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Orissa Dramatic Performances Act, 1962**[26 May 1962]**

AN ACT TO PROVIDE FOR THE BETTER CONTROL OF PUBLIC DRAMATIC PERFORMANCES IN THE STATE OF ORISSA It is hereby enacted by the Legislature of the State of Orissa in the Thirteenth Year of the Republic of India as follows: STATEMENT OF OBJECTS AND REASONS The Dramatic Performances Act, 1876 of the Government of India was regulating and controlling the various kinds of dramatic performances. After the Constitution came into force it was found that the provisions of the Act are not in consonance with the fundamental rights of freedom of speech and expression guaranteed by the Constitution. Some of the Law Courts declared the whole of the Dramatic Performances Act, 1876 to be ultra virus of the Constitution. It has, therefore, become necessary to replace the aforesaid Act by a fresh legislation to regulate and control the various dramatic performances in the State.

1. Short Title And Extent :-

(1) This Act may be called the Orissa Dramatic Performances Act,

1962.

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

2. Definitions :-

In this Act, unless the context otherwise requires(1) "objectionable performance" means any play, pantomime or other drama which is likely to

(i) incite any person to resort to violence or sabotage for the purpose of overthrowing or undermining the Government established by law in India or in any State thereof or its authority in any area; or

(ii) incite any person to commit murder, sabotage, arson or any offence involving violence; or

(iii) seduce any member of any of the armed forces of the Union or of the police forces from his allegiance or his duty, or prejudice the recruiting of persons to serve in any such force or prejudice the discipline of any such force; or

(iv) incite any section of the citizens of India to acts of violence against any other section of the citizens of India; or which

(v) is deliberately intended to outrage the religious feelings of any class of the citizens of India by insulting or blaspheming or profaning the religion or the religious beliefs of that class; or

(vi) is grossly indecent, or is scurrilous or obscene or intended for blackmail.

Explanation I - A performance shall not be deemed to be objectionable merely because in the course thereof words are uttered, or signs or visible representations are made, expressing disapprobation or criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means.

Explanation II - In judging whether any performance is an objectionable performance, the play, pantomime or other drama shall be considered as a whole.

(2) "Public place" means any building or enclosure, or any place in the open air and any pandal where the sides are not enclosed to which the public are admitted to witness a performance.

3. Power To Prohibit Objectionable Performances :-

(1) Whenever the State Government are satisfied that any play, pantomime or other drama performed or about to be performed in a public place is an objectionable performance, they may, by order

stating the grounds on which they consider the performance objectionable, prohibit such performance.

(2) No order under Sub-section (1) shall be passed without giving a reasonable opportunity to the organiser or other principal person responsible for the conduct of the performance or to the owner or occupier of the public place in which such performance is intended to take place to show cause why the performance should not be prohibited.

(3) Every order made under Sub-section (1) shall be published in the Gazette.

(4) Any order made under Sub-section (1) may also be notified by proclamation and a written or printed notice thereof may be affixed at any place or places adapted for giving information of the order to the persons intending to take part in the performance so prohibited.

4. Power To Prohibit Objectionable Performances Temporarily :-

(1) The District Collector may, if he is of opinion that any play, pantomime or other drama performed or about to be performed, being an objectionable performance is likely to lead to a breach of the peace, by order stating the grounds for such opinion, prohibit its performance:

Provided that the officer, who passed such order may review it on an application made by the person or party affected by such order.

(2) Subject to any order made by the Court on appeal under Section 10, an order under this section shall remain in force for two months from the making thereof:

Provided that the District Collector, may, if he is of opinion that the order should continue in force, by such further order or orders as he may deem fit, extend the period aforesaid by such further period or periods not exceeding two months at a time as may be specified in such order or orders.

5. Service Of Order Of Prohibition :-

A copy of the order made under Sub-section (1) of Section 3 or under Sub-section (1) or (2) of Section 4 may be served personally or in such other manner as may be prescribed by rules made under Section 13, on the organisers or other principal persons responsible for the conduct of, or any person, about to take part in, the performance so prohibited or on the owner or occupier of the public

place, in which such performance is intended to take place.

6. Penalty For Disobeying Order :-

Any person on whom a copy of the order referred, to in Section 3 or Section 4 is served and who does, or willingly permits, any act in disobedience of such order, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

7. Penalty For Disobeying Prohibition :-

(1) Any person who, after the publication of an order under Sub-section (3) of Section 3 or during the period when an order made under Sub-section (1) or Sub-section (2) of Section 4, is in force, organises or is responsible for the conduct of, or who, with the knowledge that such an order under Section 3 or Section 4 is in force, takes part in, the performance prohibited thereby or any performance substantially the same as the performance so prohibited, shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(2) Any person who being the owner or occupier or having the use of any public place, opens, keeps or uses the same for any performance prohibited under Section 3 or Section 4, or permits the same to be opened, kept or used for any such performance, shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

8. Power To Call For Information :-

(1) For the purpose of ascertaining the character of any intended play, pantomime or other drama, the State Government, or such officer as they may empower in this behalf, may, by order, require the organisers or other principal persons responsible for the conduct of, or other persons about to take part in, such play, pantomime or other drama or the author, proprietor or printer of the play, pantomime or other drama about to be performed, or the owner or occupier of the place in which it is intended to be performed, to furnish such information as the State Government or such officer may think necessary.

(2) Every person so required shall be bound to furnish the

information to the best of his ability within the time specified in such order and in case of contravention shall be deemed to have committed an offence under Section 176 of the Indian Penal Code (45 of 1860).

9. Power To Call For Copy Or Purport Of Drama, Etc :-

(1) If the State Government or the District Collector, have or has reason to believe that an objectionable dramatic performance is about to take place, they or he, as the case may be, may by order, direct that no such dramatic performance shall take place in any public place within any area, unless a copy of the piece, if and so far as it is written, or sum sufficient account of its purport, if and so far as it is in pantomime, has been furnished, not less than seven days before the performance to the State Government or the District Collector.

(2) A copy of any order made under Sub-section (1) may be served on the owner or occupier of the public place in which such performance is intended to take place and if thereafter he does or willingly permits, any act in disobedience of such order, he shall, on conviction, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

10. Appeal To High Court :-

(1) Any person aggrieved by an order under Subsection (1) of Section 3, or under Sub-section (1) or Sub-section (2) of Section 4, may, within sixty days of the publication of such order under Sub-section (3) of Section 3 or, as the case may be, within sixty days of the date on which an order under Sub-section (1) or Subsection (2) of Section 4, is made, prefer an appeal to the High Court; and upon such appeal, the High Court may pass such orders as it deems fit confirming, varying or reversing the order appealed from, and may pass such consequential or incidental orders as may be necessary.

11. Saving Of Prosecutions Under Other Laws :-

Where no order under Section 3 or Section 4 has been made in respect of any performance, nothing in this Act shall bar a prosecution under the Indian Penal Code, 45 of 1860 or under any other law.

12. Protection For Acts Done In Good Faith :-

No suit, prosecution or other legal proceeding shall be instituted against any authority or officer for anything which is in good faith done or intended to be done under this Act or any rule made thereunde.

13. Power To Make Rules :-

(1) The State Government may make rules to carry out the purposes of this Act.

(2) All rules made under Sub-section (1) shall, as soon as possible after they are made, be laid before the Orissa Legislative Assembly for a total period of fifteen days which may be comprised in one or more sessions, and shall be subject to such modifications as the Assembly may make during the said period.

14. Repeal Of Central Act 19 Of 1876 :-

The Dramatic Performances Act, 1876 (19 of 1876) in so far as it applies to the State of Orissa, is hereby repealed.