



The Punjab Cinemas (Regulation) Act, 1952

Act 11 of 1952

Keyword(s):

Cinematograph, Place, Cinema Hall

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**THE PUNJAB CINEMAS (REGULATION) ACT,
1952.**

PUNJAB ACT NO. 11 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	Whether repealed or otherwise affected by later Legislation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 ..	II	The Punjab Cinemas (Regulation) Act, 1952.	Amended by Punjab Act No. 6 of 1955. ^a Affected by Punjab Act No. 5 of 1957. ^b Amended by Punjab Act No. 28 of 1957. ^c Amended by Punjab Act 4 of 1963. ^d Amended by Punjab Act 15 of 1969. ^e

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

It is hereby enacted as follows:—

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

Short title, extent and commencement.

1. For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), dated the 22nd July, 1952, pages 659-60. For proceedings in the Assembly, see *Punjab Legislative Assembly Debates*, 1952, Volum 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.

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

3. For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), dated the 14th March 1957, and also see foot note No.1 above, regarding extension of the Act to erstwhile Pepsu territories.

4. For Statement of Objects And Reasons, see *Punjab Government Gazette* (Extraordinary), dated the 23rd October, 1957, page 1690.

5. For Statement of Objects abd Reasons, see *Punjab Government Gazette* (Extraordinary), 1963, page. 208.

6. For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1969, page 1124.

(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.

Definitions.

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.

Cinematograph exhibition to be licensed.

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 licence.

Licensing authority.

4. 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 licencing authority for the purposes of th s Act.

Restrictions on powers of licensing authority.

5. (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 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 thinks fit, on such terms and conditions 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 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 subject to which the licence 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.

Power of Government or local authority to suspend exhibition of films in certain cases.

(2) Where an order under subsection (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.

Inspection of
licensed pre-
mises,

¹[6A. The licensing authority or any other officer empowered by it in this behalf, may, at any time, enter and inspect the licensed premises with a view to ensuring that the provisions of this Act and the rules made thereunder are being complied with and the owner or person in charge of the cinematograph shall allow such entry and inspection.]

Penalties.

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 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.

Restriction on
the sale of
tickets.

²[7A. (1) No person other than a person who is an authorised booking clerk at the licensed place, or an agent of the licensee at any other place and whose name has been approved by the licensing authority shall sell tickets for any cinematograph exhibition:

Provided that in the case of sale of tickets at a place other than the licensed place, the approval of the licensing authority shall also be necessary in respect of the place where tickets are to be sold.

(2) whoever contravenes the provisions of subsection (1) shall be punishable with imprisonment which may extend to one month or with fine which may extend one thousand rupees or both.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence under this section shall be cognizable:

1. Inserted by Punjab Act 15 of 1969, section 2.

2. Inserted by *ibid*, section 3.

Provided that no police officer shall be empowered to arrest without warrant unless he is of or above the rank of an Assistant Sub-Inspector.]

¹[8 (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:—

Power to sus-
pend, cancel or
revoke licence.

- (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 contained in the licence, 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 licence is considered prejudicial to decency or morality;²[***]
- (d) the licensee has been convicted of an offence ³[under section 7 or 7-A of this Act] or section 7 of the Cinematograph Act, 1952 (XXXVII of 1952);
- ⁴[(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 14A of the Act referred to in clause (e) has been imposed for not less than three times on the licensee; or

1. Section 8 substituted by Punjab Act 6 of 1955, section 2.

2. The word "or" omitted by Punjab Act 4 of 1963, section 2.

3. Substituted for "under section 7 of this Act" by Punjab Act 15 of 1969, section 4.

4. Inserted by Punjab Act 4 of 1963, section 2.

(g) a tax exceeding two hundred rupees has been assessed on the licensee in any one case under sub-clause (ii) of clause (e) of section 2 of the Act, referred to in clause (e).]

(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 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.]

Power to make
rules.

9. The Government may, by notification in the official Gazette, make ¹rules—

(a) prescribing the terms, conditions and restriction, if any, subject to which licences may be granted under this Act;

²[(aa) prescribing fees for the grant and renewal of licences, for the issue of duplicate licences and other documents and for the inspection of licensed premises.]

1. The rules have been framed—*vide* Punjab Government notification No. 8279-H-52/12053, dated the 14th October, 1952.

2. *Inserted* by Punjab Act 15 of 1969, section 5.

- (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 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.]

Power
exempt to

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:

Repeal of the
Cinematograph
Act, 1918.

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

1. Section 10 substituted by Punjab Act No. 28 of 1957, section 2.