

THE UTTAR PRADESH CINEMAS (REGULATION)
ACT, 1955*

(U. P. ACT No. 3 OF 1956)

Authoritative English Text† of the Uttar Pradesh
Chal Chitra (Viniyaman) Adhiniyam, 1955]

AN
ACT

*to make provisions for regulating exhibitions by means of
cinematographs*

WHEREAS it is expedient to make provisions for
regulating exhibitions by means of cinematographs in the
State of Uttar Pradesh ;

It is hereby enacted as follows :

1. (1) This Act may be called the Uttar Pradesh
Cinemas (Regulation) Act, 1955.

Short title,
extent and com-
mencement.

(2) It shall extend to the whole of Uttar Pradesh.

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

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

Definitions.

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

(b) "occupier" includes a managing agent or other
person authorized to represent the occupier or
having charge, management or control of the place
on his behalf ;

*For statement of Objects and Reasons, please see *U. P. Gazette*,
Extraordinary, dated December 15, 1954.

†Passed in Hindi by the Uttar Pradesh Legislative Council on
December 23, 1954, and by the Uttar Pradesh Legislative Assembly on
December 12, 1955.

Received the assent of the Governor on January 10, 1956, under
Article 200 of the Constitution of India and was published in the *U. P.*
Gazette, Extraordinary, dated January 23, 1956.

Published in the *U. P. Gazette, Extraordinary*, dated January 23,
1956.

(c) "owner" used with reference to any place includes any person receiving or entitled to receive the rent from the occupier ;

(d) "place" includes a house, building, tent or other structure and any description of transport whatsoever ;

(e) "prescribed" means prescribed by rules made under this Act ; and

(f) "State Government" means the Government of Uttar Pradesh.

Cinematograph
exhibitions 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 conditions and restrictions imposed by such licence.

Licensing autho-
rity.

4. The authority having power to grant licence 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 official *Gazette*, 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.

Restrictions on
the powers of
licensing autho-
rity.

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

(aa) the building or other place in which cinematograph exhibition proposed to be given :

(i) is situated at a distance of not less than 200 metres from the Raj Bhawan, the State Government Secretariat, the High Court, the State Public Service Commission or the Board of Revenue ;

(ii) is situated at such minimum distance as may be prescribed from other public buildings and from recognized educational and other public institutions and public hospitals ;

(iii) is not situated in a locality which is exclusively residential in character or is reserved exclusively for residential purposes ; 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.

(c) the grant of licence is not otherwise contrary to the public interest.

Explanation—(1) Different minimum distances may be prescribed under sub clause (ii) of clause (aa) in relation to different classes of public buildings, institutions and hospitals.

(2) For purposes of clause (aa) the distance shall be measured from the outer boundary of the compound of the cinema building to the outer boundary of the compound, if any, of the other building mentioned in that clause.

(2) Subject to the foregoing provisions of this section and to the control of the State Government and the interests of the general public, the licensing authority may grant licenses under this Act on such terms and conditions and subject to such restrictions as it may determine and on payment of such fees as may be prescribed.

(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 and the State Government may make such order in the case as it thinks fit.

(4) The State 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 and restrictions subject to which the licence has been granted.

Power of the State Government or District Magistrate to suspend exhibition of films in certain cases.

6. (1) The State Government, in respect of the whole of the State of Uttar Pradesh 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 films and thereupon the films shall not during such suspension be exhibited in the State, part or the district concerned, notwithstanding the certificate granted under the Cinematograph Act, 1952.

Act XXXVII of 1952.

(2) Where an order under sub-section (1) has been made by a District Magistrate or any other licensing authority not being the State Government, a copy thereof together with a statement of reasons thereof shall forthwith be forwarded by him or it to the State Government which may either confirm or discharge the order.

(3) An order of suspension 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 suspension shall be extended by such further period as it thinks fit.

7. (1) Notwithstanding anything contained in this Act, where a licence has been granted under section 5, it may be cancelled or revoked in the public interest :

Power to cancel
and revoke a
licence.

(i) by the State Government, where the licence was granted by the Government or by the licensing authority :

(ii) by the licensing authority, where the licence was granted by such authority

(1-A) In particular and without prejudice to the generality of the Power conferred by sub-section (1), a licence may be cancelled or revoked under that sub-section on any of the following grounds, namely :

(a) that the licence was obtained through fraud or misappropriation ; or

(b) that the licensing authority or the State Government while considering the application or appeal, as the case may be, under section 5 was under a mistake as to a matter essential to the question of grant or refusal of licence ; or

(c) that the licensee has been guilty of breach of the provisions of this Act or the rules made thereunder or any conditions or restrictions contained in the licence, or any direction issued under sub-section (4) of section 5 ; or

(d) that on account of any change occurring in the situation of the place licensed, the continuance of the licence is considered prejudicial to decency or morality ; or

(e) that the licensee has been convicted of any offence under section 8 of this Act or section 7 of Cinematograph Act, 1952 ;

(2) Where the State Government or the licensing authority is of the opinion that a licence granted under section 5 should be 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 making a representation against it.

Provided that where the State Government or the licensing authority as the case may be, is further of the opinion that the object of the action proposed to be taken would be defeated by delay. It may, while or after communicating to the licensee, as aforesaid, the grounds on which the action is proposed, pass an interim order suspending the licence in the meantime.

(3) If after considering the representation, the State Government or the licensing authority, as the case may be, is satisfied that the licence should be cancelled or revoked, it may make an order accordingly and shall communicate it to the licensee stating in writing the grounds therefor.

(4) Where the order suspending a licence under the proviso to sub-section (2) or cancelling or revoking it under sub-section (3) has been passed by the licensing authority, any person aggrieved by the order may within thirty days of the communication of such order to him, appeal to the State Government which may pass such order as it may think fit.

(5) The order of the State Government shall be final.

Penalties for
contravention of
the Act.

8. 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 a place permits that place to be used in contravention of the provisions of this Act or of the rules made thereunder, and of the conditions and restrictions upon or subject to which 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 continuing offence with a further fine which may extend to five hundred rupees for each day during which the offence continues.

9. (1) If the person committing any offence under this Act is a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Offences by
Companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director or manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be, proceeded against and punished accordingly.

Explanation —For the purpose of this section—

a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

10. The State Government may, in the interest of the general public or any section thereof, by order in writing and stating the reasons therefor, exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibition or class of exhibitions from any of the provisions of this Act or any rules made thereunder.

Power to
exempt.

Direction of
action taken
under the Act.

11. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made or deemed to be made under this Act or the rules made thereunder.

(2) No suit or legal proceeding shall lie against the State Government for any damage caused are likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made or deemed to be made under the Act or rules made thereunder.

Repeal Act of
1918.

12. (1) The Cinematograph Act, 1918 in so far as it relates to the matters other than the sanctioning of cinematograph films for exhibition, is hereby repealed in its application to the State of Uttar Pradesh.

Act II of 1918.

(2) Any rule or order, made under the Cinematograph Act, 1918 and in force immediately before the commencement of this Act, shall continue in force and be deemed to be a rule or order made under this Act; and all appointments made, licences granted, conditions or restrictions imposed and directions issued under any such rule or order and in force immediately before such commencement shall likewise continue in force and be deemed to be made, granted, imposed or issued in pursuance of this Act.

Power to make
rules.

13. (1) The State Government may make rules for purpose of carrying the provisions of this Act into effect.

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

(a) for the situation and regulation of the places at which and the conditions subject to which cinematograph exhibitions may be displayed;