dozen cinema houses, each one of them having several times more seating capacity than a permanent cinema, which came later and there had been no complaint against such arrangement the refusal to grant a temporary licence to a touring cinema exhibition on the mere ground that there remained at such place a permanent cinema house of seating capacity of about 470 persons was held to be extremely unreasonable and in the nature of thwarting the objects of the Act. *Rasdeep Touring Talkies v. District Magistrate Karnal*, AIR 1967 Pb. 219.

### Part V

#### Operators and Apprentices

85. (i) During an exhibition the enclosure shall be in charge of a qualified operator of not less than 18 years of age who holds a certificate

granted by the Electric Inspector to the effect that he is competent to handle and operate a cinematograph.

(ii) An operator shall not be granted a certificate unless he -

- (a) possesses a working knowledge of cinematograph machines and a particular technical knowledge of the type of machine which he is at the time employed in operating;
- (b) is thoroughly conversant with the rules relating to cinematograph exhibition and precautions against fire;
- (c) is acquainted with the most speedy and effective methods of dealing with fire;
- (d) possesses a fair knowledge of the elements of electric power, direct and alternating current, voltage, amperage, etc.; and
- (e) is proficient in the handling, winding, repairing and efficient cleaning of films.

[(iii) The District Magistrate may, for the reasons to be recorded in writing, withdraw the certificate granted by the Electric Inspector].

(iv) In regard to the grant and withdrawal of certificate, the Electric Inspector shall act under the general supervision of the licensing authority.

(v) The fee for a grant of a certificate shall be Rs. 5 but a duplicate copy may be granted on payment of Rs. 2.

**86.** The operator incharge shall be present in the enclosure and shall devote his whole attention to the cinematograph during the whole time that it is being operated. He shall, see that the provisions of rule 90 and of rules 42, 44, 49 or 77, 78, 79 as the case may be, are strictly observed,

**87.** (i) Before the commencement of an exhibition, the operator incharge shall satisfy himself that all cables, leads, connections and resistances as also the fire extinguishing appliances in the enclosure are in the proper working order.

(ii) The resistances, if not under constant observation, shall be inspected at least once during each performance. If any fault is detected, current shall be immediately switched off and shall remain switched off until the fault is removed.

**88.** The operator incharge shall not allow the film to travel through the machine at a greater speed than one hundred feet a minute.

**89.** An apprentice duly authorised by the licensee may be allowed within the enclosure. Such apprentice shall be not less than 16 years of age and shall not be permitted to operate the cinematograph except in the presence of the operator incharge.

**90.** No person shall operate a cinematograph or be within the enclosure while under the influence of liquor or any other intoxicant.

**91.** Every person who holds a licence under section 5 of the Act shall furnish the licensing authority with a list of operators employed by him and whenever any operator is engaged by him, he shall furnish the licensing authority and the Electric Inspector with particulars regarding him before he is allowed to commence work.

*\*See Haryana Govt. Notification published in Hr. Govt. Gaz Legislative Supplement Part III, dated 24-3-1972.*

***Appeal under sub-section (3) of section 5 [and sub-section 4 of  
section 7-A] of the Act.***

**92.** An appeal under sub-section (3) of section 5 [and sub-section 4 of section 7-A] of the Act shall be preferred by the aggrieved person to the State Government in the Home Department within 30 days of the communication to him of the decision of the licensing authority.

**COMMENTARY**

**1. Licensing authority and State Government are two distinct entities.**-Under Section 5(2) of the Punjab Cinemas (Regulation) Act, 1952 the licensing authority is to grant licenses subject to the provisions of section 5(1) and subject to the control of the government. It is true that the control which the government exercises is very wide but this does not justify that the State Government can completely oust and obliterate the licensing authority by usurping its functions. The legislature contemplates that the licensing authority would be a distinct entity from government. This view was expressed in *State of Punjab v. Hari Krishan*, AIR 1966 S.C. 1081. The view to the contrary expressed by the Rajasthan High Court in *Vishnu Taklies v. State*, ILR 1962 (12) Raj 44 and *K. Rangiah v. Sultan Mohidin & Ors.* AIR 1957 A.P 513 and *Bharat Bhushan v. Cinema and city Magistrate*, AIR 1956 All. 99 was over-ruled.

**2. Appeal, who can file.**- Section 5(3) provides for an appeal at the instance of the party which is aggrieved by the rejection of its application for the grant of licence. No appeal is provided for against an order granting the licence. But in case it appears to the government that an application has been granted erroneously or unfairly it can exercise its control specified under section 5(2) and set aside such an erroneous order. This view was expressed in *State of Punjab v. Hari Krishan*, AIR 1966 S.C. 1081.

**Part VII**

***Miscellaneous Conditions***

**93.** The licensee shall comply with all the rules made under the Act.

**[94.** In addition to such directions as may, from time to time, be issued under sub-section (4) of section 5 of the Act and the condition specified in the foregoing rule, the licences, whether [for a period of three years] or temporary, shall be subject to the conditions set forth hereunder] :

- (i) No fire work shall be used as an adjunct to cinematograph exhibition.
- (ii) Save as the licensing authority may by written order permit, no loudspeaker, gramophone, band, drum, bell, horn, whistle, siren or musical instrument of any kind shall be employed or allowed to be used as an advertisement or to attract attention in or outside the licensed place, nor shall any device be employed which is designed or serves to deliver the entertainment to persons outside the licensed place.

---

\*See *Haryana. Govt. Notification published in Pb. Govt. Gaz Legislative Supplement Part III*, 23-11-1976.

\*See *Pb. Govt. Notification published in Pb. Govt. Gaz Legislative Supplement Part III*, dated 7-12-1954.

\*See *Pb. Govt. Notification published in Pb. Govt. Gaz Legislative Supplement Part III*, dated 28-11-1961.



**COMMENTARY**

**1. Amplifiers out Side cinema House:-** The operation of cinema house used sound amplifies out side the cinema house. It was held that the proper authority to punish them was the District Magistrate and not the municipal authority. 1978 Crl. L.J 1467.

(iii) No poster, advertisement, sketch, synopsis, or programme of a film shall be displayed, sold or supplied either in or any where outside the licensed place which is likely to be injurious to morality or to encourage or incite to crime or to lead to disorder or to offend the feelings of any section of the public or which contains offensive representation of living persons.

(iv) Omitted vide Haryana Government notification published in Haryana Government Gazette, Legislative Supplement Part III, dated 24.3.1972.

(v) The licensee shall not, without the permission of the licensing authority, assign, sublet, nor otherwise transfer the licence or the licensed place or the cinematograph, nor shall be licensee, without permission as aforesaid, allow any other person during the period of currency of the licence to exhibit the film in the licensed place.

(vi) If any accident occurs in a licensed place and such accident results in personal injury or is likely to have resulted in personal injury or loss of life the licensee shall give notice in writing of such accident to the licensing authority and the Electric Inspector to Government, [Haryana] within 24 hours of its occurrence; and if the accident results in loss of life the notice shall be given by an express telegram to be confirmed in writing within 24 hours of the occurrence of the accident. Pending an inspection or investigation by the Electric Inspector to Government, [Haryana.] [or any officer specially appointed to assist him in this behalf, the licensee shall not interfere with or remove from the scene of the accident any electrical or mechanical apparatus, wiring, furnishing etc., which may have been involved in the accident.

**COMMENTARY**

**1. Liability of proprietors for negligence:-** A person who causes a building to be erected for viewing a public exhibition and admits persons on payment of money to a seat in the building impliedly under takes that due care has been exercised in the erection and that the building is reasonably fit for the purpose. *Francis v. Cockrell*, 1870 LR 5QB 501.

**2. Prosecution and mensrea:-** Where a person permits the shows to be held and takes no steps to prevent such shows then it has to be presumed that the exhibition was with his knowledge. The owner cannot escape the consequences by pleading circumstances in exoneration which might suggest of guilty mind. The mere fact somebody else was in actual charge of the management is also not a ground. AIR 1955 Cal. 609.

[(vii) The licensed premises shall not be used for any purposes other than an exhibition by means of cinematograph, without the prior permission, in writing, of the District Magistrate.].

---

*\*See Haryana. Govt. Notification published in HR.Govt. Gaz Legislative Supplement Part III , 15-04-1969.*

*\*See Pb. Govt. Notification published in Pb.Govt. Gaz Legislative Supplement Part III , dated 7-12-1954.*

- (viii) The licensee shall not display, or cause to be displayed any photographs, picture or poster which depicts or represent or purports to represent a scene shot which has been excised from any film under the orders of the Central Board of Film Censors or the Central Government.

### COMMENTARY

**Requirement to show films of minimum length.-** The condition was that the licensee should exhibit at each performance one or more approved film of such length and for such length of time as the State or Central Government may require. It was further stipulated that the length of such film is not to be less than 2000 feet. It was held by the Supreme Court that this was not a reasonable restriction. AIR 1954 SC 747. The view expressed by the Madras High Court in AIR 1952 Mad. 120 was reserved.

- \*[ (ix) No person below the age of 18 years shall be admitted to any show commencing before 3.00 P.M. except on Sunday , a holiday notified by the Haryana State Government or any other day on which Educational Institutions are closed.

Provided that this prohibition shall not apply to the admission of children below the age of five years."

### FORM A

[A three years]

**\_\_\_\_\_ licence under section 5 of the Punjab Cinemas  
(Regulation) Act, 1952**

The building/place known (a)----- situated at  
(b)----- within the town of-----  
----- in the district of-----  
----- is licensed under section 5 of the Punjab Cinemas  
(Regulation) Act, 1952, as a place where exhibitions by means of a cinematograph may be given.

This licence has been granted to (c)----- and shall remain in force until the----- provided that the said (c)-----or any person to whom with the consent of the licensing authority the licence is transferred continues to own or manage the cinematograph used in the said (a)-----

This licence is granted subject to the provisions of the Punjab Cinemas (Regulation) Act, 1952, and of the rules made thereunder, and to the conditions set forth in the Schedule below :-

(a) Name of building etc.

(b) Name of street or mohalla.

(c) Name of Licensee.

\_\_\_\_\_

\*See Pb. Govt. Notification published in Pb.Govt. Gaz Legislative Supplement Part III , dated 4-5-1954

\*See Hr. Govt. Notification published in Pb.Govt. Gaz Legislative Supplement Part III , dated 5-1-1970

\*See Pb. Govt. Notification published in Pb.Govt. Gaz Legislative Supplement Part III , dated 28-11-1961.

***Schedule of Conditions***

1. All buildings or other regulations for observance at places public amusement imposed by municipal by-laws or by any other law or by rules under any other law for time being in force, shall be strictly complied with.

2. **Strike out, when not applicable, the words in brackets, - vide, Rule 18 Exception (ii):-** The licensed building/place shall be maintained in all respects in strict conformity with the rules contained in Part III/IV of the Public Cinemas (Regulation) Rules, 1952 (save as provided in the exemption certificate appended hereto).

3. **The following fire appliances shall be provided, viz:-** (The licensing authority will enter here the number of the fire appliances of various kinds which are considered necessary and state where they are to be disposed, - vide rule 34).

4. **(This condition may be omitted in the case of temporary licenses:-** The number of persons admitted at any one time into any part of the licensed building/place shall not exceed the number specified below as the number of persons who may be accommodated in such part :-

(The licensing authority will here enter the number of persons who may be admitted into the several parts of the building, having special regard to the provisions of rule 24).

5. No fireworks shall be used as an adjunct to a cinematograph exhibition.

6. Save as licensing authority may by written order permit, no loudspeaker, gramophone, band, drum, bell, horn, whistle, siren or musical instrument of any kind shall be employed or allowed to be used outside the licensed building/place as an advertisement or to attract attention, nor shall any device be employed which is designed or serves to deliver the entertainment to person outside the licensed building/place.

7. The licensee shall not exhibit or permit to be exhibited any film other than a film which has been certified as suitable for unrestricted public exhibition or for public exhibition restricted to adults and children in arms below the age of three, by an authority constituted under section 6 of the Cinematograph Act, 1918 (II of 1918), and which, when exhibited, displays the prescribed mark of that authority and has not been altered or tampered with in any way since such mark was affixed thereto.

8. No poster, advertisement, sketch, synopsis or programme of a film shall be displayed, sold or supplied either in or anywhere outside the licensed building/place which is likely to be injurious to morality or to encourage or incite to crime or to lead to disorder or to offend the feelings of any section of the public or which contains offensive representations of living persons.

[9. At least 48 hours before any film is exhibited, the licensee shall supply a synopsis of the contents of the film to the District Magistrate of the District in which the place licensed under the Act is situated and the synopsis shall indicate on its title page whether the film has been granted 'U' or 'A' certificate;

Provided that the District Magistrate may, for reasons to be recorded in writing, relax the provisions of this cause and accept in lieu of a proper synopsis, a hand bill giving a brief account of the film.]

10. The licensee shall, when and so often as Government may require exhibit free of charge or on such terms as regards remuneration as Government may determine, films and lantern slides provided by Government :

Provided that the licensee shall not be required to exhibit any entertainment films or lantern slides the exhibition of which taken more than 15 minutes in all, or exhibit films or slides unless they are delivered to him at least 24 hours before the entertainment at which they are to be shown is due to begin.

11. The licensee shall not, without the permission of the licensing authority, assign, sublet or otherwise transfer the licence, the licensed building/place or the cinematograph, nor shall the licensee, without permission as aforesaid, allow any other person, during the period of currency of the licence, to exhibit films in the licensed building/place.

#### COMMENTARY

**1. Partition between owners:-** There was a suit for partition against a licenses by other co-owners o land on which cinema house was built by the licensee. This suit was decreed. The term of the licence was that in case the licensee ceases to own or hold on lease or to manage the cinema then the licence shall be terminated. It was held that licensee could not be said to have ceased to own the site till such time as partition by metes and bounds has been effected. AIR 1975 All. 456.

The term of a licence was that the talkie should not be assigned or transferred or sublet. It was held that a partnership entered into with reference to the subject matter of the licence is illegal and is punishable. AIR 1955 Mad. 536.

**2. Cancellation when change in ownership:-** Direction or condition was that the licence shall be terminated forthwith if the licensee ceases to own or hold on lease or to manage the licensed premises . The license form prescribed these conditions . This condition was held to be valid in Ishar Dass and Bros v. Distt. Magistrate, AIR 1972 All. 83.

---

*\*See Pb. Govt. Notification published in Pb.Govt. Gaz Legislative Supplement Part III , dated 6-8-1965.*

**12.** If any accident occurs in a licensed place, and such accident results in personal injury or is likely to have resulted in personal injury or loss of life, the licensee shall give notice in writing of such accident to the licensing authority and the Electric Inspector to Government [Haryana], within 24 hours of its occurrence; and if the accident results in loss of life the notice shall be given by an express telegram to be confirmed in writing within 24 hours of the occurrence of the accident. Pending an inspection or investigation by the Electric Inspector to Government, [Haryana] or any officer specially appointed to assist him in this behalf the licensee shall not interfere with or remove from the scene of the accident any electrical or mechanical apparatus, wiring, furnishing, etc., which may have been involved in the accident.

**13.** The licensee shall not admit to any performance any person whose ticket therefor has been purchased otherwise than from an authorised booking clerk at the licensed place or from an agent whose name and place of business have been notified in advance to the District Magistrate and who has been approved by the District Magistrate as a suitable person to be appointed as agent for the sale of tickets.

**14.** The licensee will not exhibit or permit to be exhibited in the place in respect of which this licence is given, to any person who is not an adult, any film which has been certified by an authority, constitute under section 6 of the Cinematograph Act, 1918 (II of 1918) as suitable for public exhibition restricted to adults.

**Note.** - This condition shall not be construed as prohibiting the exhibition of a film, in respect of which 'A' certificate has been granted to children in arms below the age of three.

**15.** No advertisement slides relating to sexual diseases and medicines to correct sexual disorder, or purporting to assist the childless in begetting children etc., shall be exhibited through slides in cinema halls.

**16.** Posters and pictorial publicity material pertaining to cinematograph films which are a gross misrepresentation of the film itself and which even when not clearly obscene objectionably suggestive, shall not be displayed in cinema halls.

**17.** Film shall be stored :-

(i) in a storage shed constructed of suitable unflammable materials; the doors and ventilators may be of wood, and shall open outwards, or

(ii) in a tent, placed on private ground and separated by a distance of not less than 25 feet from any dwelling house, other building, highway, street, or public place.

**18.** The storage shed shall not form part of, or be attached to any building in which any person resides or works or where persons assemble for any purpose unless it is separated there from by a substantial floor or partition.

**19.** The storage shed, if in any building, shall not be situated under any stair case or under any other means of exit likely to be required to be used for escape in case of fire.

---

*\*See Haryana. Govt. Notification published in Haryana. Govt. Gaz Legislative Supplement Part III, dated 15-4-1969.*

**20.** The storage shed shall be adequately ventilated near the ground level and also near or in the roof. All ventilators shall be fitted with metal grids or similar suitable protection on the outside face of the wall and a layer of No. 16 mesh brass or other non-corroding metal wire gauze on the inside face of the wall.

**21.** Film shall be kept in a securely closed fire-resisting receptacle.

**22.** The storage shed or tent shall not be used for any other purpose.

**23.** (i) All operations connected with examination, repairing, cleaning, waxing and rewinding of film, shall only be carried out in the examination room which shall not be used for any other purpose and shall be separated from the storage shed by a partition.

(ii) The examination room shall be constructed of fire-resisting materials only and well ventilated to the outside air.

(iii) Not more than two rolls of film only shall be opened for examination at any one time per examiner and not more than 10 rolls in all shall be under examination or repair at any one time.

**24.** All film waste and scrap in the examination room shall be placed immediately in a strong metal receptacle fitted with a tight hinged lid and marked 'Film Waste' and kept under water until disposed of. The contents of the drums shall be disposed of at frequent intervals by burning under adequate precautions or in such other manner as may be prescribed by the licensing authority.

**25.** No alterations shall be carried out in the storage shed or examination room without the previous sanction in writing of the licensing authority. Such alterations so sanctioned shall be shown on an amended plan to be attached to this licence.

**26.** No two sheds for the storage of film shall adjoin each other or be in the same building.

**27.** Adequate precautions shall at all time be taken for the prevention of accidents by fire or explosion and no smoking, fire or articles capable of causing fire to film shall be permitted at any time within the licensed premises.

**28.** The furniture and other articles shall be so arranged as to afford free egress to person in the room in the event of fire.

**29.** There shall be kept posted upto date in large characters in the room;

(i) full instructions as to the action to be taken in case of fire, and

(ii) full directions as to the means of escape from the room in case of fire.

**30.** Free access to the licensed premises shall be given at all reasonable times to any Magistrate or any Police Officer not below the rank of a Sub-Inspector of Police deputed by the District Magistrate or the Superintendent of Police or the Electrical Inspector, and every facility shall be afforded to such officer for ascertaining that the rules and conditions are duly observed.

**31.** Any accident, fire or explosion occurring within the licensed premises which is attended with loss of human life or serious injury to persons or property shall be reported immediately to the nearest Magistrate or to the Officer-in-charge of nearest Police Station and by telegram or telephone where such means of communication are available.

**32.** If the Licensing Authority calls upon the holder of a licence by a notice in writing, to execute any repairs to the licensed premises which are in the opinion of such authority necessary for the safety of the premises the holder of a licence shall execute the repairs within such period, not being less than one week from the date of receipt of notice, as may be fixed by the notice.

**33. (a)** All lights in storage shed or examination room shall be at the ceiling and of the fixed type. They shall be fitted with substantial, outer protecting vapour proof globes and equipped with keyless sockets. All switches, fuses, plugs, sockets, electric meters and distribution boards, shall be installed outside the storage shed or examination room. All frames shall be effectively earthed.

**(b)** All electric wiring and equipment shall conform to the Regulations for the Electrical Equipment of Buildings framed by the Institution of Electrical Engineers. All electric wiring shall be in gas-tight screwed conduits which shall be electrically and mechanically continuous throughout, and effectively earthed outside the building.

**(c)** Portable electric lights on extension cords shall not be used in any storage shed or examination room.

**[34.** The licensed premises shall not be used for any purpose other than an exhibition by means of a cinematograph, without the prior permission in writing, of the District Magistrate.]

**[35.** The licensee shall not display, or cause to be displayed any photographs, pictures or posters which depict or represent or purport to represent a scene or short which has been excised from any film under the orders of the Central Board of film Censors or the Central Government.]

**[36. (i)** There shall be prominently exhibited at each public entrance whenever the premises are open to the public a notice indicating in tabular form and in clear bold letters and figures :-

**(a)** the title of each film to be shown on that day, other than trailers and advertisement films;

---

*\*See Pb. Govt. Notification published in Pb.Govt. Gaz Legislative Supplement Part III , dated 7-12-1954*

*\*See Pb. Govt. Notification published in Pb.Govt. Gaz Legislative Supplement Part III , dated 4-5-1955.*

*\*See Pb. Govt. Notification published in Pb.Govt. Gaz Legislative Supplement Part III , dated 20-7-1956.*

- (b) the approximate times of commencement of each such film;
- (c) whether each such film has received an "A" or "U" certificate from the Central Board of Film Censors; and
- (d) whether persons below the age of 18 years other than children below the age of 3 years will be admitted or not.

(iii) The nature of any certificate received in respect of film from the Central Board of Film Censors shall be clearly indicated by the letters "U" or "A" in any advertisement of the film displayed at the premises.]

[37. No person below the age of 18 years shall be admitted to any show commencing before 3.00 P.M. except on Sunday a holiday notified by the Haryana State Government or any other day on which Educational Institutions are closed.

Provided that this prohibition shall not apply to the admission of children below the age of five years.]

### **Form B**

#### ***Temporary permit for exhibition under the Punjab Cinemas (Regulation) Act, 1952***

Whereas----- (full name and address) has applied for the renewal of his licence and the said licence has been retained in my office pending disposal of his application, he is hereby permitted temporarily to exhibit films in----- (here enter description of premises) under the Punjab Cinemas (Regulation) Act, 1952, for the period of----- from this date, subject to the provisions of rule 7 of the Punjab Cinemas (Regulation) Rules, 1952.

Dated----- day of----- 196

*\*See Hr. Govt. Notification published in Hr. Govt. Gaz Legislative Supplement Part III, dated 5-1-1970.*

---

**Printed at :- New Chandigarh Printing Press  
38. Sector 9-A CHANDIGARH**



## A

**Accommodation**

Nature of , 34

**Alterations**

When can be carried , 29.

**Ambiguity**

Not to be created artificially, 6

**Amplifiers**

Outside cinema House, 14

**Apparatus**

Should be in a fire proof enclosure, 44

**Appeal**

Limitation, 48

who can file, 12

**Application**

from license, 27

For renewal, 28

To give full particulars, 28

To give plans, 28

**Apprentices**

Qualifications, 46

## B

**Building Regulations**

Conditions not to be unreasonable, 11

Refusal to sanction plan, 11

Requirements as to, 11

To keep gangways, 11

To keep Passages, 11

## C

**Cancellation**

when partition between owners,  
14

**Censorship**

If justified, 14

## C- Contd.

**Children**

Restriction on, 14

**Cinematograph**

Exhibition to be licenced, 9

Provision as to mandatory, 9

**Clock room accommodation**

What is , 38

**Compulsory exhibition**

If illegal. 12

**Condition**

That children should not be allowed 14

That sundays should be closed, 15

**Conditional order**

Cannot be made, 15

**Control**

Meaning of, 10

Mere regulation if, 10

If includes power to give direction, 10

**court**

Duty while interpreting, 5

**Cultural firm**

Requirement to show, 13

## D

**date of enforcement**

Indicated, 2

**Definitions**

Auditorium, 25

Cinema, 9

Cinematograph ,9

Electric Inspector, 25

Place, 9

Exit, S 25

Government 9

Exhibition, 9

**D-Contd.**

Fire resisting material, 25  
 Touring cinematograph, 25

**Directions**

And compulsory exhibition, 21  
 Issuance of, 11  
 Notice before issuing, 12  
 To close cinema, 12  
 To close cinema at a particular time 22  
 When can be given 21  
 When in conflict with earlier order, 21

**Drainage**

Requirement to 34

**E****Electable installations**

Nature of, 43, 44

**External walls**

Nature of, 33

**Exempt**

Power to, 11

**Existing laws**

Reference to, 5

**Exits**

Requirement as to, 36, 37

**F****Fees**

for licences 30

**Fire precautions**

what, are 39

**Form**

For licences, 30

**Fraud**

And cancellation of licence, 18

**Fundamental Right**

To carry on trade, if restricted 2

**G****Gangways**

Requirement as to, 36

**Government**

power of to suspend exhibition, 15

**Grammatical sence**

How determined, 5

**I****Instructions**

As to number of copies, 12

**Inspections**

Before granting licence, 28

Before renewing, 28

By the electric inspector, 29

**Inspection**

Of licensed premises, 16

**Instructions**

And rules, 21

Notice- before issuing, 21

**Interpretation**

Ambiguity, 6

And existing laws, 5

Defeating the object, 4

And intention of legislature, 3

And preamble, 4

And legislative intent, 5

And hardship, 4

And duty of court, 5

Defeating the objects, 7

General principles of 3

Grammatical, 5

And later act, 6

Leading to absurdity, 6

Same Meaning to same word, 6

When defective phraseology, 8

When words clear, 7

**L****Later Act**

When to be used, e6

**Lease deed**

Interpretation of , 8

**Licence**

Power to Suspend, 18

Power to cancel, 18

Power to revoke , 18

Requirement that building be of particular size, 19

Requirement to give opportunity before , 19

Should given reasons, 20

When Change in ownership , 19

When condition violated, 18

When conviction ordered, 18

When misrepresentation, 18

When penatly imposed, 18

When faroud, 18

**Legislative intent**

How determined, 3

**Legislature**

Intention of 3

Hardship if can alter the meaning, 4

**Licenses**

Application for to be in writing, 27

Procedure in granting , 26

When permanent cinema in existence, 26

**Licence**

Cancellation of 12

notice before grant, 13

order is executive, 13

When change in ownership, 12

**L- Contd.****Licensing Authority**

Acting on the direction of higher authority, 13

And issuance of direction, 10

And state government, 9,11

Restriction on the powers of, 10  
who is , 9

**Lightening**

In a cinema hall, 41

**Local Authority**

Power to suspend exhibition, 15

**M****Minimum Length**

Requirement to show film of ,16

**Misrepresentation**

And cancellation of licence, 18

**Motion picture**

can be treated on different footing, 3

**N****Negligence**

Of proprietor, 6

**O****Objects**

If reasonable, 2

**Operator**

Qualifications of, 46

**Order of revocation**

Should give reasons, 10

**P****Parking arrangements**

What are, 39

**Partition**

Between owners, 14

**P.Contd.****Passages**

Requirement to keep , 39

**Pay boxes**

Requirement as to, 37

**Penalties**

And mensrea, 16

And power to impose, 16

In case of negligence 16

When license not renewed, 16

**Permanent**

And temporary, 3

**Preamble**

When to be used, 4

**Projector room**

Requirement as to , 40

**Prosecution**

And mensrea, 16

Purpose

is to regulate the exhibition by means of cinematograph, 2

Is to safeguard health, 2

Is to sasfeguard Public safety, 2  
of the Act, 1

**R****Reasonableness**

Of conditions ,14

**Reasonable restriction**

And the Act, 2,3

**Relaxation**

Power of , 22

**Renewal.**

Absence of, 9

**Repairs**

When can be carried, 29

**Respresecration**

Defined , 20

framed by the central Government, 20

And Instructions , 20

**Rules**

Requirement to lay before the legislature, 23

**S****Sanitary provision**

What are, 38

**Seats**

Classification as to, 8

**Seating arrangement**

Making of , 35

**Site**

For the building, 32

**State Government**

Power of, 9

Power to order that licence may be issued, 12

If can assume jurisdiction of licensing authority, 13

**Stairways**

Requirement as to, 36

**Statement of objects and reasons**

What are, 1

**Structural**

Requirement as to, 33

**T****Talkies**

Instruction as to, 12

**Tickets**

sale of, 17

**Tickets holders**

Right of , 18

**Timing**

Of cinema, 12

**Touring cinematograph**

General conditions as to, 44, 45

**Touring talkies**

And permanent cinemas, 14

**V****Validity**

Of provision ,3

**W****Writ**

And appeal, 14

**Winding room**

Nature as to, 41