



**The Bombay Cinemas (Regulation) (Gujarat Extension and Amendment) Act,
1961**

40 of 1961

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Amendment appended: 10 of 1976

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The following Act of the Gujarat Legislature having been assented to by the Governor on the 14th November 1961, is hereby published for general information.

M. G. MONANI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT No. XL OF 1961

(First published, after having received the assent of the Governor in the " Gujarat Government Gazette " on the 24th November 1961.)

An Act to amend the Bombay Cinemas (Regulation) Act, 1953 for the purpose of extending it to, and bringing it into force in, the rest of the State of Gujarat and for certain other purposes.

It is hereby enacted in the Twelfth Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Cinemas (Regulation) (Gujarat Extension and Amendment) Act, 1961.

Short title
and commencement.

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

Amendment of section 1 of Bom. XI of 1953.

2. In section 1 of the Bombay Cinemas (Regulation) Act, 1953 (herein- after referred to as “ the principal Act ”), —

- (i) for sub-section (2), the following shall be substituted, namely :—
“ (2) It extends to the whole of the State of Gujarat.” ;
- (ii) to sub-section (3), the following proviso shall be inserted, namely :—

“ Provided that in the areas to which this Act is extended by the Bombay Cinemas (Regulation) (Gujarat Extension and Amendment) Act, 1961, this Act shall come into force on the date of the commencement of that Act.”.

Guj. XL of 1961.

Amendment of section 4 of Bom. XI of 1953.

3. In section 4 of the principal Act, —

- (i) in clause (ii) the words “ other ” shall be deleted ; and
- (ii) in the proviso, the words “ Bombay area of the ” shall be deleted.

Amendment of section 5 of Bom. XI of 1953.

4. in section 5 of the principal Act, —

(1) in sub-section (2) for the words “ the licensing authority, may with the previous sanction of the State Government,” the words and to the control of the State Government the licensing authority may ” shall be substituted ;

(2) for the words “ on such terms ” the words “ on payment of such fees and on such terms ” shall be substituted.

Amendment of section 6 of Bom. XI of 1953.

5. In section 6 of the principal Act, in sub-section (1), the words “ Bombay area of the ” shall be deleted.

Amendment of section 8 of Bom. XI of 1953.

6. In section 8 of the principal Act, the following proviso shall be added, namely :—

“ Provided that no licence shall be revoked or suspended unless the holder thereof has been given reasonable opportunity to show cause.”.

Insertion of new section 8A, 8B and 8C of 1953.

7. After section 8 of the principal Act, the following new sections shall be inserted, namely :—

Appeal.

“ 8A. Any person aggrieved by an order of a licensing authority refusing to grant a licence, or revoking or suspending any licence under section 8, may within such period as may be proscribed, appeal to the State Government and the State Government shall, on such appeal make such order as it thinks just and proper, and such order shall be final,

8B. (1) The State Government may either of its own motion, or upon **Revision.** an application by an agrieved person made within such period as may be prescribed, call for and examine the record of any order made by licensing authority under this Act, and pass such order thereon as it thinks just and proper.

(2) The State Government shall —

(i) before passing any order under sub-section (1), which is likely to affect any person adversely, give such person a reasonable opportunity of being heard, and

(ii) record its reasons for passing an order under the said sub-section.

8C. The State Government may, subject to such restrictions and **Delegation of powers.** conditions as it may impose, by notification in the *Official Gazette*, delegate to the Commissioner, any of its powers under sections 8-A and 8-B."

8. In section 9 of the principal Act,—

Amendment of section 9 of Bom. XI of 1953.

(1) in sub-section (2).

(i) in clause (a) after the words "under this Act" the words "and fees for such licences" shall be inserted,

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

"(a-i) prescribing the period within which an appeal may be made under section 8-A or a revision application under section 8-B";

(2) after sub-section (4), the following sub-sections shall be inserted namely :—

"(5) All rules made under this section shall be laid for not less than thirty days before the House of the State Legislature as soon as possible after they are made, and shall be subject to such modifications as the State Legislature may make, during the session in which they are so laid or the session immediately following.

(6) Any modifications so made by the State Legislature shall be notified in the *Official Gazette*, and thereupon shall take effect."

9. After section 11 of the principal Act, the following shall be added, **Addition of section 12 of Bom. XI of 1953.** namely :—

"12. On the commencement of this Act in the Saurashtra and Kutch areas of the State of Gujarat, the following laws, that is to say, — **Further repeal and Savings.**

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Act
XVI I
of
1953.
XXX
VII of
1952.

(i) the Saurashtra Cinemas (Regulation) Act, 1953, and

(ii) Part III of the Cinematograph Act, 1952 as in force in the Kutch area of the State of Gujarat immediately before such commencement shall stand repealed :

Provided that, such repeal shall not affect —

(a) the previous operation of any laws so repealed or anything duly done or suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed, or

(c) any penalty incurred in respect of anything done against any law so repealed,

and any investigation, proceeding or remedy in respect of any such right, privilege, obligation, liability or penalty as aforesaid may be instituted, continued or enforced, and any such penalty may be imposed as if the Bombay Cinemas (Regulation) (Gujarat Extension and Amendment) Act, 1961, had not been passed :

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Provided further that, anything done or action taken under any of the laws so repealed, shall be deemed to be done or taken under the corresponding provisions of this Act and shall continue in force accordingly unless and until superseded by anything done or any action taken under the provisions of the Act."



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PART IV

Acts of Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.

The following Act of the Gujarat Legislature having been assented to by the Governor on the 10th March, 1976 is hereby published for general information.

J. P. VASAVADA,

Deputy Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 10 OF 1976.

(First published after having received the assent of the Governor in the "Gujarat Government Gazette" on the 17th March 1976).

An Act further to amend the Bombay Cinemas (Regulation) Act, 1953.

It is hereby enacted in the Twenty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Bombay Cinemas (Regulation) (Gujarat Amendment) Act, 1976. Short title and commencement.

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

Bom. XI of 1953. 2. In the Bombay Cinemas (Regulation) Act, 1953 (hereinafter referred to as "the principal Act"), in section 8A, for the words "shall be final" the words, figures and letters "shall, subject to provisions of sections 8B and 8C, be final". Amendment of section 8A of Bom. XI of 1953.

Insertion
of new
section 8C
in Bom.
XI of 1953.

Review.

3. In the principal Act, after section 8B, the following section shall be inserted, namely:—

“8C. Any person who, considering himself aggrieved by an order of the State Government under section 8A or 8B, desires to obtain a review of the order passed against him, on the ground of some mistake or error apparent on the face of the record or on the ground that some new fact has been discovered which could not be placed earlier before the licensing authority or the State Government inspite of due diligence on the part of such person, may, within such period as may be prescribed, apply for a review of the order to the State Government and the State Government shall, after making such inquiry as it thinks fit, pass such order as it considers necessary in the circumstances of the case.”.

Amendment
of section
9 of Bom.
XI of 1953.

4. In the principal Act, in section 9, in sub-section (2), in clause (a-i), the words “may be made” shall be deleted and after the word, figure and letter “section 8B” the words, figure and letter “or a review application under section 8C may be made” shall be inserted.

Insertion
of new
section 10A
in Bom.
XI of 1953.

5. In the principal Act, after section 10, the following section shall be inserted, namely:—

Delegation
of power
under
section 10.

“10A. The State Government may, subject to such restrictions and conditions as it may think fit to impose, by notification in the *Official Gazette* delegate to any of its officers the power conferred on it by section 10.”.