

THE ASSAM CINEMAS (REGULATION) ACT, 1953

(Passed by the Assembly)

Received the assent of the Governor on the 26th May, 1953)
(Publish in the Assam Gazette, dated the 3rd June, 1953)

An
Act

To make provision for regulating exhibitions by means of cinematograph and licensing of cinemas in the State of Assam.

Preamble.

WHEREAS it is expedient to make provision for regulating exhibitions by means of cinematographs and the licensing of cinemas in the State of Assam.

It is hereby enacted as follows :-

Short
title
extent
and commence-
ment.

1. (1) This Act may be called the Assam Cinemas (Regulation) Act, 1953.

(2) It extends to the whole of Assam.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Definit-
ions.

(2. In this Act, unless there is anything repugnant in the subject or context.-

(a) " Cinematograph" includes any apparatus for the representation of moving pictures or series of pictures ;

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

(c) " Prescribed" means prescribed by rules made under this Act.

Cinematograph exhi-
bitions 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 conditions and restrictions imposed by such licence.

Licensing
authority.

* 4. Subject to provisions of Section 5, the District Magistrate within the jurisdiction of his district or any other authority constituted by the State Government by notification in the official Gazette (hereinafter referred to as the Licensing Authority) for the whole or any part of the State may grant licenses under this Act;

Provided that no licence shall be issued by the Licensing Authority except with the previous approval of the State Government and in according such approval the ~~State Government~~ State Government shall take into consideration all applications for the licence in question and after such consideration may accord it, approval to the proposal submitted by the Licensing Authority or direct such authority to grant a licence to any of the other applicants with or without such conditions as it may deem proper and in such cases such direction shall be deemed to be the previous approval of the State Government.

Restriction
on power 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 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 exhibitions therein.

2. The State Government may, from time to time issued 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 or where any such direction have been issued those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted.

* Substituted by Assam Act XXII of 1956.

** Sub-section (2) was deleted by Assam Act XXII of 1956 and Sub-Section (3) was re-numbered as Sub-section (2).

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Power to
direct
licensee
not to
exhibit
certain
films.

6. (1) The State Government in respect of the whole of the State or any part thereof or the Licensing Authority in respect of the area within its jurisdiction may, if it 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 no person shall exhibit such film in any place in the area specified in the order.

(2) When an order under sub-section (1) has been issued by the Licensing Authority a copy thereof together with a statement of reasons therefore shall forthwith be forwarded by the Licensing Authority to the State Government and the State Government may either confirm or discharge the order.

(3) An order made under Sub-section (1) shall unless discharged by the State Government under sub-section (2) remain in force for a period of 2 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.

Penalties
for con-
travention
of this Act.

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 provision of this Act and Rules made there under or of the conditions and restrictions upon or subject to which any licence has been given under the 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.

Power to
revoke
licence

8. In the event of any contravention by the holder of a licence of any of the provisions of this Act or Rules made thereunder or any of the conditions or restrictions upon or subject to which the licence has been granted to him under this Act or in the event of his conviction of an offence under section 7 of this Act or under section 7 of the cinematograph Act, 1952 (XXXVII of 1952), the Licensing Authority may revoke the licence or suspend it for such period as it may think fit.

Appeals &
Reviews.

*9. (1) Any person aggrieved by the decision of the Licensing Authority under any provision of this Act except an order passed under Section 4 may appeal to the State Government or to such officer as the State Government may authorise in this behalf and the State Government or such officer, as the case may be, may make such orders as it or he deems proper.

(2) Appeals under sub-section (1) shall be filed within 15 days from the date of the order excluding the period required in obtaining the copy of the order provided that the Appellate Authority may extend the time for reasons found sufficient to its satisfaction.

(3) Any person considering himself aggrieved by an order passed under Section 4 for granting a licence with the approval of the State Government may file an application for review of the order and the approval to the State Government within a period of 30 days from the date of the order and thereupon the State Government after giving a hearing to the parties concerned may -

- (i) reject the application, or
- (ii) Where it is of opinion that sufficient ground for review has been established, grant the same-
- (e) by withdrawing its approval of direction issued under section 4 and remand the applications to the Licensing Authority concerned for fresh enquiry, or
- (iii) direct the Licensing Authority to issue the licence to any of the applicants.

(4) All appeals pending on the date of the commencement of this Act shall be disposed of in accordance with the provisions of this Act and for that purpose all appeals against an order under Section 4 of the Principal Act shall be deemed to be applicable for review under sub-section (3) of Section 5 of this Act.

Power to make rules. 10.(1) The State Government may, by notification in the official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, rules made under this Act may provide for -

- (a) the procedure in accordance with a licence may be obtained and the terms, conditions and restrictions, if any, subject to which a licence may be granted under this Act;
- (b) the regulation of cinematograph exhibition for securing public safety;
- (c) the time within which and the conditions subject to which an appeal under section 9 may be preferred;
- (d) regulating the means of entrance and exit at place licensed under this Act and providing for prevention of disturbance thereat;

Contd..5.

(e) regulating or prohibiting the sale of any ticket or pass for admission by whatever name called to a place licensed under this Act.

Power to
exempt.

11. The State Government may, by order in writing exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibitions from any of the provisions of this Act or of any rules thereunder.

Repeal
and
saving.

12. The Cinematograph Act, 1918 in its application to the State of Assam and in so far as it relates to the regulation of Exhibition by means of Cinematograph (Including licensing of places in which Cinematograph films are exhibited) is hereby repealed: X Act II
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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 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.

Sd/- S.K. DUTTA,
Secy. to the Govt. of Assam, Leg. and Judl. Deptt.

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