

Haryana Cinemas (Regulation) Act, 1952

11 of 1952

[16 August 1952]

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An Act to provisions for regulating exhibitions by means of cinematographs. It is hereby enacted as follows : 1. Published in the Punjab Government Gazette (Extraordinary) of August 19, 1952.

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Haryana 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 28th of July, 1952.

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 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.

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 than in a place licensed under this Act or otherwise than in compliance with any condition and restriction 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 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. Restrictions On 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 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 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 licences under this Act to such persons as it thinks fit, on such terms and conditions 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

Cinema (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 licence 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, these directions shall be deemed to be additional conditions subject to which the licence has been granted.

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 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 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. 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 that place to be used in contravention of the provisions of this Act or of the rules made thereunder, 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 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.

7A. Amendment Or Alteration In Classification Of Seats And Rates For Admission By The Licensee :-

(1) The licensee shall adhere to the 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 the cinematograph exhibition, he shall make an application in writing to the licensing authority stating the reasons thereof, 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 for more than two times during a year.

(4) Any person aggrieved by the decision of a 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 Alter The Rates For Admission To Cinematograph Exhibition :-

If the Government is of opinion that it is necessary or expedient to do so in 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 Re-Sale Of Tickets And Cognizances 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) Whosoever re-sells any ticket for admission to a cinematograph exhibition for profit shall be punishable with a fine not exceeding two hundred rupees.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, a

contravention of this section shall be a cognizable offence within the meaning of that Code.

8. Power To Suspend, Cancel Or Revoke A Licence :-

(1) Notwithstanding anything contained in this Act, the State Government or the licensing authority may, at any time suspend, cancel or revoke a licence granted under Section 5 on one or more of the following grounds, namely :

- (a) the licence was obtained through fraud or misrepresentation ;
- (b) the licensee has committed a breach of any of the provisions of this Act or the rules made thereunder or of any condition or restriction in the licence, or of any direction issued under sub-section (4) of Section 5 ;
- (c) on account of any changes occurring in the locality of the place licensed, the continuance of the licence 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.)

1[(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 (a) of clause (e) of Section 2 of the Act referred to in clause (e).1

(2) Where the Government or the licensing authority is of the opinion that a licence 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 licence 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 licence under sub-section (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.

1. Inserted by Punjab act 4 of 1963.

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 persons 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 following authority.

Explanation.--For the purpose 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 a 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.

9. Power To Make Rules :-

The Government may, by notification in the official Gazette, make rules :--

- (a) prescribing the terms, conditions and restrictions, if any, subject to which licences 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 sub-section (3) of Section 5 and sub-section (4) of Section 7-A may be preferred.

10. Power To Exempt :-

The Government may, by order in writing exempt, subject to such conditions 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 provisions of this Act or of any rules made thereunder.

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 :

Provided that any appointment, notification, order, scheme, rule, form or by-law, made or issued under the repealed Act, shall, so far as 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, form or by-law made or issued under this Act.