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**Bihar Cinemas Regulation Act, 1954****15 of 1954****[17 March 1954]****CONTENTS**

1. Short Title, Extent And Commencement
2. Definitions
3. Cinematograph Exhibition To Be Licensed
4. Licensing Authority
5. Restrictions Of Powers Of Licensing Authority
6. Power Of The State Government Or District Magistrate To Suspend Exhibition Of Films In Certain Cases
7. Penalties
8. Power To Revoke Or Suspend Licence
9. Power To Make Rules
10. Power To Exempt
11. Repeal Of Act II Of 1918

**Bihar Cinemas Regulation Act, 1954****15 of 1954****[17 March 1954]**

An Act to make provision for regulating exhibitions by means of cinematographs and the licensing of cinemas in the State of Bihar. Whereas it is expedient to make provision for regulating exhibitions by means of cinematographs in the State of Bihar; It is hereby enacted as follows:-

**1. Short Title, Extent And Commencement :-**

(1) This Act may be called the Bihar Cinemas (Regulation) Act, 1954. (2) It extends to the whole of the State of Bihar. (3) It shall come into force at once.

**2. Definitions :-**

In this Act, unless there is anything repugnant in the subject or context :-- (a) "adult" means a person who has completed his eighteenth year ; (b) "cinematograph" includes any apparatus or the representation of moving pictures or series of pictures ; (c) "District Magistrate" includes all the Deputy Commissioners, the

Additional Deputy Commissioner, Dhanbad, and the Additional District Magistrate, Saharsa ; (d) "place" includes a house, building, tent and any description of transport, whether by water, land or air ; and (e) "prescribed" means prescribed by rules made under this Act.

### **3. Cinematograph Exhibition To Be Licensed :-**

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 conditions and restrictions imposed by such licence.

### **4. Licensing Authority :-**

The authority having power to grant licences under this Act (hereinafter referred to as the licensing authority) shall be the District Magistrate : Provided that the State Government may, by notification in the official Gazette, constitute, for the whole or any part of the State, such other (SIC)

### **5. Restrictions Of Powers Of Licensing Authority :-**

(1) The licensing authority shall not grant a licence under this Act, unless it is satisfied that-- (a) the rules made under this Act have been substantially complied with ; and (b) adequate precautions have been taken in the place, in respect of which the licence is to be given, to provide for the safety of persons attending exhibition therein. (2) Subject to the foregoing provisions of this section and to the control of the State Government, the licensing authority may grant licences under this Act to such persons as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may determine. (3) Any person aggrieved by the decision of a licensing authority refusing to grant a licence under this Act may within such time as may be prescribed, appeal to the State Government or to such officer as State Government may specify in this behalf, and the State Government or the officer, as the case may be, may make such order in the case as it or he thinks fit. (4) The State Government may, from time to time, issue, directions to licensees generally or to any licensee in particular for the purpose of regulating the exhibition of any film or class of films, so that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films secure an adequate opportunity of being exhibited, and where any such directions have been issued, those directions shall be deemed to be additional conditions and

restrictions subject to which the licence has been granted.

## **6. Power Of The State Government Or District Magistrate To Suspend Exhibition Of Films In Certain Cases :-**

(1) The State Government, in respect of the whole State or any part thereof, and the District Magistrate in respect of the local area within his jurisdiction, may, if it or he 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 not be exhibited in the State, part of the State, or local area, as the case may be. (2) Where an order under sub-section (1) has been issued by a District Magistrate, a copy thereof, together with a statement of reasons therefor, shall forthwith be forwarded by the District Magistrate to the State Government, and the State Government may either confirm or annul the order. (3) Any order made under sub-section (1) shall, unless it is annulled by the State Government under sub-section (2), remain in force for a period of two months, but the State 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. Penalties :-**

1[7. Penalties (1) If the owner or person incharge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used in contravention of the provisions of this Act or of the rules made thereunder, or of the conditions and restrictions subject to which any licence has been granted under this Act, he shall be liable to punishment with imprisonment of the description for a term which may extend to three years or with fine upto twenty thousand rupees or with both and in case of continuing offence with a further fine which may extend to five thousand rupees for each day during which the offence continues. (2) Any offence punishable under this Act shall be cognizable offence within the meaning of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974). (3) The Chief Judicial Magistrate or any Judicial Magistrate of the first class may try an offence under this Act. (4) No court shall take cognizance of an offence under this Act except on a complaint made by the District Magistrate or any other officer duly authorised by him. (5) If it is found that a cinematograph is being used or has been allowed to be used in contravention of the provisions of this Act or the rules made thereunder the cinematograph, the film, and appliances may

be seized on the order of the District Magistrate. (6) Where the cinematograph, film or any other appliance used for exhibition of films is seized under sub-section (5). It shall be reported without any unreasonable delay to the District Magistrate of the District, and the District Magistrate may, if he thinks expedient so to do, inspect or cause to be inspected the seized articles, and decide whether or not the prosecution will be instituted for the contravention of the provisions of this Act, and the District Magistrate, on being satisfied that there has been contravention of this order may order confiscation of all or any of the seized articles. (7) Appeal.--Any person aggrieved by the order passed by the District Magistrate under sub-section (6) may file an appeal before the Commissioner of Division within 30 days from the date of the order passed by the District Magistrate. (8) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Act 2. of 1974), when the District Magistrate has made seizure under this section, no court shall entertain any application in respect of the seized articles and the jurisdiction of the District Magistrate or the Appellate Authority with regard to the disposal of the same shall be exclusive. (9) The District Magistrate shall, for the purpose of this Act, have the power as are vested in a court under the Code of Criminal Procedure for the purpose of making enquiries under this section in respect of-- (a) receiving evidence ; (b) issuing summons and enforcing attendance of any person and examining him on oath ; and (c) compelling production of evidence. (10) All enquiries and proceedings under this section before the District Magistrate and the Appellate Authority shall be deemed to be judicial proceeding and while discharging functions under this section, District Magistrate and the Appellate Authority shall be deemed to be a court.]" 1.Substituted by Bihar Act 23 of 1992, Section 2.

### **8. Power To Revoke Or Suspend Licence :-**

Where the holder of a licence has been convicted of an offence under Section 7 of the Cinematograph Act, 1952 (XXXVII of 1952), or of an offence under Section 7 of this Act, or Acts in contravention of any of the provisions of this Act or of the rules made thereunder or of the conditions and restrictions upon or subject to which the licence has been granted, the licensing authority may revoke the licence or suspend it for such period as it may think fit. (2) Any person aggrieved by the order of the licensing authority revoking or suspending licence may, within such time as may be prescribed, appeal to the State Government or such

officer as the State Government may specify in this behalf, and the State Government or the officer, as the case may be, may pass such order in the case as it or he thinks fit.

#### **9. Power To Make Rules :-**

(1) The State Government may, by notification in the official Gazette, make rules for the purpose of carrying into effect provisions of this Act. (2) In particular, such rules may be provided for-- (a) prescribing the terms, conditions and restrictions, if any, subject to which licences may be granted under this Act ; (b) regulating cinematograph exhibitions for securing the public safety ; (c) regulating the means of entrance and exit at places licensed under this Act and providing for the prevention of disturbances thereat ; (d) regulating or prohibiting the sale of any ticket or pass for admission, by whatever name called, to a place licensed under this Act ; (e) delegation of the power of hearing appeals under sub-section (3) of Section 5 and sub-section (2) of Section 8 to any officer subordinate to the State Government ; and (f) prescribing the time within which and the conditions subject to which such appeal may be preferred. (3) All rules made under this Act shall be published in the official Gazette and on such publication shall have effect as if enacted in this Act.

#### **10. Power To Exempt :-**

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

#### **11. Repeal Of Act Ii Of 1918 :-**

The Cinematograph Act, 1918, in its application to the State of Bihar and in so far as it relates to matters other than the sanctioning of cinematograph films for exhibition, is hereby repealed.