



The Punjab Dramatic Performances Act, 1964

Act 10 of 1964

Keyword(s):
Objectionable Performance, Public Place

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THE PUNJAB DRAMATIC PERFORMANCES ACT, 1964

(PUNJAB ACT NO. 10 OF 1964)

ARRANGEMENT OF SECTIONS

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THE PUNJAB DRAMATIC PERFORMANCES ACT, 1964.

PUNJAB ACT NO. 10 OF 1964.

(Received the assent of the Governor of Punjab on the 16th April, 1964, and first published in the Punjab Government Gazette (Extraordinary), Legislative Supplement, of the 21st April, 1964.)

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by Legislation
1964	10	The Punjab Dramatic Performances Act, 1964	Amended by Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968 ²

AN

Act

to provide for the better control of public dramatic performances in the State of ³[Haryana].

Be it enacted by the Legislature of the State of Punjab in the Fifteenth year of the Republic of India as follows:—

1. (1) This Act may be called the Punjab Dramatic Performances Act, 1964.

Short title and extent.

(2) It extends to the whole of the State of ³[Haryana].

2. In this Act, unless the context otherwise requires,—

Definitions.

(1) "objectionable performance" means any play, pantomime or other drama which is deliberately intended to outrage the religious feelings of any class of the citizens of India by insulting or blaspheming or profaning the religion or the religious beliefs

1. For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1964, pages 130-31.

2. See Haryana Government Gazette (Extraordinary), dated the 29th October, 1968.

3. Substituted for the word "Punjab" by Haryana Adaptation of Laws Order, 1968.

- of that class or is grossly indecent, or is scurrilous or obscene or intended for blackmail, or which is likely to—
- (i) incite any person to resort to violence or sabotage for the purpose of overthrowing or undermining the Government established by law in India or in any State thereof or its authority in any area ; or
 - (ii) incite any person to commit, murder, sabotage or any offence involving violence ; or
 - (iii) seduce any member of any of the armed forces of the Union or of the police forces from his allegiance or his duty, or prejudice the recruiting of persons to serve in any such force or prejudice the discipline of any such force ; or
 - (iv) incite any section of the citizens of India to acts of violence against any other section of the citizens of India.

Explanation I.—A performance shall not be deemed to be objectionable merely because in the course thereof words are uttered, or signs or visible representations are made, expressing disapprobation or criticism of any law or of any policy of administrative action of the Government with a view to obtain its alteration or redress by lawful means.

Explanation II.—In judging whether any performance is an objectionable performance, the play, pantomime or other drama shall be considered as a whole ;

- (2) "public place" means any building or enclosure, or any place in the open air or any pandal where the sides are not enclosed to which the public are admitted to witness a performance.

3. (1) Whenever the District Magistrate is satisfied that any play, pantomime or other drama performed or about to be performed in a public place in his district is an objectionable performance, he may, by order stating the grounds on which he considers the performance objectionable, prohibit the performance.

Power to prohibit objectionable performances.

(2). No order under sub-section (1) shall be passed without giving a reasonable opportunity to the organizer or other principal persons responsible for the conduct of the performance or to the owner or occupier of the public place in which such performance is intended to take place to show cause why the performance should not be prohibited.

(3) Every order made under sub-section (1) shall be published in the Official Gazette and may also be notified by proclamation and a written or printed notice thereof may be affixed at any place or places adapted for giving information of the order to the persons intending to take part in the performance so prohibited.

4. (1) The District Magistrate may, if he is of opinion that any play, pantomime or other drama performed or about to be performed in a public place in his district, being of the nature specified in clause (1) of section 2, is likely to lead to a breach of the peace, by order, stating the grounds for such opinion, prohibit its performance :

Power to prohibit objectionable performances temporarily.

Provided that the District Magistrate may review such order on an application made by the person or party affected by it.

(2) Subject to any order made on appeal under section 10, an order under this section shall remain in force for two months from the making thereof :

Provided that the District Magistrate may, if he is of opinion that the order should continue in force, by such further order or orders as he may deem fit, extend the period aforesaid by a further period or periods not exceeding two months at a time as may be specified in such order or orders.

5. A copy of the order made under section 3 or section 4 may be served personally or in such other manner as may be prescribed by rules made under section 13, on the organisers or other principal persons responsible for the conduct of, or any person about to take part in, the performance so prohibited or on the owner or occupier of the public place in which such performance is intended to take place.

Service of order of prohibition.

6. Any person on whom a copy of the order referred to in section 3 or section 4 is served and who does, or willingly permits, any act in disobedience of such order, shall, on conviction, be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

Penalty for disobeying order.

Penalty for disobeying prohibition.

7. (1) Any person who, after the publication of an order under sub-section (3) of section 3, or during the period when an order made under section 4 is in force, organizes or is responsible for the conduct of, or who with the knowledge that such an order under section 3 or section 4 is in force takes part in, the performance prohibited thereby or any performance substantially the same as the performance so prohibited, shall, on conviction, be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both:

(2) Any person who being the owner or occupier, or having the use of any public place, opens, keeps or uses the same for any performance prohibited under section 3 or section 4, or permits the same to be opened kept or used for any such performance, shall on conviction, be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

Power to call for information.

8. (1) For the purpose of ascertaining the character of any intended play, pantomime or other drama, the District Magistrate may, by order, require the organizers or other principal persons responsible for the conduct of, or other persons about to take part in, such play, pantomime or other drama or the author, proprietor or printer of the play, pantomime or other drama about to be performed, or the owner or occupier of the place in which it is intended to be performed, to furnish such information as the District Magistrate may think necessary.

(2) Every person so required shall be bound to furnish the information to the best of his ability within the time specified in such order and in case of contravention shall be deemed to have committed an offence under section 176 of the Indian penal code (Central Act XLV of 1860).

Power to call for copy of purport of drama etc.

9. (1) If the District Magistrate has reason to believe that an objectionable performance is about to take place, he may, by order, direct that no such performance shall take place in any public place in his district, unless a copy of the piece, if and so far as it is written, or some sufficient account if its purport, if and so far as it is in pantomime, has been furnished, not less than seven days before the performance to the District Magistrate.

(2) A copy of any order made under sub-section (1) may be served on the owner or occupier of the public place in which such performance is intended to take place, and if thereafter he does or willingly permits, any act in disobedience of such order, he shall, on conviction, be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

10. Any person aggrieved by an order made under section 3 or section 4 may, within sixty days of the publication of such order, in the Official Gazette under sub-section (3) of section 3 or, as the case may be, within sixty days of the date on which an order under section 4 is made, prefer an appeal to the State Government or an officer authorised in this behalf by the State Government by notification and upon such appeal the appellate authority may pass such orders as it deems fit confirming, varying or reversing the order appealed against, and may pass such consequential or incidental orders as may be necessary. Appeal.

11. Where no order under section 3 or section 4 has been made in respect of any performance, nothing in this Act shall bar a prosecution under the Indian Penal Code (Central Act XLV of 1860) or any other law for the time being in force. Saving of prosecutions under other laws.

12. No suit, prosecution or other legal proceeding shall be instituted against any authority or officer for anything which is in good faith done or intended to be done under this Act or any rule made thereunder. Protection for acts done in good faith.

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

(2) Every rule made under this section shall be laid as soon as may be after it is made before ¹[the House] of the State Legislature while it is in session for a total period of ten 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,

1. Substituted for the words "each House" by Haryana Adaptation of Laws Order, 1968.

'[the House agrees] in making any modification in the rule or '[the House agrees] that the rule should not be made, the 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.

Repeal of
Central Act
XIX of 1876.

14. The Dramatic Performances Act, 1876 (Central Act XIX of 1876), in so far as it applies to the State of Punjab, is hereby repealed.

1. Substituted for the words "both Houses agree" by Haryana Adaptation of Laws Order, 1968.