

Rajasthan Cinemas (Regulation) Act, 1952¹

(Act No. 30 of 1952)

Published in the Rajasthan Gazetted (Raj-patra) Part 4-A dated December 27, 1952 at page 379 to 400.

[Received the assent of His Highness the Rajpramukh on the 12th day of December, 1952]

An Act to make provision for regulating exhibitions by means of Cinematographs.

Whereas it is expedient to make provision for regulating exhibitions by means of Cinematographs;

Be it enacted by the Rajasthan State Legislature as follows :-

1. **Short, title, extent and commencement** - (1) This Act may be called the Rajasthan Cinemas (Regulation) Act, 1952.
²[(2) It extends to the whole of the State of Rajasthan.]
(3) It shall come into force on the date of its first publication in the ³[Official Gazette].
2. **Interpretation** - (1) In this Act, unless the subject or context otherwise requires -
 - (a) "*Cinematograph*" includes any apparatus for the representation of moving pictures or series of pictures;
⁴[(aa) "*Local Law*" means a law relating to the establishment and powers of a local authority in force in any part of the State;]
 - (b) "*place*" includes a house, building, tent and any description of transport, whether by land, water or air;
 - (c) "*prescribed*" means prescribed by this Act or by rules made thereunder; and
 - (d) ²[XXX](2) ²[XXX]
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 restrictions imposed by such licence.
4. **Licensing authority.** - The authority having power to grant licenses 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 ³ [Official Gazette] constitute for the whole or any part of ³ [the State of Rajasthan] such other authority, as it may specify in the notification to be the licensing authority for the purposes of this Act.
5. **Restriction on powers of licensing authorities.** - (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.

¹ For Statement of Objects and Reasons, See Rajasthan Gazette, Part III, NO. 137

² Substituted and omitted by Item No. 19 of the Schedule of the Rajasthan Act, No. 27 of 1957

This Act now extends to the whole of the State of Rajasthan including Abu, Ajmer and Sunel areas with effect from 1.9.1957, i.e. the date of enforcement of Rajasthan Act. 27 of 1957

³ Substituted by section 4 of the Rajasthan Act No. 27 of 1957, published in the Rajasthan Gazette, Part IV-A, Extraordinary, dated 13-08-1957

⁴ Inserted by section 2 of Rajasthan Act, No. 21 of 1955, published in the Rajasthan Gazette, Part IV-A, Extraordinary, dated 22-12-1955

- (2) Subject to the foregoing provisions of this section and to the control of the State Government, the licensing authority may grant licence 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 the 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.

¹5A. Special provision for Cinema buildings. - (1) Nothing contained in any Local Law in regard to –

(a) the grant of permission for the construction and reconstruction of a building, or

(b) the grant of licence for the use of any place or building for any purpose for which such licence is required, or

(c) the grant of permission to install any machinery in any place or building,

Shall apply to the construction or reconstruction of or the use of, or the installation of any machinery in any place or building to be used exclusively for the purpose of cinematograph exhibitions; and in every such case an application for such licence or permission shall be made to the licensing authority under this Act in accordance with the rules made under this Act.

(2) Subject to the control of the State Government and to any rules made in the behalf, the licensing authority after such enquiry, as it deems fit and consulting the local authority concerned may for reasons to be recorded either grant or refuse to grant the licence or permission applied for.

6. Power of State Government to issue directions. - The State Government shall have power, from time to time to 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 under this Act has been granted.

7. Power to suspend exhibition of films in certain cases. - (1) The State Government in respect of the whole or any part of ²[the State of Rajasthan] and the District Magistrate in respect of the district within his jurisdiction may, if it or he is of opinion that any films which is being publicly exhibited is likely to cause breach of the peace by order suspend the exhibition of such film and during such suspension, the film shall be deemed to be an uncertified film in such whole, part or district of ⁶[the State of Rajasthan].

(2) Where an order under sub-section (1) has been issued by a District Magistrate, a copy there of together with a statement of reason therefor, shall forthwith be forwarded to the State Government ³[and the State Government may on a consideration of all the facts of the case confirm, modify, or cancel 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 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.

¹ Inserted by section 3 of Rajasthan Act No. 21 of 1955

² Substituted by section 4 of Rajasthan Act No. 27 of 1957

³ Substituted by section 4 of Rajasthan Act No. 21 of 1955

8. Penalties for contravention of Act and Rules thereunder. - ¹(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 terms, conditions and restrictions upon or subject to which any license under this Act has been, or is deemed to have been granted, he shall be punishable with fine which may extend to ⁸[two thousand rupees] and, in the case of a continuing offence with a further fine which may extend to ⁸[two hundred rupees] for each day during which the offence continues.

²[(2) Where a person whose licence for cinematograph has been revoked under section 9, contravenes any provision of this Act or of the rules made thereunder he shall be punishable with imprisonment which may extend to three months, or with a fine which may extend to five thousand rupees, or with both, and in the case of continuing offence a further fine which may extend to five hundred rupees for each day during which the offence continues].

³[**8A. Power to arrest without-warrant** - Any police officer may arrest without warrant any person who is reasonably suspected of having committed an offence punishable under sub-section (2) of section 8 of the Act.]

⁴[**9. Powers to revoke licence.** -Where the holder of a licence has been convicted of an offence under section 7 of the Cinematograph Act, 1952 (Act No. 37 of 1952) of the Central Legislature) or under ⁵[sub-section(1) of section 8] of this Act or for the commission of any offence under the Rajasthan Entertainments and Advertisements Tax Act 1957, the licence may be revoked by the licensing authority.]

10. Power to make rules. - ⁶[(1)] The State Government may by notification in the ⁷[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 fees to be levied for licensing places for cinematograph exhibitions,
- (d) providing for the inspection of such places and of electric installations therein,
- (e) regulating sanitary arrangements therein,
- (f) prescribing the time within which and the conditions subject to which an appeal under sub-section (3) of section 5 of this Act may be preferred.
- (g) providing for any other matter which by this Act may, or is required to be prescribed, and
- (h) generally for carrying out the purposes of this Act.

⁸(2) In making rules under this section, the State Government may provide that any person failing to comply with or contravening the provisions of any rule, shall on conviction, be punished with fine which may extend to one hundred rupees.

(3) The power to make rules under this section shall be subject to the condition of previous publication.

(4) All rules made under this section shall be laid, as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days, which may

¹ Numbered and substituted by section 2(a) of Rajasthan Act No. 3 of 1983

² Inserted by section 2(b) of Rajasthan Act No. 3 of 1983

³ Inserted by section 3 of Rajasthan Act No. 3 of 1983

⁴ Substituted by section 2 of Rajasthan Act No. 8 of 1971

⁵ Substituted by section 4 of Rajasthan Act No. 3 of 1983

⁶ Renumbered vide section 2 of Rajasthan Act No. 14 of 1966

⁷ Substituted by section 4 of Rajasthan Act No. 27 of 1957

⁸ Renumbered and inserted by Raj. Act No. 14 of 1966

be comprised in one session or in two successive sessions and if, before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rule should not be made, such rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity or any thing previously done thereunder.]

11. Power to exempt. - The State Government may by order in writing exempt subject to such conditions and restrictions as it may impose, any cinematograph exhibitions or class of cinematograph exhibitions from any of the provisions of this Act or any rules made thereunder ¹[if in the opinion of the State Government reasonable grounds exist for doing so.]

12. ²[XXX]

¹ Inserted by section 5 of Rajasthan Act No. 21 of 1955

² Omitted vide item No. 19 of the Schedule of Rajasthan Act No. 27 of 1957