

**THE PONDICHERRY CINEMAS
(REGULATION) ACT, 1964**

(No13 of 1964)

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15th January, 1965.

AN ACT

to provide for the regulation of exhibitions by means of cinematographs in the Union territory of Pondicherry.

WHEREAS it is expedient to provide for the regulation of exhibitions by means of cinematographs in the Union territory of Pondicherry;

BE it enacted in the Fifteenth Year of the Republic of India as follows:-

1. Short title, extent and commencement. - (1) This Act may be called the Pondicherry Cinemas' (Regulation) Act, 1964.

(2) It extends to the whole of the Union territory of Pondicherry.

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

2. Definitions.- 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 Administrator appointed under Article 239 of the Constitution;

(c) "Notification" means a notification published in the Official Gazette of the Union territory of Pondicherry ;

(d) "Place" includes a house, building, tent and any description of transport, whether by water, land or air;

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

(f) "Competent authority" means

(i) in relation to the entire Union territory of Pondicherry, the District Magistrate (Independent) ; and

(ii) in relation to Karikal, Mahe and Yanam, the Administrator of the respective region.

3. Cinematograph exhibitions to be licensed. - Save as otherwise provided in this Act, no person shall give an exhibition by means of 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 licences under this Act (hereinafter referred to as the Licensing Authority) shall be the District Magistrate (Independent).

Provided that the Government may, by a notification in the Official Gazette, constitute, for the whole or any part of the Territory, such other authority as it may specify in the notification to be the licensing authority for the purpose of this Act.

5. Restrictions on powers of licensing authority.- (1) The licensing authority shall not grant a licence 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 granted, to provide for the safety, convenience and comfort of the persons attending exhibitions therein.

(2) The Government may issue such orders and directions of a general character as they may consider necessary, in respect of any matter relating to licences for the exhibition of cinematograph films, to licensing authorities; and every licensing authority shall give effect such orders and directions.

(3) Subject to the foregoing provisions of this section, the licensing authority may grant licences under this Act to such persons and on such terms and conditions and subject to such restrictions as it may determine. When the licensing authority refuses to grant any licence, it shall do so by an order communicated to the applicant giving the reasons in writing for such refusal.

(4) Every licence under this Act shall be personal to the person to whom it is granted and no transfer or assignment thereof whether absolute or by way of security or otherwise shall be valid unless approved in writing by the licensing authority.

(5) Any person aggrieved by the decision of the licensing authority refusing to grant a licence under this Act or refusing to approve any transfer or assignment thereof, may within such time as may be prescribed, appeal to the Government or such authority as the Government may specify in this behalf and the Government or the authority, as the case may be, may make such order in the case as they or it may think fit.

(6) Licensing authority to permit construction and reconstruction of buildings, installation of machinery etc., for cinematograph exhibition.- (1) Any person who intends-

(a) to use any place for the exhibition of cinematograph films ; or

(b) to use any site for constructing a building thereon for the exhibition of cinematograph films ; or

(c) to construct or reconstruct any building for such exhibition ; or

(d) to install any machinery in any place where cinematograph exhibitions are proposed to be given, shall make an application in writing to the licensing authority for permission therefor, together with such particulars as may be prescribed.

(2) The licensing authority shall thereupon, after consulting such authority or officer as may be prescribed, grant or refuse permission and the provisions of sections 5, 10 and 11 relating to licences shall so far as may be, apply to permission under this section.

7. Power of Government to issue directions.- The Government may, from time to time, issue directions to any licensee or to licensees generally, requiring the licensee or licensees to exhibit such film or class of films having a scientific or educative value, such films dealing with news and current events, such documentary films, indigenous films, or such other films having special value to

the public, as may have been approved by the Central Government in that behalf from time to time ; 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:

Provided that no direction issued under this section shall require the licensee to exhibit any such film or films exceeding two thousand feet at, or for more than one-fifth of the entire time taken for, any one show.

8. Power of licensing authority to issue direction.- The licensing authority may, from time to time, issue directions to any licensee or licensees generally, requiring the licensee or licensees to exhibit in each show such slides of public interest as may be supplied by that authority :

Provided that no direction issued under this section shall require the licensee to exhibit more than three such slides at, or for more than four minutes in any one show.

9. Power to suspend exhibition of films in certain cases.-

(1) The Competent Authority may, if he is of opinion that any film which is being or is about to be publicly exhibited is likely to cause breach of the peace, by order in writing suspend the exhibition of the said film ; and during such suspension, no person shall exhibit such film or permit it to be exhibited in any place in the State or any part thereof, as the case may be.

(2) No order shall be issued under sub-section (1) until the person concerned has been given a reasonable opportunity of showing cause against the order proposed to be issued in regard to him :

Provided that this sub-section shall not apply where the Competent Authority is satisfied that owing to any emergency or for some other reason, to be recorded by him in writing, it is not reasonably practicable to give to that person an opportunity of showing cause :

Provided further that a copy of the reasons recorded by the Competent Authority for issuing the order shall be communicated to the person concerned as soon as it becomes reasonably practicable to do so.

(3) If any question arises whether it is reasonably practicable to give to any person an opportunity of showing cause under sub-section (2), the decision thereon of the Competent Authority shall be final.

(4) Where an order under sub-section (1) has been issued by the Competent Authority, a copy thereof, together with a statement of the reasons therefor, shall forthwith be forwarded by him to the Government, and the Government may, on a consideration of all the facts of the case, either confirm or vary or discharge the order.

(5) An order issued under sub-section (1) shall remain in force for a period of two weeks from the date thereof, but the Government may, if they are of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period as they think fit :

Provided that the Government or the Competent Authority may review their own order.

10. Penalties.- 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 and restrictions 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.

¹[**10A. Composition of offences:**

Any offence punishable under section 10, or any breach of the conditions of the licence or any contravention of the provisions of this Act and rules made thereunder may, either before or after the institution of prosecution, or cancellation or suspension of the licence issued under the provisions of this Act, be compounded by the District Magistrate on payment of such sum, as the District Magistrate thinks fit.]¹

11. Power to revoke licence.- Where the holder of a licence has been convicted of an offence under section 7 of the cinematograph Act, 1952 (Central Act XXXVII of 1952), or section 10 of this Act, the licence may be revoked by the licensing authority by an order in writing.

12. Power to make rules.- (1) The Government may, by notification, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generally of the foregoing power, such rules may provide for-

(a) the terms, conditions, and restrictions, subject to which a licence may be granted under this Act and the fees to be paid in respect of such licence;

(b) the regulation of cinematograph exhibitions for securing the public safety;

(c) the time within which and the conditions subject to which an appeal under sub-section (5) of section 5 may be preferred, and the fees to be paid in respect of such appeals;

(d) the procedure to be followed by persons submitting applications for permission under section 6;

(e) the documents and plans to be submitted together with such applications, and the fees to be paid on such applications;

(f) the matters to be taken into consideration by the licensing authority before approving the site for the construction of the building, or the plans for the construction or reconstruction of the building or the installation of machinery;

(g) the terms, conditions and restrictions subject to which the licensing authority may accord approval in respect of the matters referred to in clause (f) ;

(h) the action to be taken in cases of contravention of the terms, conditions and restrictions subject to which such approval was accorded ;

(i) the procedure to be followed by the licensing authority before granting or refusing permission under section 6 and any other matter incidental thereto.

(3) All rules made under this Act shall, as soon as may be after it is made, be laid before the Legislative Assembly of Pondicherry while it is in session for a total period of fourteen days, which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, that 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 of anything previously done under that rule.

1. Inserted by Act 7 of 1981, The Pondicherry Cinemas (Regulation) Amendment Act 1981 dated 7-7-1981.

13. Power to exempt.- The Government may, by order in writing, exempt, subject to such conditions and restrictions as they may impose, any cinematograph exhibition or class of cinematograph exhibitions or any place where a cinematograph exhibition is given from any of the provisions of this Act or of any rules made thereunder.

14. Repeal.- Any law or any regulation in force in the Union territory of Pondicherry corresponding to the provisions of this Act shall stand repealed as from the coming into force of this Act:

Provided that anything done or any action taken, including any notification, instruction or direction issued, permit or licence granted under the law of regulation so repealed, shall be deemed to have been done or taken under the provisions of this Act, and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act