

The Punjab Cinemas (Regulation) Act, 1952

February 18, 2013

PUNJAB ACT No. XI OF 1952.

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

1	2	3	4
Year	No.	Short title	whether repealed or otherwise affected by later Legislation
1952	XI	The Punjab Cinemas (Regulation) Act, 1952	Amended by Punjab Act No. VI of 1955 Affected by Punjab Act No. 5 of 1957 Amended by Punjab Act No. 28 of 1957

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

It is hereby enacted as follow:-

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

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

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

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

For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), dated the 14th March 1955, and also see foot note No.1 above, regarding extension of the Act to erstwhile pepsu territories.

For statement of objects and Reasons see Punjab Government Gazette (Extraordinary), dated the 23rd October 1957, page 1690.

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

(3) It shall be deemed to have come into force on

28th of July, 1952.

2. In this Act, unless the context otherwise requires,-

(a) "Cinematograph" includes any apparatus for the representation of moving pictures or series of pictures;

(b) "Government" means the Government of the State of Punjab ;

(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.

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

4. 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.

5. (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.

(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 partuculate 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

6. (1) The Government in respect of the whole of the State of Punjab 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, the District Magistrate thereof, together with a statement of reasons therefore shall forthwith forward a copy 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.

7. If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used in contravention of the provisions of this Act or of the rules made there under, or of the condition upon or subject to which any license has been granted under this Act, he shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues.

8. (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 contained in the license, or of any direction issued under subsection(4) of section 5;
- 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).

(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 canceling 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.]

9. 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 may be preferred.

10. 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.]

11. The cinematograph Act, 1918 (II of 1918), in so far as it relates to matters other than the sanctioning of cinematograph films for exhibition, is hereby repealed: 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 and until it is superseded by any appointment, notification, order, scheme rule, from or by law made or issued under this Act.