

Tamil Nadu Cinemas Regulation Act, 1955

9 of 1955

[19 April 1955]

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An Act to provide for the regulation of exhibitions by means of cinematograph, in the State of Tamil Nadu. Whereas it is expedient to provide for the regulation of exhibitions by means of cinematographs in the State of Tamil Nadu ; Be it enacted in the Sixth Year of the Republic of India as follows : 1. First published in the Fort St. George Gazette on the 27th April, 1955.

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Tamil Nadu Cinemas (Regulation)

Act, 1955.

(2) It extends¹to the whole of the State of Tamil Nadu.

(3) It shall come into force on such date²as the Government may, by notification, appoint.

1. This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by Section 3 and the Schedule to the Madras (Transferred Territory) Extension of Laws Act, 1957 (Madras Act No. XXII of 1957), repealing the corresponding law in force in that territory.

2. Enforced on the 30th day of May, 1956 (497), vide G.O. Ms. No 1544-Home, dated the 26th May, 1956.

2. Definitions :-

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

(1) "cinematograph" includes any apparatus for the representation of moving pictures or series of pictures :

(2) "District Collector" in relation to the presidency town, means the Commissioner Police, Madras ;

(3) "Government" means the State Government;

(4) [Omitted by T.N. Act 48 of 1987]

(5) "place" includes a house, building, tent and any description of transport, whether by water, land or air ;

(6) "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 conditions and rest restrictions imposed by such licence.

3A. Disqualification For Holding A Licence :-

No person shall be eligible for applying for a licence if he has been convicted of an offence under clause (a) or clause (c) of Section 14 of the Tamil Nadu Entertainments Tax Act, 1939 (Tamil Nadu Act X of 1939) unless a period of two years has elapsed since his conviction.

4. Licensing Authority :-

The authority having power to grant licences under this Act (hereinafter referred to as the licensing authority) shall be the District Collector :

Provided that the Government may, by notification, constitute for the whole or any part of the State such other authority as it may specify in the notification to be the licensing authority for the purposes of this Act.

5. Restrictions On Powers Of Licensing Authority :-

(1) The licensing authority shall in deciding whether to grant or refuse a licence, have regard to the following matters, namely:

1[(a) the interest of the cinema going public and other sections of the public generally] ;

(b) the status, antecedents and previous experience of the applicant;

Explanation.--For the purpose of this clause the expression "antecedents" means the conduct of the applicant in relation to the payment of any tax or dues payable by him to the Government.

(c) the suitability of the place where the cinematograph exhibitions are proposed to be given ;

(d) the adequacy of existing places for the exhibition of cinematograph films in the locality ;

(e) the benefit to any particular locality or localities to be afforded by the opening of a new place of cinematograph exhibition ;

(f) the possession by the applicant, of other place, if any, licensed under this Act, whether in the same locality or elsewhere, and whether at the time of applying for the licence or at any previous time,

and shall also take into consideration any representations made by person already giving cinematograph exhibitions in or near the proposed locality or by any local authority or police authority within whose jurisdiction the place proposed to be licensed is situated or by any association interested in the giving of cinematograph exhibitions.

(2) The licensing authority shall not grant a licence 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 granted, to provide for the safety, convenience and comfort of the persons attending exhibitions, therein.

(3) The licensing authority may, after consideration of the matters set forth in sub-section (1) limit the number of places in any area

in respect of which licences under this Act may be granted.

(4) The Government may issue such orders and directions of a general character as they may consider necessary, in respect of any matter relating to licences for the exhibition of cinematograph films, to licensing authorities ; and every licensing authority shall give effect to such orders and directions.

(5) Subject to the foregoing provisions of this section, the licensing authority may grant licence under this Act to such persons²[on payment of such fees as may be prescribed] and on such terms and conditions and subject to such restrictions as it may determine. When the licensing authority refuses to grant any licence it shall do so by an order communicated to the applicant, giving the reasons in writing for such refusal.

(6) Every licence under this Act shall be personal to the person to whom it is granted and no transfer or assignment thereof, whether absolute or by way of security or otherwise, shall be valid unless approved in writing by the licensing authority.

²[(6-A) (a) Whenever the licensee proposes to transfer or assign the licence, the licensee and the person to whom the licence is proposed to be transferred or assigned, as the case may be, shall, before such transfer or assignment, apply jointly to the licensing authority for approval thereof.

(b) An application under clause (a) shall be in such form, contain such particulars and be accompanied by such fee as may be prescribed.

(6-B) (a) Subject to clause (b), the licensing authority may, on receipt of the application and the fee under sub-section (6-A) and after making such inquiry as it thinks fit, either approve in writing the transfer or assignment, as the case may be, or refuse such approval.

(b) Notwithstanding anything contained in clause (a),--

(i) no transfer or assignment of a licence shall be approved under that clause unless the licensing authority is satisfied that the licensee has paid all amounts due under the Tamil Nadu Entertainments Tax Act, 1939 (Tamil Nadu Act X of 1939) on the date of such transfer or assignment; and

(ii) such approval shall not be refused until the applicant has been given a reasonable opportunity of showing cause against such refusal.]

(7) Any person aggrieved by the decision of the licensing authority granting or refusing to grant a licence under this Act or approving or refusing to approve any transfer or assignment thereof may,

within such time as may be prescribed, appeal to such authority as the Government may specify in this behalf and such authority may make such order in the case as it may think fit.

(8) The appellate authority referred to in sub-section (7) may stay the execution of any such decision pending the exercise of its powers under sub-section (1) in respect thereof.

1. Substituted by T.N. Act 48 of 1987.

2. Inserted by T.N. Act 48 of 1987.

5A. Licensing Authority To Permit Construction And Reconstruction Of Buildings, Installation Of Machinery, Etc., For Cinematograph Exhibitions :-

(1) Any person who intends--

(a) to use any place for the exhibition of cinematograph films, or

(b) to use any site for constructing a building thereon for the exhibition of cinematograph films, or

(c) to construct or reconstruct any building for such exhibition, or

(d) to instal any machinery in any place where cinematograph exhibitions are proposed to be given,

shall make an application in writing to the licensing authority for permission thereof together with such particulars as may be prescribed, and any provision contained in the enactments specified below or in the rules made under any of them or in any other law governing municipal or local bodies in this State or in the rules made under any such enactment or other law so far as it relates to any of the matters specified above shall not apply to any application made under this section:

(i) The Madras Places of Public Resort Act, 1888 (Madras Act II of 1888);

(ii) The Madras City Police Act, 1888 (Madras Act III of 1888);

(iii) The Madras City Municipal Corporation Act, 1919 (Madras Act IV of 1919);

(iv) The Madras District Municipalities Act, 1920 (Madras Act V of 1920);

(v) The Tamil Nadu Panchayats Act, 1958 (Tamil Nadu XXXV of 1958);

(vi) The Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971).

(2) The licensing authority shall thereupon, after consulting such authority or officer as may be prescribed, grant or refuse permission and the provisions of Sections 5, 8, 9, 9-A, and 9-B relating to licences shall, so far as may be, apply to permission under this section.

6. Power Of Government To Issue Directions :-

1[(1)] The Government may from time to time, issue directions to any licensee or to licensees generally, requiring the licensee or licensees to exhibit such film or class of films having a scientific or educative value, such films dealing with news and current events, such documentary films, indigenous films, or such other films having special value to the public, as may have been approved by the Government in that behalf from time to time ; 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 :

Provided that no direction issued²[under this sub-section] shall require the licensee to exhibit any such film or films exceeding³[six hundred metres] at, or for more than one-fifth of the entire time taken for, any one show.

4[(2) The Government may, in the interest of the general public in the State of Tamil Nadu who speak mainly Tamil which is the official language of the State, issue directions, from time to time ; to any class of licensee or to licensees generally to exhibit Tamil films for a period of not more than nine months in a year ; and where any such directions have been issued, such directions shall be deemed to be additional conditions and restrictions subject to which the licence have been granted.]

1. Sub-section (1) re-numbered by T.N. Act 12 of 1984, Section 2(i) (w.e.f. 6th January, 1984).

2. Substituted by T.N, Act 12 of 1984, Section 2 (i), for "under this Section" (w.e.f. 6th January, 1984).

3. Substituted. for the words "two thousand feet" by the 48 of 1987.

4. Added by T.N. Act 12 of 1984, Section 2 (ii) (w.e.f. 6th January, 1984).

6A. Power Of Licensing Authority To Issue Directions :-

The licensing authority may, from time to time, issue directions to any licensee or licensees generally, requiring the licensee or licensees to exhibit in each show such slides of public interest as may be supplied by that authority :

Provided that no direction used under this section shall require the licensee to exhibit more than three such slides at, or for more than four minutes in any one show.

7. Power Of Government Or District Collector To Suspend Exhibition Of Films In Certain Cases :-

The Government in respect of the whole of the State or any part thereof, and the District Collector within his jurisdiction, may if they or he are or is of opinion that any film which is being or is about to be publicly exhibited is likely to cause a breach of the peace, by order, suspend the exhibition of the film ; and during such suspension, no person shall exhibit such film or permit it to be exhibited in any place in the State or any part or district thereof, as the case may be.

(2) No order shall be issued under sub-section (1) until the person concerned has been given a reasonable opportunity of showing cause against the order proposed to be issued in regard to him :

Provided that this sub-section shall not apply where the Government or the District Collector proposing to issue the order are or is satisfied that, owing to any emergency or for some other reason, to be recorded by them or him in writing, it is not reasonably practicable to give to that person an opportunity of showing cause :

Provided further that a copy of the reasons recorded by the Government or the District Collector for issuing the order shall be communicated to the person concerned as soon as it becomes reasonably practicable to communicate the reasons to him.

(3) If any question arises whether it is reasonably practicable to give to any person an opportunity of showing cause under sub-section (2), the decision thereon of the Government or the District Collector, as the case may be, shall be final.

(4) Where an order under sub-section (1) has been issued by the District Collector, a copy thereof, together with a statement of the reasons therefor shall forthwith be forwarded by him to the Government, and the Government may, on a consideration of all the facts of the case, either confirm or vary or discharge the order.

(5) An order issued under sub-section (1) shall remain in force for a period of two weeks from the date thereof, but the Government may, if they are of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period as they think fit :

Provided that the Government or the District Collector may review their¹[or his] own order.

1. Inserted by T.N. Act 12 of 1984, Section 2 (ii) (w.e.f. 6th January, 1984).

8. Penalties :-

If the owner or person in charge of a cinematograph uses the same or allows it to be issued, 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 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.

9. Power To Revoke Or Suspend Licence :-

(1) Where the holder of a licence has been convicted of an offence under clause (a) or clause (c) of Section 14 of the Madras Entertainments Tax Act, 1939 (Madras Act X of 1939), or has been permitted to compound such offence under Section 15 of the said Act, or has been convicted of an offence under Section 7 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952), or Section 8 of this Act, the licence may be revoked or suspended by the licensing authority by an order in writing.

(2) If the licensing authority is satisfied, either on a reference made to it in this behalf or otherwise, that--

(a) a licence granted under this Act has been obtained by misrepresentation or fraud as to an essential fact, or

1[(aa) the licensee has failed to pay any amount due under the Tamil Nadu Entertainments Tax Act, 1939 (Tamil Nadu Act X of 1939), or]

(b) the licensee has, without reasonable cause, failed to comply with any of the provisions of this Act or of the rules made thereunder, or any of the conditions or restrictions upon or subject to which the licence has been granted,²[or]

1[(c) taking into account the matters mentioned in clauses (a) to (f) of sub-section (1) of Section 5, the licence should be revoked or suspended] ;

then without prejudice to any other penalty to which the licensee may be liable under this Act, the licensing authority may,³[***] revoke or suspend the licence.

4[Provided that the licensing authority shall not revoke or suspend the licence under clause (aa) unless an officer of the Commercial Taxes Department not below the rank of an Assistant Commissioner of Commercial Taxes certifies that the licensee has failed to pay the amount referred to in that clause.]

5[(2-A) No licence shall be revoked or suspended under sub-section (1) or sub-section (2), unless the licensee has been given a reasonable opportunity of showing cause against such revocation or suspension.]

(3) Where the licensing authority revokes or suspends any licence under sub-section (2), it shall do so by an order communicated to the licensee giving the reasons in writing for such revocation or suspension.

1. Inserted by T.N. Act 12 of 1984, Section 2 (ii) (w.e.f. 6th January, 1984).

2. Inserted by Tamil Nadu Act 12 of 1984, (w.e.f. 6.1.1984).

3. Certain words omitted by T.N. Act 12 of 1984, Section 2 (ii)

(w.e.f. 6th January, 1984).

4. Proviso added by T.N. Act 48 of 1987.

5. Sub-section (2) inserted by T.N. Act 48 of 1987.

9A. Appeal Against Revocation Or Suspension Of Licence :-

(1) Any person aggrieved by the decision of the licensing authority revoking or suspending a licence under sub-section (2) of Section 9 may, within such time as may be prescribed, appeal to such authority as the Government may specify in this behalf and such authority may make such order in the case as it may think fit.

(2) The appellate authority referred to in sub-section (1) may stay the execution of any such decision, pending the exercise of its powers under sub-section (1) in respect thereof.

9B. Power Of Revision By Government :-

(1) The Government may on their own motion or on application, call for and examine the record of the appellate authority in respect of any proceeding under Section 5 (7) or Section 9-A (1) to satisfy themselves as to the legality of such proceedings or the correctness, legality or propriety of any decision passed or order made therein ; and if in any case it appears to the Government that any such proceeding, decision or order should be modified, annulled, reversed or remitted for reconsideration, they may pass orders accordingly:

Provided that every application to the Government for the exercise of the powers under this section shall be preferred within such time as may be prescribed and shall be accompanied by such fee as may be prescribed.

(2) No order prejudicial to any person shall be passed under sub-Section (1) unless such person has been given an opportunity of making his representation.

(3) The Government may stay the execution of the decision or order pending the exercise of their power under sub-section (1) in respect thereof.

10. Power To Make Rules :-

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

(2) Without prejudice to the generality of the foregoing power, such rules may provide for--

(a) the terms, conditions and restrictions, subject to which licence may be granted under this Act and the fees to be paid in respect of such licence ;

(b) the regulation of cinematograph exhibitions for securing the public safety ;

(c) the time within which and the conditions subject to which an appeal under sub-section (7) of Section 5 may be preferred, and the fees to be paid in respect of such appeal;

(d) the procedure for approval of films for the purposes of Section 6 ;

(e) the procedure to be followed by person submitting applications for permission under Section 5-A ;

(f) the documents and plans to be submitted together with such applications and the fees to be paid on such applications.

(g) the matters to be taken into consideration by the licensing authority before approving the site for the construction of the building, or the plans for the construction or reconstruction of the building or the installation of machinery ;

(h) the terms, conditions and restrictions subject to which the licensing authority may accord approval in respect of the matters referred to in clause (g);

(i) the action to be taken in cases of contravention of the terms, conditions and restrictions subject to which such approval was accorded ;

(j) the procedure to be followed by the licensing authority before granting or refusing permission under Section 5-A and any other matter incidental thereto.

1[(k) the time within which and the conditions subject to which an appeal under Section 9-A or a revision under Section 9-B may be preferred and the fees to be paid in respect of such appeal or revision, as the case may be.]

(3) All rules made under this Act shall come into force on the date of notification and shall be laid not less than fifteen days before both Houses of the State Legislature, as soon as possible after they are made, and shall be subject to such modifications whether by way of repeal or amendment, as those Houses made during the session in which they are laid.

1. Inserted by Tamil Nadu Act, 50 of 1979, Section 4.

11. Power To Exempt :-

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

12. Repeal :-

In relation of this State, the Cinematograph Act, 1918 (Central Act II of 1918), in so far as it has not been repealed by the Cinematograph Act, 1952 (Central Act XXXVII of 1952) is hereby repealed :

Provided that any appointment, notification, order, scheme, rule, form or bye-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 bye-law made or issued under this Act.