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**THE UTTAR PRADESH CINEMAS (REGULATION)
(AMENDMENT) ACT, 1974**

[U. P. ACT NO. 27 OF 1974]

* (Authoritative English Text of the Uttar Pradesh Chal-Chitra (Viniyaman) (Sanshodhan) Adhiniyam, 1974).

AN
ACT

further to amend the Uttar Pradesh Cinemas (Regulation) Act, 1955

IT IS HEREBY enacted in the Twenty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Uttar Pradesh Cinemas (Regulation) (Amendment) Act, 1974.

Short title.

2. In section 5 of the Uttar Pradesh Cinemas (Regulation) Act, 1955, hereinafter referred to as the principal Act, in sub-section (1),—

Amendment of
section 5 of
U.P. Act no. 3
of 1956.

(i) after clause (a), the following clause shall be inserted, namely:—

“(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 recognised 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”;

(ii) after clause (b), the following clause shall be inserted, namely:—

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

(iii) at the end, the following Explanation shall be inserted, namely:—

“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.”

3. In section 7 of the principal Act,—

(i) for sub-section (1), the following sub-sections shall be substituted, namely:—

Amendment of
section 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—

(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.

*(For Statement of Objects and Reasons, please see Uttar Pradesh Gazette (Extraordinary), dated August 24, 1974.

(Passed in Hindi by the Uttar Pradesh Legislative Council on August 21, 1974, and by the Uttar Pradesh Legislative Assembly on August 22, 1974).

(Received the Assent of the Governor on August 26, 1974 under Article 200 of the Constitution of India and was published in the Uttar Pradesh Gazette Extraordinary, dated August 27, 1974).

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विधान पुस्तकालय
(संस्कृत प्रकाशन)
उत्तर प्रदेश, लखनऊ

(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 mis-representation; 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 of any conditions or restrictions contained in the licence, or of 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.”;

(ii) in sub-section (2),—

(a) the word “suspended” shall be *omitted*;

(b) the following proviso thereto shall be *inserted*, namely:—

“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 mean time.”;

(iii) in sub-section (3), the word “suspended” shall be *omitted*;

(iv) in sub-section (4), for the words “suspending, cancelling or revoking a licence under sub-section (3)”, the words “suspending a licence under the proviso to sub-section (2) or cancelling or revoking it under sub-section (3)” shall be *substituted*.

Amendment of
section 12.

4. In section 12 of the principal Act, in sub-section (2), for the word “order” wherever occurring, the words “rule or order” shall be *substituted* and be deemed always to have been *substituted*.

Amendment of
section 13.

5. In section 13 of the principal Act,—

(a) in sub-section (1), the words “after previous publication” shall be *omitted* and be deemed always to have been *omitted*;

(b) after sub-section (2), the following sub-section shall be *inserted*, namely:—

“(3) All rules made under this Act shall, as soon as may be after they are made be laid before each House of the State Legislature while it is in session for a total period of thirty days extending in its one session or more than one successive sessions, and shall unless some later date is appointed, take effect from the date of their publication in the *Gazette*, subject to such modifications or annulments as the two Houses of the Legislature may during the said period agree to make, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.”

Act to apply
to pending appli-
cations etc.

6. The amendments made in the principal Act by this Act shall apply in relation to all applications, whether given before or after the commencement of this Act, for the grant of licence for cinematograph exhibition or for approval for construction of a permanent building for that purpose, and shall apply in relation to all such applications for the grant of licence for cinematograph exhibition notwithstanding that approval for construction of a permanent building for that purpose had been given by the licensing authority before the commencement of this Act.